



MINUTES

GENERAL MEETING

Wednesday 21 July 2021
commencing at 9.36am

Caboolture Chambers
2 Hasking Street, Caboolture

ENDORSED GM20210804

Membership = 13
Mayor and all Councillors

Quorum = 7

Adoption Extract from General Meeting – 4 August 2021 (Page 21/1210)

General Meeting - 21 July 2021 (Pages 21/967 to 21/1208)

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Matt Constance

CARRIED 13/0

That the minutes of the General Meeting held 21 July 2021, be confirmed.

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STATEMENT - ATTENDEES AND LIVESTREAMING

The Mayor advised that the meeting would be live streamed and the video recording of the meeting available on the council's website.

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

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

1. ACKNOWLEDGEMENT OF COUNTRY

Cr Cath Tonks provided the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

Cr Cath Tonks provided the opening prayer / reflection for the meeting.

3. ATTENDANCE & APOLOGIES

Attendance:

Cr Peter Flannery (Mayor) (Chairperson)
Cr Brooke Savige
Cr Mark Booth
Cr Adam Hain
Cr Jodie Shipway
Cr Sandra Ruck
Cr Karl Winchester
Cr Denise Sims (Deputy Mayor)
Cr Mick Gillam
Cr Cath Tonks
Cr Matt Constance
Cr Darren Grimwade
Cr Tony Latter (attending the meeting at 11.45am)

Apologies:

Nil

Officers:

Chief Executive Officer	(Mr Greg Chemello)
Deputy CEO/Director Projects & Asset Services	(Mr Tony Martini)
Acting Director Community & Environmental Services	(Mr Mark McCormack)
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)
Manager Strategy & Advocacy	(Mr Joshua O'Keefe)
Manager Strategic Infrastructure Planning	(Mr Stuart Piper)
Asset Management Manager	(Ms Jackie Frost)
Chief Legal Counsel	(Ms Kate Draper)
Manager Development Services	(Mr Dan Staley)
Coordinator Planning Assessment - South	(Mr Marco Alberti)
Meeting Support	(Hayley Kenzler)

4. MEMORIALS OR CONDOLENCES

Cr Peter Flannery (Mayor) made special mention of the late Mr **David 'Dave' Masters**, a Police Officer who was tragically killed on 26 June 2021 [whilst on duty], his passing touching many people.

Dave was born in the Moreton Bay region and had raised his family here as well. Dave became a policeman later in life with his last posting being the Deception Bay Station. The Mayor commented that the Queensland Police Service's tribute at Dave's funeral service, including a guard of honour, was particularly moving, and passed on his special thanks to those involved for their efforts.

Cr Booth and Cr Ruck echoed the sentiments of the Mayor, further speaking about Dave's contribution and dedication to the community, his passion for horses and the outdoors and on behalf of the region offered their sympathy for the loss of a local hero.

The Mayor recited the Policeman's Poem which had been a favourite of Dave's, and offered the Council's condolences to Dave's family and friends, stating that a great man, father and husband had been lost.

Cr Denise Sims (Deputy Mayor) paid respect to the Greig and Turnbull families following the recent passing of **Jessica and Giselle Greig**, daughter and granddaughter of local business owners and long-term residents of Murrumba Downs, Dave & Ellen Turnbull. Cr Sims acknowledged that there were two communities grieving their loss and on behalf of Council offered prayers to the family and many friends of the Greig family.

Councillors observed a moment's silence in memory of residents who had passed away, noting Council's sympathy.

5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

Special Meeting (2021/22 Budget adoption) - 18 June 2021 (Pages 21/846 - 21/881)

RESOLUTION

Moved by Cr Sandra Ruck

Seconded by Cr Mark Booth

CARRIED 12/0

That the minutes of the Special Meeting held 18 June 2021, be confirmed.

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

RESOLUTION

Moved by Cr Brooke Savige

Seconded by Cr Matt Constance

CARRIED 12/0

That the minutes of the General Meeting held 23 June 2021, be confirmed.

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

There were no petitions for tabling.

7. CORRESPONDENCE

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

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

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

8. COMMUNITY COMMENT

Cr Peter Flannery (Mayor) opened the Community Comment session, making the required statement regarding the conduct of the Session.

8.1. Community Comment: Christine West - DA42661/2020/V23R (62475933)

Christine West was invited to address the Council in respect of DA 42661/2020/V23R, Warner Road, Warner. The following points were made as part of the address:

- Community is not against development and thanked Council for the new initiatives adopted (including the land buyback scheme and investment in green infrastructure).
- Warner Investigation Area - opportunity to participate in the planning of growth in the area has not happened
- State Government removal of protections on koala habitat in the region
- Decision makers' duty of care to protect the region's health, lifestyle and wildlife
- Precedence will be set by approving application to allow rural residential properties to be changed to next generation
- Small to medium business operators in the area cannot live in Next Generation zoned areas as their businesses are run from the larger blocks
- Link to the REDS and requirement to attract more businesses that employ more locals
- Development application is lacking on a number of points (proposed sealing of natural spring, contribution to the ongoing survival of the Warner Koala or Wallum Froglet, landscape buffers, connection of water and sewerage)
- Development is incompatible with the nature of surrounding land
- Requested that Council reject the development application

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

(s262 of the Local Government Regulation 2012)

There were no Notices of Motion.

10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

10.1. Prescribed Conflict of Interest - Cr Darren Grimwade

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

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

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

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

11. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)

(as referred by the Chief Executive Officer)

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

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

Session	Portfolio Councillor	Deputy Portfolio Councillor
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 Savige	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
IAQ INFRASTRUCTURE ASSEMBLY**

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

Executive Summary

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

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Mark Booth

CARRIED 12/0

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

ITEM 1.1 IAQ INFRASTRUCTURE ASSEMBLY - 62315131 (Cont.)

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

2. Explanation of Item

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

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

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

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

3. Strategic Implications

- 3.1 Legislative / Legal Implications Nil identified
- 3.2 Corporate Plan / Operational Plan
Strengthening Communities: Strong local governance - strong leadership and governance.
- 3.3 Policy Implications
Arrangements will be made in accordance with Council's Professional Development Policy 2150-089.
- 3.4 Risk Management Implications Nil identified

ITEM 1.1 IAQ INFRASTRUCTURE ASSEMBLY - 62315131 (Cont.)

- 3.5 Delegated Authority Implications Nil identified
- 3.6 Financial Implications
Appropriate funds have been provided in the 2021/22 budget.
- 3.7 Economic Benefit Implications
Topics associated with the conference will address a range of infrastructure challenges facing local government.
- 3.8 Environmental Implications
Topics associated with the conference will address a range of environmental implications facing local government.
- 3.9 Social Implications
Topics associated with the conference will address a range of social implications facing local government.
- 3.10 Human Rights Implications
Under the *Human Rights Act 2019* Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.
- 3.11 Consultation / Communication
Consultation was undertaken with Councillors, the Chief Executive Officer and the Executive Leadership Team.

ITEM 1.2

ADOPTION OF RNA SHOW HOLIDAY 2022 - MORETON BAY REGION

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT

Reference: 62401033 : 6 July 2021

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

Executive Summary

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

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

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway

CARRIED 12/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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

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

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

2. Explanation of Item

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

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

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

Nil identified

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

ITEM 1.2 ADOPTION OF RNA SHOW HOLIDAY 2022 - MORETON BAY REGION - 62401033 (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 right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

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

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

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

Executive Summary

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

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

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

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

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Cath Tonks

CARRIED 12/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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

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

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

2. Explanation of Item

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

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

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

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

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

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

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

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

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

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

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

3.6 Financial Implications Nil identified.

3.7 Economic Benefit Nil identified

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

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

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

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

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

Executive Summary

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

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Matt Constance

CARRIED 12/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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

RESOLUTION

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

2. Explanation of Item

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

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

3. Strategic Implications

- 3.1 Legislative / Legal Implications Nil identified
- 3.2 Corporate Plan / Operational Plan
Strengthening Communities: Strong local governance - strong leadership and governance.
- 3.3 Policy Implications
Arrangements will be made in accordance with Council's Professional Development Policy 2150-089.
- 3.4 Risk Management Implications Nil identified
- 3.5 Delegated Authority Implications Nil identified

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

3.6 Financial Implications

Funds for attendance to the conference have been provided in the 2021-22 budget. Costs associated with the LGAQ conference are comparable to the 2021 ALGWA National and Queensland State (ALGWA) Conference.

3.7 Economic Benefit Implications

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

**ITEM 1.5
MEETING SCHEDULE 2021 - AMENDMENT**

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

Executive Summary

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

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

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Mark Booth

CARRIED 12/0

1. That the 2021 Meeting Schedule be amended as follows:
 - a) the location of the General Meeting scheduled for Wednesday 15 September 2021 at Caboolture Council Chambers be changed to the Samford Community Hub (Samford Parklands, 2204 Mount Samson Rd, Samford Valley) commencing at 9.30am; and
 - b) the General Meeting scheduled for Wednesday 18 August 2021 to commence at 8.30am
2. That the amendments to the meeting schedule be publicised in accordance with s254B(2) of the Local Government Regulation 2012.

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

It was further resolved that at least once every four months, a General Meeting of Council be held at another location within the Moreton Bay Region in conjunction with a community engagement event.

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

2. Explanation of Item

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

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

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

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

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

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

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications Nil identified

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

Advertising costs have been included in the 2020/21 budget.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

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

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

Executive Summary

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

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

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

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

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Matt Constance

CARRIED 12/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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

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

2. Explanation of Item

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

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

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

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

3.6 Financial Implications Nil identified

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Human Rights Implications Nil identified

3.11 Consultation / Communication

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

2 INFRASTRUCTURE PLANNING SESSION

(Cr A Hain)

ITEM 2.1

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

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

Executive Summary

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

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

RESOLUTION

Moved by Cr Sandra Ruck

Seconded by Cr Mark Booth

CARRIED 12/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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

RESOLUTION

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

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

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

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

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

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

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

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

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

2. Explanation of Item

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



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

3. Strategic Implications

3.1 Legislative / Legal Implications Nil identified

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

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

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

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

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

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

ATTENDANCE

Mr Stuart Piper attended the meeting at 10.09am for discussion on Item 2.2.

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

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

Executive Summary

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

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

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

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

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

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Cath Tonks

CARRIED 12/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

<p>Ex. General Meeting held 26 May 2021 (Minute Page 21/658)</p> <ol style="list-style-type: none">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 <i>Planning Act 2016</i> 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.
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The purpose of this amendment is to formalise the most recent trunk infrastructure network planning for the Moreton Bay Region, following the process outlined in the current MGR (2020). This proposed amendment to the LGIP is in accordance with Section 21(c) of the *Planning Act 2016* and Chapter 5 Part 2 of MGR (2020).

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

<p>A council report to be submitted to the General Meeting for consideration of public consultation for the LGIP Interim Amendment No.1 in July 2021</p>
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2. Explanation of Item

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

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

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

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

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

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

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

1. Council Report Supp01 - LGIP Interim Amendment No. 1 - Transport (Roads) Extrinsic Material - 20210721
2. Council Report Supp02 - LGIP Interim Amendment No. 1 - Active Transport Extrinsic Material - 20210721
3. Council Report Supp03 - LGIP Interim Amendment No. 1 - Stormwater Extrinsic Material - 20210721
4. Council Report Supp04 - LGIP Interim Amendment No. 1 - Public Parks Extrinsic Material - 20210721
5. Council Report Supp05 - LGIP Interim Amendment No. 1 - Land for Community Facilities Extrinsic Material - 20210721
6. Council Report Supp06 - LGIP Interim Amendment No. 1 - Planning Assumptions Extrinsic Material - 20210721
7. Council Report Supp07 - LGIP Interim Amendment No. 1 - Schedule of Works Model Extrinsic Material - 20210721
8. Council Report Supp08 - LGIP Interim Amendment No. 1 - Background Report for Transport (Active) - 20210721
9. Council Report Supp09 - LGIP Interim Amendment No. 1 - Background Report for Parks Catchment Analysis - 20210721
10. Council Report Supp10 - LGIP Interim Amendment No. 1 - Background Report for Community Facilities Network - 20210721
11. Council Report Supp11 - LGIP Interim Amendment No. 1 - Background Report for Stormwater Quantity - 20210721
12. Council Report Supp12 - LGIP Interim Amendment No. 1 - Background Report for Stormwater Quality - 20210721
13. Council Report Supp13 - LGIP Interim Amendment No. 1 - Background Report for Land Valuations - 20210721
14. Council Report Supp14 - LGIP Interim Amendment No. 1 - Amendment Instrument Parts 1 to 4 - 20210721
15. Council Report Supp15 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix A (Part 4) - 20210721
16. Council Report Supp16 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix B (Schedule 3) - 20210721
17. Council Report Supp17 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix C (Schedule of Proposed Changes) - 20210721
18. Council Report Supp18 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix D (Plans For Trunk Infrastructure) - Map Index - 20210721
19. Council Report Supp19 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix D (Plans For Trunk Infrastructure) - Transport (Roads) - 20210721
20. Council Report Supp20 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix D (Plans For Trunk Infrastructure) - Active Transport - 20210721
21. Council Report Supp21 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix D (Plans For Trunk Infrastructure) - Public Parks & Land for Community Facilities - 20210721
22. Council Report Supp22 - LGIP Interim Amendment No. 1 - Amendment Instrument Part 5 Appendix D (Plans For Trunk Infrastructure) - Stormwater - 20210721

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

- 23. Council Report Supp23 - LGIP Interim Amendment No. 1 - Checklist - 20210721
- 24. Council Report Supp24 - LGIP Interim Amendment No. 1 - Digital Model - Schedule of Works - 20210721
- 25. Council Report Supp25 - LGIP Interim Amendment No. 1 - Digital Model Memo - Transport (Roads) - 20210721
- 26. Council Report Supp26 - LGIP Interim Amendment No. 1 - Digital Model Memo- Stormwater Quality - 20210721
- 27. Council Report Supp27 - LGIP Interim Amendment No. 1 - Digital Model Memo- Stormwater Quantity - 20210721

Public Consultation

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

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

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

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

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

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

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

Schedule of Fees

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

Part description	Fee
Part amendment package	
• Per page	\$0.30
Amendment (loose leaf)	
• Amendment Purpose Statement, Part 4 & Schedule 3 amendment, Checklist	\$20
Extrinsic material reports (loose leaf)	
• All extrinsic material reports (Transport - Roads, Transport - Active, Parks, Land for Community Facilities, Stormwater)	\$50
Background reports (loose leaf)	

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

Part description	Fee
<ul style="list-style-type: none"> All background reports (Transport - Active, Parks, Land for Community Facilities, Stormwater - Quality, Stormwater - Quantity, Land valuations) 	\$100
Plans for trunk infrastructure (loose leaf) <ul style="list-style-type: none"> All maps (A3) (Transport - Roads, Transport - Active, Parks and Land for Community Facilities, Stormwater, Priority Infrastructure Area) 	\$175
Infrastructure network digital model (hard drive) <ul style="list-style-type: none"> Per request 	\$150

Table 1 - Schedule of Fees

Reporting consultation results

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

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

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

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

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

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

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

ATTENDANCE

Mr Stuart Piper left the meeting at 10.15am after Item 2.2

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION

(Cr B Savige)

ITEM 3.1

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

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

Executive Summary

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

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

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

RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Matt Constance

CARRIED 12/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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

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



Figure 1: John Scott Park - Locality Plan

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

2. Explanation of Item

Tenders were called from Council's Prequalified Landscape Construction Panel for the 'Samford Village - John Scott Park - Park Development 2 (MBRC008454 / VP244681)' project, which closed on 9 June 2021, with a total of three tenders received, all of which three were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

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

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

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

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

Council sought quotations via Council's Prequalified Landscape Construction Panel (MBRC008454) for the work through (Vendor Panel), in accordance with the Local Government Act 2009.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following documents:

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

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

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

3.4 Risk Management Implications

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

Financial Risk:

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

Construction Risks:

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

3.5 Delegated Authority Implications

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

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

3.6 Financial Implications

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

Tender Price (Construction)	\$	565,131.20
Contingency (10%)	\$	56,513.12
Supervision / Administration Costs	\$	1,000.00
QLeave (0.575%)	\$	3,250.00
<u>Total Project Cost</u>	\$	625,894.32
Federal Government LRCIP2 COVID-19 funding	\$	400,000.00
<u>Net cost to Council</u>	\$	225,894.32
Estimated ongoing operational/maintenance costs	\$	11,025 per F/Y.

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

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

3.7 Economic Benefit Implications

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

ITEM 3.2

TENDER - CLONTARF - K R BENSON PARK - AMENITIES UPGRADE

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

Executive Summary

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

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

RESOLUTION

Moved by Cr Karl Winchester

Seconded by Cr Sandra Ruck

CARRIED 12/0

1. That the tender for the 'Clontarf - K R Benson Park - Amenities Upgrade (MBRC-RFT10)' project be awarded to Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts, for the sum of \$251,245.00 (excluding GST).
2. That the Council enters into an agreement with Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts, as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts for the 'Clontarf - K R Benson Park - Amenities Upgrade (MBRC-RFT10)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.
5. That Council commits to the provision of an additional \$50,000 in funding for the project at the 2021-22 FY quarter one financial review process.

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

OFFICER'S RECOMMENDATION

1. That the tender for the 'Clontarf - K R Benson Park - Amenities Upgrade (MBRC-RFT10)' project be awarded to Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts, for the sum of \$251,245.00 (excluding GST).
2. That the Council enters into an agreement with Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts, as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts for the 'Clontarf - K R Benson Park - Amenities Upgrade (MBRC-RFT10)' project and any required variations of the agreement on Council's behalf.
4. That it be noted this project has been awarded in accordance with Council's Procurement Policy under the Competitive Local Business and Industry (local preference) initiative.
5. That Council commits to the provision of an additional \$50,000 in funding for the project at the 2021-22 FY quarter one financial review process.

REPORT DETAIL

1. Background

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

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

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



Figure 1 - Site Area - Locality Plan

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

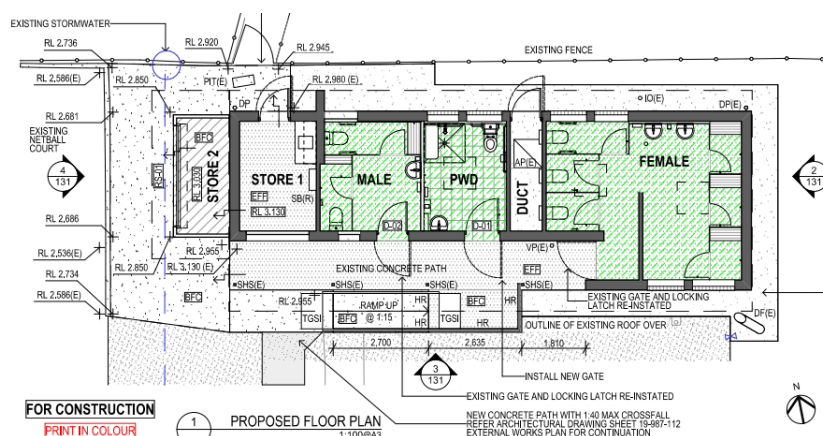


Figure 2 - Proposed Floor Plan

2. Explanation of Item

Tenders were invited for the 'Clontarf - K R Benson Park - Amenities Upgrade (MBRC-RFT10)' project, which closed on 15 June 2021, with a total of five tenders received, of which four were conforming and one was non-conforming. The tenders were assessed by the assessment panel in accordance with Councils Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE (PRE-LOCAL PREFERENCE)	EVALUATION SCORE (POST LOCAL PREFERENCE)
1	Future Fitouts (QLD) Pty Ltd, trading as Future Fitouts	100.00	107.50
2	Fitout and Refurbishment Australia Pty Ltd	90.02	90.02
3	Kimini Constructions Pty Ltd	86.87	86.87
4	Verve Constructions (QLD) Pty Ltd	75.25	75.25
5	James Trowse QLD Pty Ltd	Non-conforming	Non-conforming

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

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

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

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

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

Due to the value of the work expected to be greater than \$200,000, Council called a public tender for the work through MBRC's e-Tendering Portal system in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

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

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

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

3.4 Risk Management Implications

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

Financial Risks:

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

Construction Risks:

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

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

3.5 Delegated Authority Implications

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

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

3.6 Financial Implications

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

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

Total Project Cost \$ 321,713.00

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

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

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

ATTENDANCE

Ms Jackie Frost attended the meeting at 10.19am for discussion on Item 3.3.

Ms Kate Draper attended the meeting at 10.24am during discussion on Item 3.3.

ITEM 3.3
RETAINING WALL PORTFOLIO ASSET MANAGEMENT PLAN

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

Executive Summary

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

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

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

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Jodie Shipway

CARRIED 12/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

Council Briefing outcomes were noted as follows:

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

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

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

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

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

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

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

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

Table 1 - Current Replacement Cost by Asset Type

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

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

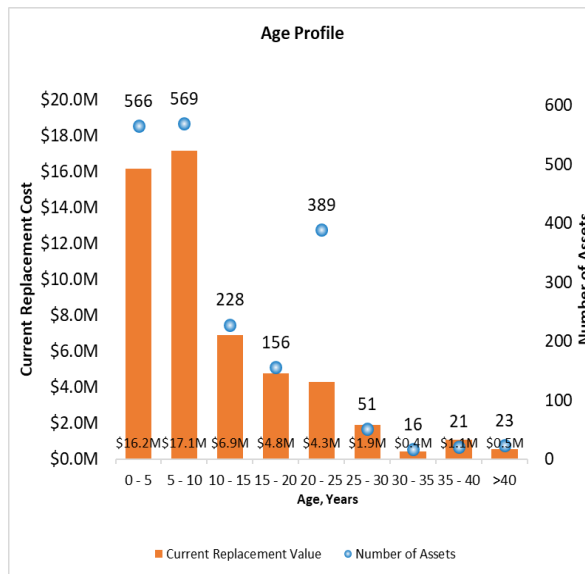


Figure 1 - Asset Age Profile

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

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

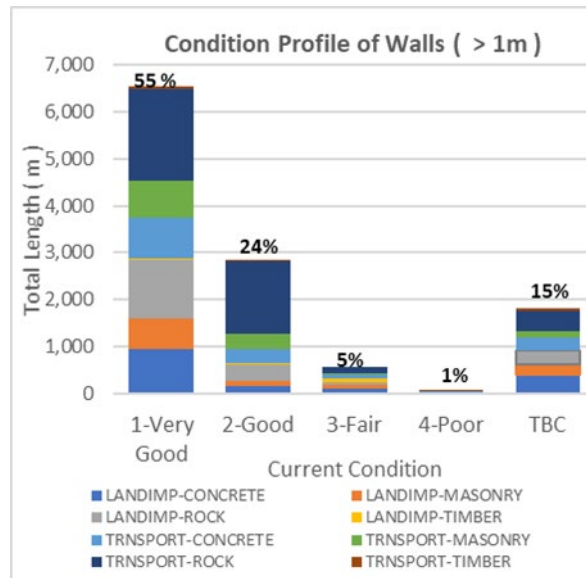


Figure 2 - Asset Condition Profile (Height > 1m)

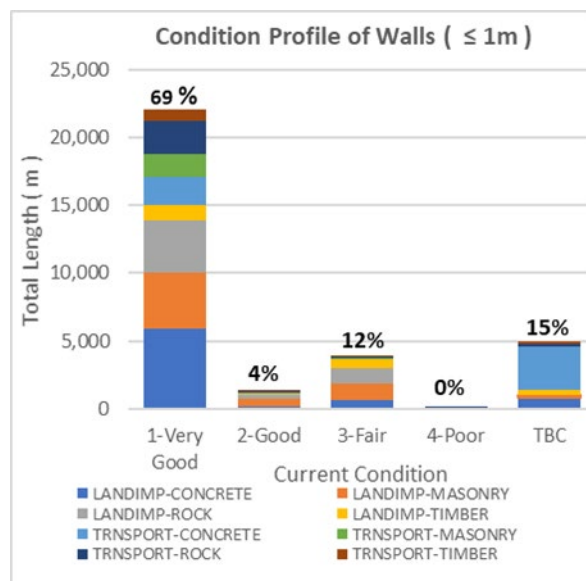


Figure 3 - Asset Condition Profile (Height ≤ 1m)

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

2. Explanation of Item

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

- Optimising maintenance and renewal practices
- Prioritising investment to achieve maximum value
- Validating investment decisions to confirm funds are being spent effectively
- Identifying lower lifecycle cost solutions
- Managing risk to an appropriate level
- Monitoring and recording of the condition of Retaining Wall assets

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

- Modelling to predict future condition and associated maintenance requirements
- Optimise asset performance
- Minimise asset failure where minimal assets reach a poor condition

Condition

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

Key Issues

- Based on lifecycle modelling and observations from the Level 2 condition assessments conducted in 2020 and 2021, the current allocated renewals budget can be reduced without incurring any significant reduction in levels of service over the next 20-25 years.
- Retaining wall renewals face a major peak between FY2070 to FY2080 when a significant outlay of capital will be required in the vicinity of approximately \$33.2 million (62% of current replacement cost), to address renewals for this large portion of the retaining wall portfolio. This anticipated renewal spend will be subject to ongoing assessment of condition data, and interventions to extend lives of assets as retaining walls approach the final stages of their expected lifespan.
- Some retaining walls (15%) over 1.0m high do not have a recorded condition. Initiating a third stage of condition assessments for the remaining 70 retaining walls will ensure that all walls over the height of 1m have been subjected to a comprehensive condition inspection to help inform renewal modelling and other decision-making. This body of work will be carried out in the 21/22 financial year.

Maintenance Strategy

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

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

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

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

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

3.2 Corporate Plan / Operational Plan

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

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

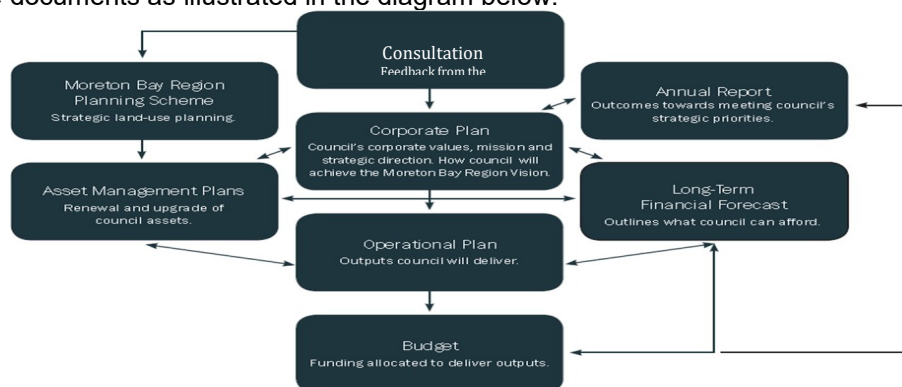


Figure 3 - Asset Management within MBRC Statutory Planning Context

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

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

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

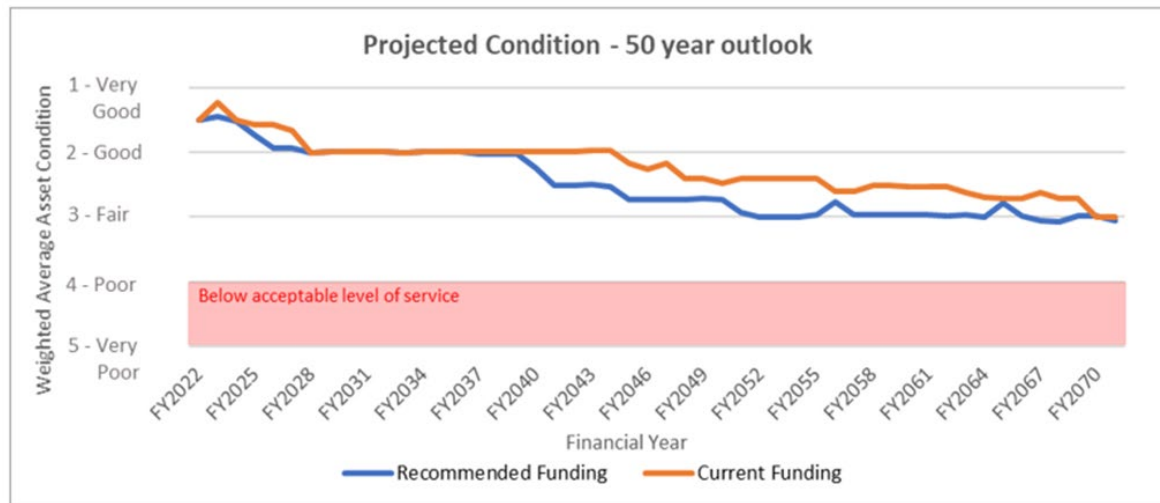


Figure 4 - Asset Projected Condition Outlook

The recommended total budget allocations are outlined below:

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

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

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

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

3.7 Economic Benefit Implications

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

3.8 Environmental Implications

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

3.9 Social Implications

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

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

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

ATTENDANCE

Ms Jackie Frost and Ms Kate Draper left the meeting at 10.27am after Item 3.3.

ADJOURNMENT

The meeting adjourned at 10.28am for morning tea.

The meeting resumed at 10.46am.

ATTENDANCE

Mr Dan Staley and Mr Marco Alberti attended the meeting at 10.46am for Items 4.1 to 4.4 inclusive.

Cr Tony Latter attended the meeting at 11.45am during discussion on Item 4.1.

4 PLANNING SESSION

(Cr D Grimwade)

ITEM 4.1 - DEFERRED TO PAGE 21/1106

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

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

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

Meeting / Session: 4 PLANNING

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

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

Executive Summary

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

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

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 and Consistent

ITEM 4.1 - DEFERRED TO PAGE 21/1106 DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL - 62223057 (Cont.)

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

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

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

The proposed development is consistent with the intent of the MBRC Planning Scheme and is recommended to be approved subject to conditions.

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

MOTION

Moved by Cr Cath Tonks

Seconded by Cr Jodie Shipway

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

After considerable debate, the motion was put to the vote and declared **LOST 4/9**

The following Councillors voted against the motion:

*Cr Brooke Savige
Cr Mark Booth
Cr Adam Hain
Cr Jodie Shipway
Cr Sandra Ruck
Cr Karl Winchester
Cr Cath Tonks
Cr Matt Constance
Cr Tony Latter*

At this time, Council deferred the matter to a later stage of the meeting to enable consideration of an alternate motion (refer to page number 21/1106).

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material change of use - Development Permit for Child care centre (95 children) at 12 and 14 Marylin Terrace, Eatons Hill, formally described as Lots 41 and 42 on RP862580, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	DA100 Issue C	Local Office Architecture	21 May 2021
Ground Floor Plan	DA200 Issue E	Local Office Architecture	21 May 2021
First Floor Plan	DA201 Issue E	Local Office Architecture	21 May 2021
Roof Plan	DA202 Issue C	Local Office Architecture	21 May 2021
Elevations 1	DA300 Issue C	Local Office Architecture	21 May 2021
Elevations 2	DA301 Issue C	Local Office Architecture	21 May 2021
Sections	DA350 Issue C	Local Office Architecture	21 May 2021
Perspective View 1	DA360 Issue C	Local Office Architecture	21 May 2021
Perspective View 2	DA361 Issue C	Local Office Architecture	21 May 2021
Landscape Concept Plan - Ground Floor Plan as amended in red by Council	SK001 Rev. B	LAUDink	24 November 2020
Landscape Concept Plan - Planting Schedule, Images & Notes	SK010 Rev. A	LAUDink	24 November 2020
Stormwater Management Plan	8562 Issue A	MPN Consulting Pty Ltd	24 November 2020
Acoustic Report	2020203 R01C	Acousticworks	20 October 2020
Draft Waste Management Program		Place Design Group	26 November 2020

Conditions

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1.	Approved Plans and/or Documents	
A	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.

ITEM 4.1 - DEFERRED TO PAGE 21/1106 DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL - 62223057 (Cont.)

B	Submit to the Council for its records a 3D digital copy of the final development approval plans for any building approved on the site to be created in .SKP or .DAE file format if not previously submitted to the Council. Note: Refer to https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Lodgement/3D-Model-Submission for more details.	Prior to the giving of any approval for Building Works.
2.	Premises Hours of Operation	
	Limit the hours of operation to between 6am to 7pm Monday to Sunday. The use of the outdoor play areas is limited to 7am to 6pm. Note: This condition is consistent with the recommendations of the approved Acoustic Report.	At all times.
3.	Operating Capacity	
	Ensure the capacity of the Child care centre is limited to a maximum of ninety-five (95) children on site at any one time.	Prior to commencement of use and to be maintained at all times.
4.	On-Site Car Spaces	
A	Provide vehicle spaces on the site in accordance with the approved plans with spaces 18,19, 24-28 to be made available to both staff and visitors.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	
5.	Bicycle Parking Facilities	
	Install secure bicycle parking facilities for a minimum of 4 bicycles. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to commencement of use and to be maintained at all times.
6.	Bicycle End of Trip Facilities	
	Unless otherwise agreed to in writing by Council, 1. Provide ten (10) storage lockers which have the minimum dimensions of 900mm (height) x 300mm (width) x 450mm (depth). 2. Provide one (1) shower in a toilet facility on the site with a minimum 3-star Water Efficiency Labelling and Standard (WELS) rating shower head.	Prior to commencement of the use and to be maintained at all times.
7.	Vehicle Encroachment	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular	Prior to commencement of use.

Moreton Bay Regional Council

GENERAL MEETING - 534
21 July 2021

PAGE 21/1022
Minutes


ITEM 4.1 - DEFERRED TO PAGE 21/1106 DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL - 62223057 (Cont.)

	encroachment by wheel stops, kerbing or similar barrier approved by the Council.	
8.	Pedestrian Pathway	
A	Provide a pedestrian pathway through the car parking area to the foyer. The pathway must be differentiated in colour and/or texture from the driveway surface.	Prior to commencement of use and to be maintained at all times.
B	Construct a 1.5m wide footpath along the full frontage of the site to Marilyn Terrace that is to extend and connect to the footpath in front of 16 Marilyn Terrace. This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use.
9.	Fencing	
A	Submit to the Council for approval a fencing plan for any proposed fence with details on height, transparency, materials and colour that is to be consistent with the approved perspective plans. Once approved by Council the plan will become part of the approved plans package.	Prior to commencement of use and to be maintained at all times.
B	Ensure that any fencing is in accordance with the approved plans.	
10.	Colours, Materials and Finishes	
	Implement the approved schedule of colours materials and finishes as shown on the approved plans.	Prior to commencement of use and to be maintained at all times.
11.	Landscaping Plan	
A	Provide landscaping on site generally in accordance with the approved landscape concept plan and Planning Scheme Policy - Integrated Design Appendix D - Landscaping. Specifically: (i) Pot size detailed in Section 4.2; (ii) Plant density detailed in Section 4.3; and, (iii) Plant selection and species detailed in Section 4.4.	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	
C	Maintain the landscaping.	At all times.
12.	Street Numbering and Building Names	
	Install street numbering conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
13.	Screening of Loading Facilities / Plant Areas	
A	Screen Plant Areas, Refuse Storage and Other Outdoor Storage Facilities on the site from direct view from adjoining neighbours and any adjoining road or public space.	Prior to commencement of use and to be maintained at all times.

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B	Provide a curtain, or similar screening device to hang from the roof of the underground carparking area sufficient to ensure the undercroft of the building (plumbing, electrical, telecommunications and other services, etc) are all screened from being visible when standing at the road frontage.	
14.	On Site Services	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are: 1. Located the side boundaries and screened (e.g. fencing or landscaping) from view of adjoining neighbours or any road frontage; or 2. Entirely underground where located in the front setback.	Prior to commencement of use and to be maintained at all times.
15.	Water and/or Sewerage	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming: 1. a reticulated water supply network connection is available to the land; and 2. a sewerage network connection is available to the land; and 3. all the requirements of Unitywater have been satisfied.	Prior to commencement of use.
16.	Fibre Ready Telecommunications – Single	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: 1. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and 2. Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO.	Prior to commencement of the use.
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done. Note: A template for certification is available from council for the purpose of this condition.	
17.	Telecommunications Internal Wiring	
A	Install internal wiring (Category 6 or better) within the building from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide for New Developments or NBN Co. Preparation and Installation	Prior to commencement of use.

ITEM 4.1 - DEFERRED TO PAGE 21/1106 DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL - 62223057 (Cont.)

	Guide for SDUs and MDUs) to the same connection points in the building that would have been or have been installed for telephone and television connections; including but not limited to sleep rooms, staff rooms, reception, offices and the like.	
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	
18.	Electricity	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an underground electricity supply network has or will be constructed to the site.	Prior to commencement of use.
B	Provide an underground electricity supply connection to the development.	
C	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	
19.	Electrical Transformer	
	Ensure any PAD Mount transformer visible from a public road is painted or has a film applied to it with a mural on all sides that integrates the infrastructure into the location of being adjacent to community activities. Concepts for the mural are to be approved by the Council in writing and align with the use of the land as child caring, child education, community uses or the like e.g. children playing, children learning, people congregating / moving, or the like. Examples are shown in the images below; 	Prior to commencement of the use.
ENVIRONMENTAL HEALTH		
20.	External Lighting	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and for (A) and (B) to be maintained at all times.

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B	Ensure all external lighting in the basement car parking area, excluding any emergency lighting, remains off during the period between 7pm on one day to 6am the following day unless approved otherwise by the Council in writing.	
C	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	
21.	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 for (A) to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	
22.	Acoustic Attenuation Measures	
A	Provide the acoustic attenuation measures specified in Section 8 of the approved Acoustic Report with the addition that; 1. any portion of the acoustic barrier that is greater than 2.0m in height above the finished ground level (natural or on fill) is to be constructed of a transparent material to minimise visual impacts. The transparent portion must maintain the required noise mitigation properties; and 2. The portions of the acoustic barrier shown on the proposal plans and perspectives as being transparent, are to be.	Prior to the commencement of the use and for (A) 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 Section 8 of the Acoustic Report prepared by Acoustic Works Pty Ltd and subsection A(i) above.	
23.	Waste Management Plan	
A	Implement the approved waste management program. Waste is to be collected outside of school peak times of 8:00 - 9:00am and 2:30 - 3:30pm, Monday to Friday.	Prior to commencement of use and to be maintained at all times.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	
DEVELOPMENT ENGINEERING		
24.	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as	Prior to commencement of use.

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	part of works carried out in association with the development to Council's standards.	
25.	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.
26.	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.
27.	Stormwater Management	
A	Implement and maintain the works identified in the approved Stormwater Management Plan.	Prior to commencement of use and for (A) to be maintained at all times.
B	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Stormwater Management Plan.	
28.	Earth Retaining Structures	
A	Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the building works application and the following: 1. The minimum design life (the period assumed in design for which a structure or structural element is required to perform its intended purpose without replacement or major structural repairs) for the earth retaining structure that is specified in Table 3.1 of Australian Standard AS4678; and 2. Earth retaining structures within the land and around areas of cut on or near the boundaries of the site must be designed to allow for live and dead loads associated with the land/premise's current occupancy use.	Prior to commencement of works associated with this condition.
B	Submit and have approved by Council, a development application for operational works for all earth retaining structures. Design drawing are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application and they are to clearly show the location and overall configuration (fully dimensioned), design parameters and loads, materials and finishes of all earth retaining structures for the development.	

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C	Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.	Prior to commencement of use.
D	Provide written certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the design, construction and materials comply with this condition.	
29.	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 such as the following:</p> <ol style="list-style-type: none"> 1. Material delivery and storage locations to ensure they do not cause conflict with the operations of the school; 2. Waste locations and collection details to ensure they do not cause conflict with the operations of the school; 3. Construction office accommodation; 4. Contractor / tradesman vehicle parking arrangements that are not to occur 8:00-9:00am and 2:30-3:30pm Monday to Friday (excluding Eaton's Hill state school holidays) on Marilyn Terrace, Avandel Court or school owned land, 5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday. 6. Deliveries of material and concrete pours are to be outside of school times (8-9am and 2:30-3:30pm Monday to Friday excluding Eaton's Hill state school holidays). 7. Cranes are not to be parked outside of the site during school times (8:00-9:00am and 2:30-3:30pm Monday to Friday excluding Eaton's Hill state school holidays). <p>The CMP is to include a site layout plan identifying these areas.</p> <p>Notes:</p> <ol style="list-style-type: none"> (i) Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs) (ii) Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable (iii) Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP (iv) Materials unloading and loading must occur on-site unless prior written approval is given by Council. 	Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.

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	(v) 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.
30.	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.
31.	Driveway Crossover	
A	Construct a driveway crossover to the site in accordance with the approved plans and documents of the development approval and MBRC Standard Drawings RS-051. Provide signage in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD) that clearly denotes to drivers that right-hand turns are restricted (not to occur) from the centre between 8.00-9.00am and 2:30-3:30pm Monday to Fridays on school days.	Prior to commencement of use.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	
32.	Existing Driveway Crossover	
	Remove completely all redundant driveway crossovers fronting the development site on Marylin Terrace. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to commencement of use.
33.	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 for (A) to be maintained at all times.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	

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

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- 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 Child care centre.
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 Works – Development Permit • Building Works – Development Permit
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies applicable to the development.
Submissions	There were 30 properly made submissions about this application.

REPORT DETAIL

1. Background

There is no relevant development history for the subject site.

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

OUTCOME:

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

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

2. Explanation of Item

2.1 Proposal Description

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

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

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

2.2 Description of the Site and Surrounds

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

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

2.3 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

Applicable Benchmarks:	Assessment	<u>Regional Plan</u> <ul style="list-style-type: none"> • South East Queensland Regional Plan
SEQ Regional Plan Designation:		<ul style="list-style-type: none"> • Urban Footprint
Koala Habitat Designation:		Nil

2.3.1 *South East Queensland Regional Plan*

The site is located in the Urban Footprint.

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

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

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

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2.4.1 Strategic Framework

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

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

2.4.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

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

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

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
General residential zone code	
PO5 Front setbacks ensure non-residential buildings address and actively interface with streets and public spaces.	E5.1 For the primary street frontage buildings are constructed: <ul style="list-style-type: none"> a. to the property boundary; or b. setback a maximum of 3m from the property boundary, where for the purpose of outdoor dining.
Performance Outcome Assessment	
The proposed development has a front setback of 2.9m to Marylin Terrace in lieu of being constructed on the front property boundary as nominated in Example 5.1. The development	

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Performance Outcome	Example
<p>addresses Marylin Terrace with a large upper storey play area similar to a residential verandah that will directly overlook the street. The proposed setback is consistent with the front setbacks of the adjoining residential properties to provide a cohesive interface with Marylin Terrace.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO6 Side and rear setbacks cater for driveway(s), services, utilities and buffers requires to protect the amenity of adjoining sensitive land uses and the development will not be visually dominant or overbearing with respect to adjoining properties.</p>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>The proposed side boundary setbacks of 2m and 3m are sufficient to incorporate landscape buffers that will visually screen the built form from adjoining properties, and further, are greater than those required for a Dwelling House. The low-rise scale and residential-like built form of the development will not be overbearing to adjoining properties. Any services or utilities along the side boundaries are conditioned to be screened.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO8 Development is designed to connect to and form part of the surrounding neighbourhood by providing interconnected streets, pedestrian and cyclist pathways to adjoining development, nearby centres, neighbourhood hubs, community facilities, public transport nodes and open space.</p>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>The surrounding neighbourhood involves the Eatons Hill State School to the east, a neighbourhood hub to the north and Dwelling houses. The proposed development is well-located when considering the surrounding neighbourhood. A pedestrian footpath exists on the western/southern side of Marylin Terrace that will assist in connecting the proposed development to the Eatons Hill State School. It is a recommended condition of approval to require a footpath along the frontage of the subject site that is to extend towards Queen Elizabeth Drive, thereby strengthening the interconnections.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO9 The development has a built form consistent with a low rise detached dwelling house that addresses the street.</p>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>The proposed development achieves compliance with the performance outcome by recessing the built form into the subject site's topography in that it presents as a single storey when viewed from the east. The maximum building height of 8.2m is below the maximum outlined</p>	

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Performance Outcome	Example
<p>in the Building heights overlay and is consistent with the building heights of Dwelling houses in the vicinity.</p> <p>The development has proposed to address the streetscape through an upper level outdoor play area that replicates a residential verandah with a mixture of solid and glazed screening to assist in casual surveillance of the street. The proposed lightweight materials further reflect a residential built form.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO10 Best practice Water Sensitive Urban Design (WSUD) is incorporated within development sites adjoining street frontages to mitigate impacts of stormwater run-off in accordance with Planning scheme policy - Integrated design.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development demonstrates best practice design features in accordance with the Planning scheme policy - Integrated design to ensure no impacts of stormwater run-off.</p> <p>Overall, compliance with the performance outcome has been demonstrated.</p>	
<p>PO13 The amenity of the area and adjacent sensitive land uses are protected from the impacts of dust, odour, noise, light, chemicals and other environmental nuisances.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development incorporates acoustic mitigation barriers that will ensure residential amenity of the surrounding properties is protected. These acoustic barriers incorporate architectural features and design to ensure they do not present to the street as overbearing or bulky.</p> <p>In addition, the refuse storage area is enclosed and roofed to ensure that odour emissions do not cause nuisance to the adjoining residential properties. All air-conditioning units will require screening to also ensure compliance with the performance outcome.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO14 Noise generating uses do not adversely affect existing or potential noise sensitive uses.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development incorporates acoustic mitigation measures that have been recommended in the Noise impact assessment submitted to Council. The Noise impact assessment has been prepared in accordance with the Planning scheme policy - Noise and has sufficiently demonstrated that the sensitive uses surrounding the subject site will not be adversely affected.</p>	

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Performance Outcome	Example
Compliance with the performance outcome has been demonstrated.	
<p>PO15 Sensitive land uses are provided with an appropriate acoustic environment within designated external private outdoor living spaces and internal areas while:</p> <ul style="list-style-type: none"> a. contributing to safe and usable public spaces, through maintaining high levels of surveillance of parks, streets and roads that serve active transport purposes (e.g. existing or future pedestrian paths or cycle lanes etc); b. maintaining the amenity of the streetscape. 	<p>E15.2 Noise attenuation structures (e.g. walls, barriers or fences):</p> <ul style="list-style-type: none"> a. are not visible from an adjoining road or public area unless: <ul style="list-style-type: none"> i. adjoining a motorway or rail line; or ii. adjoining part of an arterial road that does not serve an existing or future active transport purpose (e.g. pedestrian paths or cycle lanes) or where attenuation through building location and materials is not possible. b. do not remove existing or prevent future active transport routes or connections to the street network; c. are located, constructed and landscaped in accordance with Planning scheme policy - Integrated design.
<i>Performance Outcome Assessment</i>	
<p>The proposed development incorporates noise attenuation structures that are visible from Marylin Terrace. However, these have been architecturally designed to demonstrate a positive contribution to the street including transparent materials and finishes to ensure casual surveillance. The variation in materials assist in the built form being consistent with the residential environment.</p>	
Compliance with the performance outcome has been demonstrated.	
<p>PO20 Safe access is provided for all vehicles required to access the site.</p>	<p>E20.1 Site access and driveways are designed and located in accordance with:</p> <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;

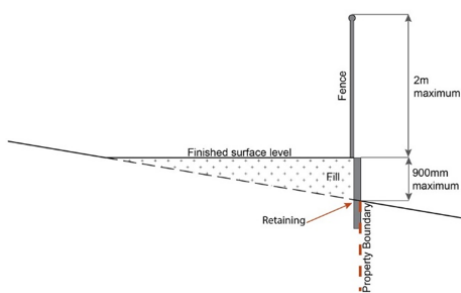
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Performance Outcome	Example
	<p>iii. Planning scheme policy - Integrated design;</p> <p>iv. Schedule 8 - Service vehicle requirements;</p> <p>c. where for a State-Controlled road, the Safe Intersection Sight Distance requirements in Austroads and the appropriate IPWEAQ standard drawings, or a copy of a Transport Infrastructure Act 1994, section 62 approval.</p> <p>E20.2 Internal driveways, car parks and access ways are designed and constructed with a sealed pavement and in accordance with:</p> <p>a. AS/NZS 2890.1 Parking Facilities Part 1: Off street car parking;</p> <p>b. AS 2890.2 Parking Facilities Part 2: Off street commercial vehicle facilities;</p> <p>c. Planning scheme policy - Integrated design; and</p> <p>d. Schedule 8 - Service vehicle requirements.</p> <p>Note - This includes queue lengths (refer to Schedule 8 - Service vehicle requirements), pavement widths and construction.</p> <p>E20.3 Access driveways, manoeuvring areas and loading facilities are sealed and provide for service vehicles listed in Schedule 8 - Service vehicle requirements for the relevant use. The on-site manoeuvring is to be in accordance with Schedule 8 - Service vehicle requirements.</p>
Performance Outcome Assessment	
<p>Schedule 8 - Service vehicle requirements nominates that Child care centres are to be serviced by a Small rigid vehicle (SRV). However, due to the nature of the centre's operation, servicing by a SRV is not required as the development can be serviced either by wheelie bins or bulk bins at the road frontage. Refuse is proposed to be collected from the kerbside and is conditioned to be outside of school hours (8:00-9:00am and 2:30-3:30pm Monday to Friday) to minimise impacts with school traffic. Any deliveries for the development (if required) will be by van only.</p> <p>Overall, compliance with the performance outcome has been demonstrated.</p>	
<p>PO30 Stormwater run-off from the site is conveyed to a point of lawful discharge without causing</p>	<p>No example is provided.</p>

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Performance Outcome	Example
actionable nuisance to any person, property or premises.	
<i>Performance Outcome Assessment</i>	
A stormwater management plan has sufficiently demonstrated that stormwater run-off from the proposed development is conveyed to the kerb and channel as the lawful point of discharge to not cause any actionable nuisance to any person, property or premises. The stormwater management plan has been included as an approved document.	
Compliance with the performance outcome has been demonstrated.	
PO31 Stormwater generated from the development does not compromise the capacity of existing stormwater infrastructure downstream of the site.	No example is provided.
<i>Performance Outcome Assessment</i>	
There sufficient capacity in the stormwater infrastructure downstream to accommodate the proposed development.	
Compliance with the performance outcome has been demonstrated.	
PO34 Stormwater management facilities (excluding outlets) are located outside of riparian areas and prevent increased channel bed and bank erosion.	No example is provided.
<i>Performance Outcome Assessment</i>	
There is not riparian area on the subject site and as such no works within a riparian area are proposed.	
Compliance with the performance outcome has been demonstrated.	
PO48 Filling or excavation does not result in land instability.	No example is provided.
<i>Performance Outcome Assessment</i>	
A civil engineering report was provided to Council officers that demonstrated compliance with the performance outcome. All retaining works in this instance will be the subject of a detailed Operational Works application to be assessed by Council officers to ensure compliance with the relevant Australian Standards and MBRC planning scheme.	
PO49 Filling or excavation does not result in: <ul style="list-style-type: none"> a. adverse impacts on the hydrological and hydraulic capacity of the waterway or floodway; b. increased flood inundation outside the site; 	No example is provided.

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Performance Outcome	Example
<ul style="list-style-type: none"> c. any reduction in the flood storage capacity in the floodway; d. any clearing of native vegetation. 	
Performance Outcome Assessment	
<p>The subject site is not subject to flooding and is void of any native vegetation that is required to be retained.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO51</p> <p>All earth retaining structures provide a positive interface with the streetscape and minimise impacts on the amenity of adjoining residents.</p>	<p>E51</p> <p>Earth retaining structures:</p> <ul style="list-style-type: none"> a. are not constructed of boulder rocks or timber; b. where height is no greater than 900mm, are provided in accordance with Figure - Retaining on a boundary; Figure - Retaining on boundary  <ul style="list-style-type: none"> c. where height is greater than 900mm but no greater than 1.5m, are to be setback at least the equivalent height of the retaining structure from any property boundary; d. where height is greater than 1.5m, are to be setback and stepped 1.5m vertical: 1.5m horizontal, terraced, landscaped and drained as shown below.

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Performance Outcome	Example
	<p style="text-align: center;">Figure - Cut</p>
Performance Outcome Assessment	
<p>The proposed development results in retaining walls that exceed 1.5m and are not stepped in accordance with the Example. The proposed retaining walls are located internally to the subject site and will be stepped along the boundaries in line with the site’s topography. At the highest point, the retaining walls will be 3.6m high and as in cut, will not be visible externally to the site. Retaining walls will be screened by the landscaping and the built form of the Child care centre.</p> <p>Along the site boundary where retaining walls will be visible, the combined height of retaining walls and fences will not exceed 2m. Accordingly, the proposed retaining walls will not adversely impact upon the visual amenity of the surrounding area.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO67 Community activities:</p> <ul style="list-style-type: none"> a. are located to: <ul style="list-style-type: none"> i. cluster with other non-residential activities to form a neighbourhood hub (this may include being located within or adjacent to an existing neighbourhood hub); or ii. if establishing a new neighbourhood hub (as described in the PO below) be on a main street; b. are located on allotments that have appropriate area and dimensions for the siting of: <ul style="list-style-type: none"> i. buildings and structures; ii. vehicle servicing, deliveries, parking, manoeuvring and circulation; iii. landscaping and open space including buffering; 	<p>No example is provided.</p>

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Performance Outcome	Example
<p>c. are of a small scale, having regard to the surrounding character;</p> <p>d. are serviced by public transport;</p> <p>e. do not negatively impact adjoining residents or the streetscape.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The surrounding neighbourhood includes the Eatons Hill State School to the east and a neighbourhood hub to the north and the proposed development is well-located and clustering with the existing neighbourhood hub as required by the Performance Outcome. The development application has demonstrated the subject site to be appropriate as it includes a low-rise built form, required vehicle servicing, parking and manoeuvring on site as well as adequate landscaping to provide screening to adjoining residential properties. The subject site is well serviced by established public transport infrastructure, with bus stops located directly adjacent the site, and nearby along Queen Elizabeth Drive. Furthermore, the proposed built form incorporates architectural design features that are consistent with a residential dwelling including lightweight weatherboard cladding, an upper storey verandah play area and gable roof form.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO69</p> <p>The expansion (into adjoining lots) of existing neighbourhood hubs or the establishment of a new neighbourhood hub must:</p> <p>a. adjoin or address a park, public open space or include privately owned civic or forecourt space having a minimum area of 400m²;</p> <p>b. be located on the corner of a sub-arterial or collector road;</p> <p>c. form a 'Main street' having a maximum length of 200m;</p> <p>d. be centrally located within an 800m radial catchment;</p> <p>e. be separated from other neighbourhood hubs and centres by 1600m, measured from the centre of each neighbourhood hub or centre.</p>	<p>No example is provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development results in the expansion of an existing neighbourhood hub into an adjacent/adjoining property, however, does not comply with the performance criteria outlined in items a – e.</p> <p>As the proposal does not comply with this Performance Outcome an assessment against the Overall Outcomes is required and is discussed in the following section of this report.</p>	
<p>PO72</p>	<p>No example is provided.</p>

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Performance Outcome	Example
<p>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. 	
<i>Performance Outcome Assessment</i>	
<p>The proposed development incorporates large windows and an upper level play area that overlooks Marylin Terrace to address and activation with the public realm. The development is predominately located within 3m of the street boundary and the built form is articulated to provide visual interest to the street. Further, landscaping has been proposed along the street and side boundaries to contribute to the positive outlook of the development to balance the built form.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO73 All buildings exhibit a high standard of design and construction, which:</p> <ul style="list-style-type: none"> a. add visual interest to the streetscape (e.g. variation in materials, patterns, textures and colours, cantilevered awning); b. enable differentiation between buildings; c. contribute to a safe environment; d. incorporate architectural features within the building facade at the street level to create human scale (e.g. cantilevered awning); e. include building entrances that are readily identifiable from the road frontage; 	<p>No example is provided.</p>

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

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Performance Outcome	Example
Compliance with the performance outcome has been demonstrated.	
<p>PO75</p> <p>The safety and efficiency of pedestrian movement is prioritised in the design of car parking areas through providing pedestrian paths in car parking areas that are:</p> <ol style="list-style-type: none"> located along the most direct route between building entrances, car parks and adjoining uses; protected from vehicle intrusion through the use of physical and visual separation (e.g. wheel stops, trees etc); are of a width to allow safe and efficient access for prams and wheelchairs. 	No example is provided.
<i>Performance Outcome Assessment</i>	
<p>The proposed development provides a dedicated and separated pedestrian entrance which ensures that the safety of pedestrians and vehicles is protected. A nominated pedestrian movement pathway through the car parking area is recommended to be included as a condition into any approval given.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO76</p> <p>The number of car parking spaces is managed to:</p> <ol style="list-style-type: none"> avoid significant impacts on the safety and efficiency of the road network; avoid an oversupply of car parking spaces; avoid the visual impact of large areas of open car parking from road frontages and public areas; promote active and public transport options; promote innovative solutions, including on-street parking and shared parking areas. 	<p>E76.1</p> <p>Car parking is provided in accordance with Schedule 7 - Car parking.</p>
<i>Performance Outcome Assessment</i>	
<p>The car parking rate for Child care centres under Schedule 7 - Car parking is 1 per 5 children and 1 per staff. Based on the proposal of 95 children and 15 staff, a total of 34 car parking spaces are nominated in accordance with Example 76.1. The proposed development includes 28 car parks which equates to a rate of 1 space per 7.3 children and 1 per staff (or alternatively, 1 per 3.4 children).</p> <p>Initially, the applicant proposed 21 car parking spaces for 105 children and 14 staff, relying on Brisbane City Council's car parking rate of 1 space per 5 children. A Traffic Impact Assessment (TIA) was provided with the application to justify the performance outcome, however, Council officers considered this to be insufficient and submissions were received in relation to car parking.</p>	

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

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

2.4.4 Overall Outcome Assessment

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

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

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

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

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

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

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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
<p>to reduce catchment overlap. New neighbourhood hubs are to service a currently unserviced catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</p> <p>iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;</p> <p>v. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development.</p>		<p>Further, the applicant has identified that there is sufficient need for the proposed development to warrant a development application.</p>
<p>I. General works associated with the development achieves the following:</p> <p>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</p> <p>ii. the development manages stormwater to:</p> <p>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p> <p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p>	<p>Y</p>	<p>The proposed development provides a high-quality standard of services and infrastructure to facilitate the Child care centre.</p> <p>Stormwater will be managed appropriately to ensure stormwater discharge does not adversely impact on downstream properties.</p> <p>The Traffic Impact Assessment (TIA) is appropriate in demonstrating no significant impacts to the road traffic network as a result of the proposed development.</p> <p>Earthworks will have minimal impacts on adjoining premises or the streetscape.</p>

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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
iv. the development ensures the safety, efficiency and useability of access ways and parking areas; v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.		
m. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	Y	The proposed development, by its nature, will not involve activities that may result in the cause of nuisance by way of aerosols, fumes, particles or smoke. Light and odour (from waste bins) can be managed and controlled by way of conditions to ensure no nuisance is created and are recommended in any approval given. The applicant has sufficiently demonstrated that noise impacts associated with the Child care centre use will be minimised through the siting and orientation of the built form and play areas, and acoustic barriers.
n. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.	Y	The applicant has sufficiently demonstrated that noise impacts associated with the Child care centre use will be minimised through the siting and orientation of the built form and play areas, and acoustic barriers. The noise anticipated from the Child care centre use will be consistent and not out of character for the immediate locality, considering the site is adjacent to the Eatons Hill State School.
o. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	N/A	
p. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	N/A	
q. Development avoids areas subject to constraint, limitation, or environmental value... ..:	N/A	

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Section 6.2.6.2 Suburban neighbourhood precinct		
6.2.6.2.1. Purpose - Suburban neighbourhood precinct		
r. Development in the Suburban neighbourhood precinct includes 1 or more of the following: Child care centre	Y	The proposed use for a Child care centre is identified as development that is consistent and anticipated within the Suburban neighbourhood precinct of the General residential zone.

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

2.5 Trunk Infrastructure

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

2.5.1 Levied Charge

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

2.5.2 Levied Charge Credit

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

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

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

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

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

The credit available under this option is \$36,813.18 (2 x \$18,406.59) based on the proportional split stated in Table 3 of the CR. This adopted charge rate is the prescribed amount in Schedule 16 of the *Planning Regulation 2017* as at 28 May 2021. This rate will be automatically indexed in accordance with section 112 of the Act.

2.5.3 Levied Charge Offset or Refund

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

2.5.4 Additional Trunk Infrastructure Costs

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

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

AND

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

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

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

2.7 Referrals
2.7.1 *Council Referrals*

2.7.1.1 Development Engineering

Traffic

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

Stormwater

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

Quantity Component

5. It is proposed to provide an underground on-site detention (OSD) facility to manage the increased flow rates due to the increased roof and hardstand areas compared to the existing residential dwelling properties. The OSD is proposed to have a maximum detention compartment volume of about 33m³ and staged outlets of varying orifice diameters. The site stormwater is proposed to discharge directly to a new kerbside gully pit that in turn is connected to an existing gully pit.

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Quality Component

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

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

2.7.1.2 Environmental Health

Lighting

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

Noise

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

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

Waste Management

3. A waste management program has been provided and is acceptable for the proposed use. The development will have a screened enclosure on the premises where bins will be serviced from the kerbside by a private contractor. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with the plan.

Food Premises - Food Business License

4. The development may incorporate a licensable food business under the *Food Act 2006* that will have specific structural requirements. As such, an advice condition has been included for a Food Business License.

2.7.1.3 External Specialist - Traffic and Transport Engineering

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

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

2.7.2 Referral Agencies

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

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

2.7.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.7.2.3 Third Party Agencies

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

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

2.8.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		29
	Petition	266	1
Not Properly Made	Letter, Email, Fax		2
	Petition	-	0
Total			32

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

Assessment of Submissions
<p><u>Issue - Safety Risk</u></p> <ul style="list-style-type: none"> • <i>The proposed development will result in increased road traffic congestion, which in turn will increase the likelihood of traffic accidents.</i> • <i>Concerns raised over the proposed child care centre risking child and pedestrian safety, particularly as a result of the increased road traffic that the development will likely generate.</i> • <i>Historical accounts of road traffic accidents involving school children detailed. The proposed child care centre will increase the likelihood of similar events.</i>

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Assessment of Submissions

- *Streets lined with parked vehicles reduces pedestrian sightlines, particularly when crossing roads, creating an unsafe pedestrian environment. The proposed child care centre will exacerbate this issue.*
- *Sightlines from residential driveways to oncoming traffic are obscured by vehicles parked along the street. The proposed child care centre will exacerbate this issue.*
- *The location of the proposed access driveway inhibits sightlines along Marylin Terrace, representing a safety risk to both pedestrians and road users. No alternative location for the access driveway due to the curvature of the road.*
- *The Applicant has not identified a safe, off-site assembly point that is capable of accommodating 105 children plus staff that is to be used in the event of an evacuation.*
- *Safety risk imposed by excessively high boundary fences/walls.*
- *Concerns raised over the health impact of increased traffic-related air and noise pollution.*
- *Footpath conditions near the school have deteriorated as a result of (illegally) parked vehicles, presenting an imminent trip hazard/safety risk to pedestrians.*

Discussion

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

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

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

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

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

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

Issue - Traffic, access and car parking

- *Concerns have been raised in relation to traffic congestion and safety. Particularly, in that existing conditions, primarily in relation to school traffic, will be exacerbated with the proposal.*
- *Road traffic queuing for the Eatons Hill State School pick-up/drop-off zone often spills onto Queen Elizabeth Road - the main thoroughfare for the estate to the south - resulting in a significant negative impact on road network efficiency.*
- *Cars associated with existing school traffic often use residential driveways to turnaround in. This is said to inhibit access/egress to/from private property.*

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Assessment of Submissions

- *Concerns raised over the accuracy of the data/ findings in the traffic impact assessment report.*
- *Concerns were raised in relation to the shortfall of car parking spaces to facilitate the development and as such, non-compliance with the MBRC Planning Scheme.*
- *Existing road traffic congestion inhibits continuous access for emergency vehicles.*
- *Existing road traffic congestion has already necessitated involvement from the Queensland Police Service, the Principal of the Eatons Hill State School and the local Councillor.*
- *The proposed child care centre's hours of operation will extend peak traffic hours previously established by the Eatons Hill State School.*
- *Q Traffic's traffic impact assessment report fails to address how road traffic will be managed during the construction phase of the proposed child care centre.*

Discussion

It is noted that the development will contribute to traffic in the area as would any development and it is known that existing traffic congestion in the area already exists that is caused by the school at its peak drop off and pick up times. However, the applicant has provided a Traffic Impact Assessment (TIA) that has demonstrated the development will not significantly impact or increase the existing traffic conditions associated with the Eatons Hill State School. The report has been certified by a Registered Professional Engineer of Queensland (RPEQ) and has suitably demonstrated compliance with the MBRC Planning Scheme. Council traffic engineers have reviewed the TIA and share the view that the proposal will not result in a discernible traffic impact based on its scale and the probability that vehicles attending the Child Care centre may already be attending the street to drop off/collect siblings at the Eatons Hill State School.

The number of car parking spaces has also been increased from 21 to 28 spaces (a 33% increase) after public notification concluded in response to concerns raised by Council officers and submitters in combination with a 10% reduction in child places. The number of spaces is sufficient for the scale of the development based on an external peer review as discussed in section 2.7.1.3 of this report.

Issue - Bicycle parking

- *Concern raised over the lack of bicycle parking/storage facilities in the proposed development.*

Discussion

A condition of approval has been included requiring the applicant to provide bicycle parking facilities in accordance with the MBRC Planning Scheme. Sufficient storage areas have been provided within the proposed staff rooms.

Issue - Failure to establish need

- *There is concern that the immediate community is already serviced by multiple child care centres and/or kindergartens and that the proposed development is not needed.*
- *The existing child care centres in the area are currently operating at a reduced capacity. An additional child care centre in this location would threaten the continued viability of existing operations.*

Discussion

There is no requirement in the MBRC Planning Scheme for the applicant to demonstrate economic or community need for the proposed development. The applicant has identified

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Assessment of Submissions
that there is sufficient need for the proposed development to warrant a development application.
<u>Issue - Infrastructure</u>
<ul style="list-style-type: none"> Concerns raised that the demand for infrastructure (i.e. sewerage, water) exceeds the current supply. The associated issues will be exacerbated with population increase/the proposed child care centre. <p><u>Discussion</u></p> <p>A number of submissions raised concerns in relation to sewerage infrastructure and potential for the development to impact the capacity and efficiency of the network. The site is located within Unitywater's netserv connection policy area, being currently connected to sewer and water. A separate application to Unitywater will be required for any changes to the water and sewer connections at the site with Unitywater having the opportunity to require any upgrades needed to accommodate the development.</p>
<u>Issue - Privacy and Amenity</u>
<ul style="list-style-type: none"> Concerns raised that the proposed child care centre will overlook habitable rooms and private open space areas of existing dwellings on the adjoining properties. The proposed barrier, which comprises glass panelling, will not mitigate this impact. The proposed child care centre will have a negative impact on the visual amenity of adjacent/adjoining properties. Construction-related impacts (e.g. dust, vibration, slippage, settlement) to have a negative effect on the livelihood of existing residents. Loss of amenity as a result of the construction of a 3m-high wall along the boundary of the adjoining residential properties. Concerns raised that the proposed child care centre will overshadow the existing dwellings on the adjoining properties and impact on their access to sunlight. <p><u>Discussion</u></p> <p>The proposed development has been sited to orientate play areas to the street to avoid adverse impacts on the adjoining neighbours. Overlooking to the adjoining neighbours will be minimal in that high-level windows are proposed along the northern and western elevations. The proposed glazing within the acoustic barriers are a positive outlook for the development in that it will break up the solid material and allow surveillance to the street. The glazed acoustic barrier along the western elevation is for a small portion of the outdoor play area and will adjoin the driveway and garage of the adjoining dwelling. As such, will not impact on their amenity in terms of privacy and access to sunlight.</p>

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Assessment of Submissions

Further, the development is situated south/west from the adjoining Dwelling houses and is within the maximum height limit of 8.5m above ground level, as such, the development will not overshadow the adjoining residential dwellings.

The combined height of retaining walls and fences will not exceed 2m above natural ground level and as such will not adversely impact on the adjoining neighbours. Landscaping buffers have been provided along the boundaries to balance the built form.

Due to the site's location and concerns with traffic, car parking and construction impacts, a construction management plan is recommended to be included as a condition into any approval given to manage potential impacts.

Issue - Noise

- *The proposed child care centre is expected to generate substantial noise, during its construction and operation, of which will be to the detriment of adjoining property owners' amenity/health/lifestyle.*
- *Concern raised over the 'other' noises generated by the proposed child care centre outside of operating hours (e.g. car engines, car doors, staff talking) and how these will negatively impact adjoining property owners.*

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Assessment of Submissions

- *Child care centres involve sensitive uses (i.e. 'quiet time' for naps) of which are not compatible with the ringing bells of the nearby school.*
- *The proposed acoustic barriers that are to be constructed to "noise sensitive residences" will have a lower surface density (10kg/m²) that was recommended in the Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment report (Version 3) (15kg/m²). The proposed acoustic barriers will therefore reduce less sound.*
- *Concern raised that the acoustic report prepared by AcousticWorks relies on out-of-date data (i.e. Version 2 of the above-mentioned AAAC report). This report also relies on the bottom of the range data in order to support their claims.*
- *Uncertainty over the number and location of required air-conditioning units.*

Discussion

Council's Environmental Health Officer has assessed the Acoustic Report provided with the application and determined that the report is suitable. The report includes recommendations to ameliorate noise impacts from the proposed development and as such, the report is included in the approval with the applicant to carry out the development in accordance with those recommendations.

The Acoustic Report together with recommended conditions associated with the operation of the Child Care Centre use, effectively mitigates noise impacts to and from the proposed development.

A condition of approval includes air-conditioning units to be screened to ensure minimal impacts on the adjoining neighbours and the streetscape.

Issue - Compliance with the MBRC Planning Scheme

- *Concerns that the proposed child care centre is inconsistent with:*
 - *The Strategic Framework of the MBRC Planning Scheme, namely the Specific Outcomes of the Suburban neighbourhood place type element of the MBRC Place Model and the Specific Outcomes of the Settlement pattern and urban form element (Neighbourhood hub requirement).*
 - *The General residential zone (Suburban neighbourhood precinct) code within the MBRC Planning Scheme.*
- *The proposed child care centre should be identified as a "Community Activity" under the MBRC Planning Scheme.*

Discussion

The applicant has sufficiently demonstrated compliance with the relevant provisions of the MBRC Planning Scheme, including the General residential zone code, as outlined in this report. Schedule 1 - Definitions of the MBRC Planning Scheme outlines that a Child care centre is a Community Activity where in the General residential zone.

Issue - Building Design and Site Layout

- *New development should be sympathetic to the existing residential character of the Suburban neighbourhood precinct location. The proposal fails to achieve a design that fits in with the locality, particularly in terms of its bulk and scale.*
- *Concern raised about the loss of vegetation and the impact that this will have on the area's image/appearance. The proposed landscaping will take years to mature.*
- *Site cover has been misrepresented by the Applicant. It is said to be 1,087m² (73.5%) and not 775m² (52%).*

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Assessment of Submissions

- *The proposed bin storage areas require a garbage truck to stop in an unsafe location during collection.*
- *Failure to identify the location of the booster transformer for the proposed child care centre.*
- *Failure to identify a pick up and drop off location for the proposed child care centre.*

Discussion

The proposed development incorporates a high-quality built form outcome that positively addresses the street. The large upper storey play areas are orientated to overlook Marilyn Terrace in a style that replicates a residential verandah with a mixture of solid and glazed screening/acoustic fencing. The built form is low-rise in scale being wholly under the 8.5m building height limit and the proposed materials and building elements include lightweight weatherboard cladding, gable roof forms and large eaves to reflect the surrounding residential locality.

The proposed site cover has been calculated in accordance with the definition under the MBRC Planning Scheme and is approximately 52% of the subject site (775m²). The General residential zone code does not outline a maximum site cover for non-residential uses, however, Council officers consider that the site cover is suitable in that it is consistent with the residential character and does not result in an over development of the site. Landscaping has been provided along the site boundaries to balance the built form and contribute positively to the adjoining neighbours and to the street. The approved Landscape concept plans outline the stock size for the proposed plant species which are in line with the Planning Scheme Policy - Integrated Design (Appendix D).

The proposed development will have kerbside refuse collection. The bin storage is located on the subject site appropriately in that it will not impact on adjoining neighbours and will be appropriately screened from the street. A booster and/or transformer has not been identified for the proposed development however if required, they will need to be accommodated in the design of the development without impacting on the other elements of any approval given.

A drop off and pick up facility is not appropriate for the Child care centre use as parents/guardians are required to sign children in and out of centres. Further, having a pick up and drop off location would be visually dominant to the street and not consistent with the residential scale and locality.

Issue - Compromised Solution

- *Traffic calming/controlling measures (e.g. road signage, speed bumps, pedestrian crossings) must be incorporated into the development scheme, if approved, to preserve the safety of both pedestrians and road users.*

Discussion

Traffic controlling measures that are recommended in the Traffic Report have been conditioned to ensure they are implemented into the development. This includes restricting right turns out of the development during school peak times to minimise impacts to traffic congestion.

Issue - Earthworks / Site topography

- *Concerns raised that the natural ground level shown on the architectural drawings is outdated and does not accurately reflect existing site conditions/changes to the topography.*

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Assessment of Submissions

- *Earthwork required on-site to negatively impact the existing retaining walls constructed on the adjoining properties.*

Discussion

The site has been surveyed and the contours shown on the plans align to Council's Lidar contour mapping.

A condition of approval has been included requiring the applicant to lodge an Operational works application for all retaining structures on the site. These structures are required to be designed, prepared and certified by a Registered Professional Engineer of Queensland (RPEQ) to ensure they are in accordance with Australian Standards, Building Code requirements and in accordance with the approved plans.

Issue - Stormwater

- *Stormwater flow during rainfall events for both pre- and post-development has been misrepresented.*
- *Fear that overland flow will be directed onto adjoining properties as the proposed stormwater management system is inadequate.*

Discussion

The applicant has provided a Stormwater Management Plan in support of the proposed development. The SMP outlines that an underground on-site detention facility is proposed to manage the increased flow rates due to the increased roof and hardstand areas compared to the existing residential dwelling properties. Stormwater will then discharge directly to a new kerbside gully pit that in turn is connected to an existing gully pit.

The SMP has satisfactorily demonstrated compliance with the MBRC Planning Scheme and is included in the approved plans and documents. Further, a condition of approval will require the SMP to be implemented and to be certified by a RPEQ.

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 21 December 2020. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.9 Other Matters
None identified.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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- 3.4 Risk Management Implications Nil identified
- 3.5 Delegated Authority Implications Nil identified
- 3.6 Financial Implications
- a) In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.
 - b) Permit conditions require infrastructure contributions to Council.
- 3.7 Economic Benefit Implications
Appropriate development supports the growing Moreton Bay Region.
- 3.8 Environmental Implications
New development contributes to sustainable management and protection of the natural environment in the region through compliance with the planning scheme policies and provisions.
- 3.9 Social Implications
Appropriately designed and located development contributes to diverse, vibrant and safe communities and facilities.
- 3.10 Human Rights Implications
Under the Human Rights Act 2019 (QLD), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.
- 3.11 Consultation / Communication
Refer to clause 2.8.

ITEM 4.2

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

APPLICANT: CDEC CAPITAL PTY LTD

OWNER: MICHAEL AND NELIA GLASE

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

Executive Summary

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

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

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 and Consistent

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

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

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

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

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

MOTION FOR THE PURPOSE OF DEBATE

Moved by Cr Mick Gillam

Seconded by Cr Adam Hain

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

After considerable debate, the motion was put to the vote and declared **CARRIED 8/5**

The following Councillors voted against the motion:

Cr Brooke Savige

Cr Jodie Shipway

Cr Denise Sims (Deputy Mayor)

Cr Mick Gillam

Cr Cath Tonks

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

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Child Care Centre (45 Children) at 43 Eversleigh Road, Scarborough, described as Lot 6 RP81004, subject to the following plans/documents and conditions:

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

Conditions

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1.	Approved Plans and/or Documents	
A	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
B	Submit to the Council for its records a 3D digital copy of the final development approval plans for any building approved on the site to be created in .SKP or .DAE file format if not previously submitted to the Council. Note: Refer to https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Lodgement/3D-Model-Submission for more details.	Prior to the giving of any approval for Building Works.

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

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
2.	Premises Hours of Operation	
A	Limit the hours of operation to between 6am to 7pm Monday to Sunday.	At all times.
B	The use of the outdoor play areas is limited to 7am to 6pm. Note: This part of the condition is consistent with the recommendations of the approved Acoustic Report.	
3.	Operating Capacity	
	Ensure the capacity of the Child Care Centre is limited to a maximum of forty-five (45) children on site at any one time.	Prior to commencement of use and to be maintained at all times.
4.	On-Site Car Spaces	
A	Provide vehicle spaces on the site in accordance with the approved plans and as outlined within other conditions of this development approval that are specific to the use of the proposed Mechanical Car Stackers.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	
5.	On-site Mechanical Car Stacker	
A	Design, construct, implement and maintain on site a mechanical car stacker system integrated within the development at no cost to Council. The car stacker system is to include the following as a minimum, unless otherwise agreed to in writing by Council: <ol style="list-style-type: none"> 1. Car stacker systems are to be installed in the locations generally shown on the approved plans being a minimum of 5; 2. Information must be displayed in a prominent location adjacent to the car stackers detailing; <ol style="list-style-type: none"> (a) the operation and maintenance procedures of each car stacker; and (b) whether the lower level of the car stacker is vacant or occupied. 3. Users must be inducted on how to safely operate the car stackers. 4. Car stacker systems are to accommodate B99 vehicles of a 2 metre height as defined in AS2891.1. 5. The clearance height within the stacker system must be displayed at the entrance to the stacker system. 6. The lower level of the car stacker is only to be used by staff members and not to be operated by visitors. Once parked, the stacker (carrying the staff member's 	Prior to commencement of use and for (A) to be maintained at all times.

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

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	<p>vehicle) is to be lowered as soon as possible so that the upper level is freely available to any other person.</p> <p>7. Visitor cars are not to be raised at any time.</p> <p>8. The car stackers are to be lowered throughout the day (except when a staff member is parking their vehicle or collecting their vehicle from the lower level) and at the end of each business day.</p> <p>9. Staff are to park their vehicle on the lower levels of the car stackers only and can only park their vehicle on an upper level when all of the lower levels are occupied.</p> <p>10. A backup system in dealing with any mechanical or computer failures (e.g. motor / circuit board burnout), electrical outages, damage (e.g. vehicle collision with a stacker) or the like.</p>	
B	<p>Submit to the Council a management plan for the operation of the car stackers incorporating, but not limited to, the items outlined in A above as well as the following;</p> <p>1. Maintenance obligations; and</p> <p>2. Training procedures; and</p> <p>3. An obligation to operate all 5 car stackers at all times other than when requiring maintenance, damaged or the like and an obligation to ensure any maintenance or damage is done / repaired as soon as possible.</p>	
C	<p>Obtain approval from Council for the management plan outlined in B above that may or may not include conditions.</p>	
D	<p>Implement the requirements and recommendations of the approved management plan for the operation of the car stackers.</p>	At all times.
6.	Bicycle Parking Facilities	
	<p>Install secure bicycle parking facilities for a minimum of two (2) bicycles.</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 at all times.

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

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

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

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	Note: A separate fencing plan may be submitted to Council to confirm that appropriate treatments will be provided as required by this condition.	
11.	Colours, Materials and Finishes	
	Unless otherwise agreed to in writing by Council, implement the colours, materials and finishes as generally shown on the approved plans.	Prior to commencement of use and to be maintained at all times.
12.	Landscaping Plan	
A	Unless otherwise agreed to in writing by Council, provide landscaping on site generally in accordance with the approved plans and Planning Scheme Policy - Integrated Design Appendix D - Landscaping. Specifically, <ol style="list-style-type: none"> 1. Pot size detailed in Section 4.2; 2. Plant density detailed in Section 4.3; and 3. Plan selection and species detailed in Section 4.4. 	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	
C	Maintain the landscaping.	At all times.
13.	Street Numbering and Building Names	
	Install street numbering conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
14.	Screening of Loading Facilities / Plant Areas	
A	Screen Plant Areas, Refuse Storage and Other Outdoor Storage Facilities on the site from direct view from adjoining neighbours and any adjoining road or public space.	Prior to commencement of use and to be maintained at all times.
B	Provide a curtain, or similar screening device to hang from the roof of the underground carparking area sufficient to ensure the undercroft of the building (plumbing, electrical, telecommunications and other services, etc) are all screened from being visible when standing at the road frontage.	
15.	Privacy	
A	Provide privacy screening or alternate treatments to the windows in the southern and eastern elevations of the upper floor of the building, noting this does not include the outdoor play area.	Prior to the commencement of the use and to be maintained at all times.


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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
B	Treatments may consist of one or more of the following: 4. Sill heights at a minimum of 1.5 metres above floor level; or 5. Fixed, tinted or opaque glazing in at least any part of the fixed window between the floor level of the building and 1.5m above the floor; or 6. External screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.	
16.	On Site Services	
	Ensure rainwater tanks, hot water tanks, gas bottles and air conditioners are, unless otherwise agreed to in writing by Council: 3. Located in the rear setback; or 4. Located in the side boundaries and screened (e.g. fencing or landscaping) from view of adjoining neighbours or any road frontage; or 5. Entirely underground where located in the front setback.	Prior to commencement of use and to be maintained.
17.	Water and/or Sewerage	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: 7. a reticulated water supply network connection is available to the land; and 8. a sewerage network connection is available to the land; and 9. all the requirements of Unitywater have been satisfied.	Prior to commencement of use.
18.	Fibre Ready Telecommunications – Single	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: 3. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and 4. Extends a communications conduit with drawstring from the external PCD or the likely location of the	Prior to commencement of the use.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO.	
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done. Note: A template for certification is available from council for the purpose of this condition.	
19.	Telecommunications Internal Wiring	
A	Install internal wiring (Category 6 or better) within the building from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide for New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the building that would have been or have been installed for telephone and television connections; including but not limited to sleep rooms, staff rooms, reception, offices and the like.	Prior to commencement of use.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	
20.	Electricity	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an underground electricity supply network has or will be constructed to the site.	Prior to commencement of use.
B	Provide an underground electricity supply connection to the development.	
C	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	
21.	Electrical Transformer	
	Ensure any PAD Mount transformer visible from a public road is painted or has a film applied to it with a mural on all sides that integrates the infrastructure into the location of being adjacent to community activities. Concepts for the mural are to be approved by the Council in writing and align with the use of the land as child caring, child	Prior to commencement of use.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	<p>education, community uses or the like e.g. children playing, children learning, people congregating / moving, or the like. Examples are shown in the images below:</p> <div style="display: flex; align-items: center;">  <div style="border: 1px solid black; width: 200px; height: 120px; margin-left: 10px;"></div> </div>	
ENVIRONMENTAL HEALTH		
22.	External Lighting	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and for parts A and B to be maintained at all times.
B	Ensure all external lighting in the basement car parking area, excluding any emergency lighting, remains off during the period between 9pm on one day to 6am the following day unless approved otherwise by the Council in writing.	
C	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	
23.	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 for part A to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	
24.	Acoustic Attenuation Measures	
A	<p>Provide the following acoustic attenuation measures as specified in the approved Noise Assessment Report:</p> <ol style="list-style-type: none"> 1. Acoustic barriers; 2. Acoustic building treatments; 3. Mechanical plant equipment including air conditioning that is designed, sited and acoustically treated in order to achieve the specified noise limits; and 	Prior to commencement of use and for parts A, B and C to be maintained at all times.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	4. Mechanical ventilation or air-conditioning to specified rooms.	
B	Ensure all portions of the acoustic barrier shown on the proposal plans as being transparent, are constructed with transparent materials.	
C	Install car stacker equipment that is designed to achieve the noise limits specified in the approved Noise Assessment Report and the other requirements of this condition, sufficient to ensure they do not cause an impact on surrounding noise sensitive uses.	
D	Provide certification from a suitably qualified person that the attenuation measures have been installed/ implemented in accordance with the specifications of the approved Noise Assessment Report and the above clauses (A), (B) and (C). Note: Results of on-site noise monitoring of mechanical plant and equipment, including air conditioning and car stackers is to be provided.	
25.	Waste Management Plan	
A	Implement the waste management arrangements identified on the approved plan. Note: This development will use wheelie bins serviced at the kerbside of Eversleigh Road.	Prior to commencement of use and to be maintained at all times.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	
D	Provide a refuse enclosure with solid walls on eastern, southern and northern sides and an attached sealed roof.	
DEVELOPMENT ENGINEERING		
26.	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.
27.	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	Prior to commencement of use.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	no cost to Council unless agreed to in writing by the Council.	
28.	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.
29.	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 such as the following:</p> <ol style="list-style-type: none"> 1. Material delivery and storage locations to ensure they do not cause conflict with the operations of the school; 2. Waste locations and collection details to ensure they do not cause conflict with the operations of the school; 3. Construction office accommodation; 4. Contractor / tradesman vehicle parking arrangements that are not to occur 8-9am and 2:30-3:30pm Monday to Friday (excluding Scarborough State School holidays). 5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday. 6. Deliveries of material and concrete pours are to be outside of school times (8-9am and 2:30-3:30pm Monday to Friday excluding Scarborough State School holidays). 7. Cranes are not to be parked outside of the site during school times (8-9am and 2:30-3:30pm Monday to Friday excluding Scarborough State School holidays). <p>The CMP is to include a site layout plan identifying these areas.</p> <p>Notes:</p> <p>(vi) Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs)</p> <p>(vii) Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate</p>	Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	water quality treatment/improvement is not acceptable (viii) Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP (ix) Materials unloading and loading must occur on-site unless prior written approval is given by Council. (x) All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.	
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
30.	Driveway Crossover	
A	Construct a driveway crossover to the site in accordance with the approved plans and documents of the development approval and IPEAQ Standard Drawing RS-051.	Prior to commencement of use.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	
31.	Existing Driveway Crossover	
	Remove completely all redundant driveway crossovers fronting the development site. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to commencement of use.
32.	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 for part A to be maintained at all times.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	
33.	On Road Parking Bays	

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
A	Relocate one on-road parking bay from the site frontage to a location approximately 30m to the east, as shown in Fig 5 in the Approved Traffic Report letter and in accordance with the approved plans and documents of development and the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD).	Prior to commencement of use.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	

ADVICES	
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 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</p>

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	for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.
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 Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent).</p>

- B. That the Council report for this application be published to the website as Council’s statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That the following information be included in the Decision Notice.

Decision Notice information

	Details to Insert
Application Type	Material Change of Use Development Permit for Child Care Centre
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"> • Building Works – Development Permit (Building Act)
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There were three (3) properly made submissions about this application.

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REPORT DETAIL

1. Background

There is no relevant development history for the subject site.

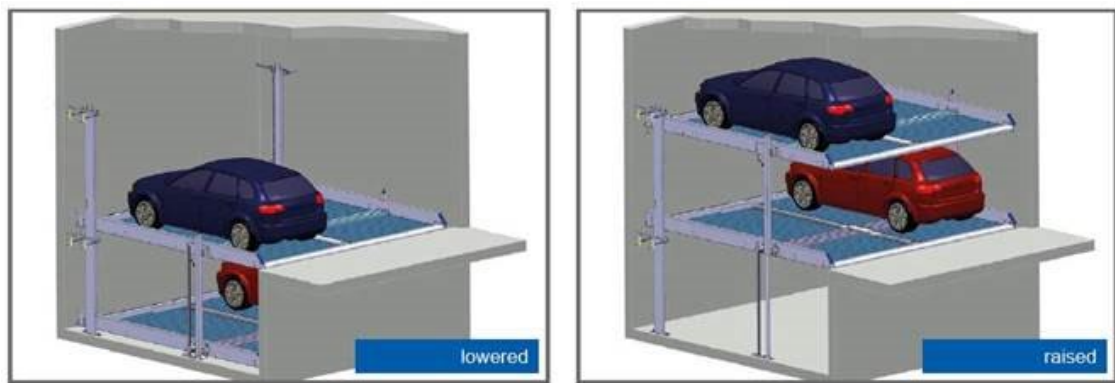
2. Explanation of Item

2.1 Proposal Description

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

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

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



2.2 Description of the Site and Surrounds

2.2.1 Current use of the subject and surrounding land

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

2.2.2 Topography

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

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2.2.3 Access Improvements

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

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



2.3 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

Applicable Assessment Benchmarks:	<u>Regional Plan</u> <ul style="list-style-type: none"> • South East Queensland Regional Plan
SEQ Regional Plan Designation:	<ul style="list-style-type: none"> • Urban Footprint
Koala Habitat Designation:	Nil

2.3.1 *South East Queensland Regional Plan*

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

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

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

2.4.1 *Strategic Framework*

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

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

2.4.2 *Assessment of Applicable Codes*

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General Residential Zone Code - Suburban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO5, PO15, PO67, PO69, PO72, PO73, PO74, PO76, PO80, PO81

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

2.4.3 *Performance Outcome Assessment*

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

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Performance Outcome	Example
<p>Note - To demonstrate compliance with the above a visual impact assessment may be required in accordance with Planning scheme policy - Residential design. Visual impact assessments will require the consideration of all built form matters (e.g. height, setbacks, site cover, building bulk and mass, articulation, roof form and other design aspects) from a variety of perspectives to ascertain if the proposal will result in a positive contribution.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>This application seeks to construct a Child Care Centre having a maximum building height of 9.734m, marginally exceeding the 8.5m height limit as nominated on the Council's Overlay Map - Building Heights.</p>	
<p>Although over the suggested building height by 1.234m, the over height component only relates to the roof ridgeline being a small section of the roof form that is central to the development site. The below images demonstrate the part of the roof proposed above 8.5m with a red dotted line. The proposed Child Care Centre has been designed to reflect a Dwelling House and therefore, although part of the roof exceeds 8.5m, the building will not adversely affect the amenity of the area of adjoining properties and will contribute to the intended built form of the surrounding area. It is also relevant to note that the applicant could have made changes to the proposal to achieve compliance by reducing the roof pitch to make it flatter, however the 25 degree roof pitch as proposed is common to traditional residential dwellings. In order to maintain that character, Council officers are satisfied that being limited to the ridgeline and centrally located will not have an adverse impact on the amenity of the area. Therefore, the proposal complies with the Performance Outcome.</p>	

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

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Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
<p>The proposal includes noise attenuation structures that will be visible from the Eversleigh Road frontage as discussed below.</p> <p>In accordance with the submitted acoustic report, a 2m high acoustic barrier is required along the Eversleigh Road frontage as well as the eastern, western and southern boundaries of the site. At the road frontage, the acoustic fence along the western side of the driveway crossover will be constructed of lapped timber and setback from the road approximately 1m to provide a landscaping screen that will soften the acoustic structure. The eastern side of the driveway crossover consists of a 2m high wall forming part of the refuse enclosure that will be setback 400mm to allow the provision of landscaping. It is a recommended condition of this report that if the application is approved that at the road frontage, the timber acoustic fence and wall of the refuse enclosure be stained/painted, and a feature/treatment be applied to provide visual interest and articulation until a time when the landscaping sufficiently screens the fence/wall. The other boundaries will have a standard 2.0m high acoustic fence to mitigate any noise from the development affecting adjoining properties.</p> <p>In addition, the submitted acoustic report recommends a 2m high acoustic wall along the upper level play area/verandah. The proposal plans demonstrate a variation in materials such as vertical and horizontal cladding, as well as areas of glazing/transparent material to ensure causal surveillance. Further, the built form has been designed to reflect a residential dwelling and therefore the design and materials proposed is consistent with the residential environment and maintains the amenity of the streetscape. It is also proposed that an acoustic curtain below the upper level be installed along the eastern boundary to further mitigate any noise from the development impacting on the neighbour.</p> <p>Overall, with recommended conditions and compliance with the conditions being achieved, if approved, the proposal can comply with the Performance Outcome.</p>	
<p>PO67 Community activities: f. are located to: i. cluster with other non-residential activities to form a neighbourhood hub (this may include being located within or adjacent to an existing neighbourhood hub); or ii. if establishing a new neighbourhood hub (as described in the PO below) be on a main street; g. are located on allotments that have appropriate area and dimensions for the siting of: i. buildings and structures; ii. vehicle servicing, deliveries, parking, manoeuvring and circulation; iii. landscaping and open space including buffering; h. are of a small scale, having regard to the surrounding character; i. are serviced by public transport; j. do not negatively impact adjoining residents or the streetscape.</p>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
<p>The surrounding neighbourhood includes the Scarborough State School to the west and numerous neighbourhood hubs along Oxley Avenue being 85m to the east. The proposed development is well-located and immediately adjacent to the school to commence clustering and the creation of a neighbourhood hub as required by the Performance Outcome. The development application has demonstrated the subject site to be appropriate as it includes a low-rise built form, required vehicle servicing, parking and manoeuvring on site as well as adequate landscaping to provide screening to adjoining residential properties. The subject site is well serviced by established public transport infrastructure, with bus stops located on Oxley Avenue. Furthermore, the proposed built form incorporates architectural design features that are consistent with a residential dwelling including lightweight weatherboard cladding, an upper storey verandah play area and gable roof form.</p> <p>Compliance with the performance outcome has been demonstrated.</p>	
<p>PO69 The expansion (into adjoining lots) of existing neighbourhood hubs or the establishment of a new neighbourhood hub must:</p> <ul style="list-style-type: none"> f. adjoin or address a park, public open space or include privately owned civic or forecourt space having a minimum area of 400m²; g. be located on the corner of a sub-arterial or collector road; h. form a 'Main street' having a maximum length of 200m; i. be centrally located within an 800m radial catchment; j. be separated from other neighbourhood hubs and centres by 1600m, measured from the centre of each neighbourhood hub or centre. 	<p>No example is provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development results in the creation of a new neighbourhood hub, however, does not comply with the performance criteria outlined in items a – e.</p> <p>As the proposal does not comply with this Performance Outcome an assessment against the Overall Outcomes is required and is discussed in the following section of this report.</p>	
<p>PO72 Non-residential uses (excluding a Service station) address and activate streets and public spaces by:</p> <ul style="list-style-type: none"> g. ensuring buildings and individual tenancies address street frontage(s), civic space and other areas of pedestrian movement; h. new buildings adjoin or are within 3m of the primary frontage(s), civic space or public open space; 	<p>No example provided.</p>

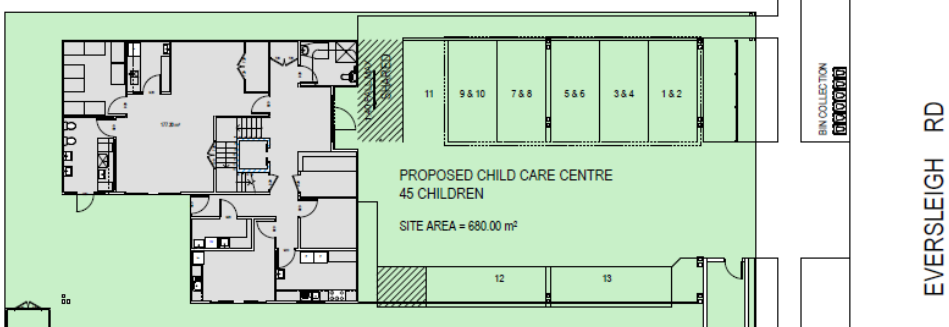
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Performance Outcome	Example
<ul style="list-style-type: none"> i. locating car parking areas and drive-through facilities behind or under buildings to not dominate the street environment; j. establishing and maintaining interaction, pedestrian activity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

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

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

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Performance Outcome	Example
<p data-bbox="469 427 1267 853"> </p> <p data-bbox="316 887 1417 1189"> It is noted that as part of another Child Care Centre application in the region (12-14 Marylin Terrace, Eatons Hill), Council officers sought an independent peer review of car parking rates to identify if an alternate car parking rate would be suitable. The review provided several recommendations of parking rates based on recent parking data obtained as part of an active Planning and Environment Court matter involving the Sunshine Coast Regional Council in response to the Sunshine Coast Regional Council refusing a development application for a Child Care Centre adjacent to a school due to various factors including carparking. This data was more recent and far more accurate than previous data provided by the applicant through traffic impact assessments and was taken of other Child Care Centres (on the Sunshine Coast). </p> <p data-bbox="316 1223 1417 1462"> Therefore, based on the recommendations of the peer review, it is recommended that the proposed rate of 1 space per 3.45 children be accepted in this instance. This rate is considered appropriate to avoid impacts on the road network and to avoid an oversupply of car parking spaces. It is recognised that the development site adjoins the Scarborough State School and that there are existing traffic impacts in this immediate area relating to peak times of the school. However, this Child Care Centre is a relatively small Centre (45 children) when compared to others in the area (as shown below) and will provide an opportunity for families to complete one (1) stop for both the school and Child Care Centre. </p> <p data-bbox="316 1496 906 1525"> <u>Approved Child Care Centre - Children Numbers:</u> </p> <ol data-bbox="316 1532 1118 1637" style="list-style-type: none"> 48 Cardinal Crescent, Newport = 91 children (DA/38459/2019) 608 Oxley Avenue, Scaborough = 90 children (DA/35570/2018) 307 Oxley Avenue, Margate = 132 children (DA/37464/2018) <p data-bbox="316 1671 1417 1753"> Overall, if approved, with a recommended condition relating to the design and management of the car stackers and compliance with the condition achieved, the proposal complies with the Performance Outcome. </p>	<p data-bbox="900 1787 1166 1816">No example provided.</p>
<p data-bbox="316 1794 756 1850"> PO80 On-site landscaping is provided, that: </p> <ol data-bbox="347 1883 863 2054" style="list-style-type: none"> is incorporated into the design of the development; reduces the dominance of car parking and servicing areas from the street frontage; retains mature trees wherever possible; 	<p data-bbox="900 1787 1166 1816">No example provided.</p>

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

2.4.4 Overall Outcome Assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.5 Trunk Infrastructure

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

2.5.1 Levied Charge

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

2.5.2 Levied Charge Credit

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

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

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

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

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

The credit available under this option is \$18,406.59 based on a 3-bedroom residential dwelling and the proportional split stated in Table 3 of the CR.

2.5.3 Levied Charge Offset or Refund

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

2.5.4 Additional Trunk Infrastructure Costs

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

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

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

AND

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

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

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

2.7 Referrals
2.7.1 *Council Referrals*

2.7.1.1 Development Engineering

Traffic, Access & Parking

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

2.7.1.2 Environmental Health

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

Acoustic Amenity

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

Waste Management

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

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

2.7.2 *Referral Agencies*

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

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

2.7.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

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

2.7.2.3 Third Party Agencies

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

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

2.8.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		3
	Petition	0	0
Not Properly Made	Letter, Email, Fax		0
	Petition	0	0
Total			3

The matters raised within the submissions are outlined below:

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

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

Assessment of Submissions
<ul style="list-style-type: none"> • Teachers already park in the side streets with the need for policing and I would see this becoming a further issue for the area and stretching public resources further
<p>Discussion:</p> <p>The submitter concerns are acknowledged, and it is recognised that the existing school traffic would create congestion at peak times. It is further recognised that the addition of a Child Care Centre may create additional traffic impacts through peak times when parents are dropping off and picking up their children. However, there is also potential for some families who already attend the school to complete one (1) stop for both the school and Child Care Centre. Further, the proposed Child Care Centre only seeks to cater for forty-five (45) children which is smaller than other centres within the region as shown below:</p> <ol style="list-style-type: none"> 1. Newport Child Care Centre - 48 Cardinal Crescent = 91 children (DA/38459/2019) 2. 608 Oxley Avenue, Scaborough = 90 children (DA/35570/2018) 3. 307 Oxley Avenue, Margate = 132 children (DA/37464/2018) <p>The development proposes a total of thirteen (13) on-site car parking spaces that was increased from the nine (9) originally proposed when the development application was publicly notified. This now includes the provision of five (5) car stackers that will be used along the boundary adjoining the existing school (not adjoining existing residents). The applicant has advised that a total of six (6) staff will be on-site during the peak morning and afternoon drop off and pick up periods. This therefore provides a total of seven (7) car parking spaces to be utilised by parents in peak times.</p> <p>The Planning Scheme seeks Child Care Centre's to provide on-site car parking at a rate of one (1) per staff and one (1) per five (5) children, equating to fifteen (15) spaces in this instance (45 children; 6 staff). As thirteen (13) spaces are to be provided a performance solution is sought to allow the slightly reduced number of car parking spaces (shortfall of 2).</p> <p>As discussed in the assessment of the proposal against Performance Outcome PO76 above in section 2.4.3 of this report, a peer review of the car parking supply for a different proposal adjacent to a school has recommended a car parking rate of 1 space per 3.42 children. When applying that rate to this proposed Child Care Centre consisting of 45 children, thirteen (13) on-site car parking spaces are required noting that includes provision for staff parking. It is on this basis that Council officers have negotiated with the applicant to increase the originally proposed 9 spaces to 13 representing a 45% increase.</p> <p>In reference to traffic, Council offices have assessed the proposal and as Eversleigh Road is a District Collector Road with a carriageway width of 13.5m along the frontage of the site, the road has been determined to have sufficient capacity to accommodate the demands of the development without safety concerns or risks at the driveway access location.</p> <p>Overall, although it is recognised that the existing school traffic creates congestion at peak times and that the proposal may add in some small way to the traffic, the proposed Child Care Centre is a relatively small centre and provides appropriate on-site car parking to cater for the demand of the centre with Eversleigh Road itself having sufficient carrying capacity.</p> <p>Therefore, the items raised are not sufficient grounds for refusal of the application.</p>

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

Assessment of Submissions

Issue - Amenity

- **On a study of the plans it appears the construction will come within 3 metres of my property back boundary. As it will be a double storey building with classrooms on the top level privacy at the back of my property will be lost**
- **Noise will likely carry from the top level down over the boundary fence**
- **Council needs to consider its rate payers and allow them peaceful enjoyment of their property**
- **I would also be concerned with the height of the boundary fencing. There appears to be a lack of sound proofing from around the back play area which will be disturbing to neighbours on all sides. I know we are located beside the Scarborough State School, however it has been designed that all major play areas are in spaces away from residential housing**
- **Where will the air conditioning units be located? The constant humming noise from the commercial equipment can be extremely annoying both day and night**

Discussion:

This application seeks to demolish an existing 2 storey Dwelling house and construct a 2 storey Child Care Centre. The site adjoins the Scarborough State School to the west, with existing residential dwellings to the east and south.

It is acknowledged that there are potential amenity issues that can arise with the commencement of a Child Care Centre. To address any potential noise concerns, the applicant has as part of the application submitted a Noise Assessment Report that provides recommendations as to how the proposal can prevent any potential noise impacts.

Recommendations of the report includes the following (also refer to below images):

- i. provision of a 2m high acoustic fence around the east, west and south of the site, with a portion of acoustic fence at the front of the site;
- ii. provision of upper floor acoustic screening (around outdoor play areas);
- iii. 0.8m acoustic valance adjacent to the two (2) car parking spaces adjoining the residential dwelling to the east; and
- iv. Limit the use of the outdoor play areas to the hours of 7am to 6pm.

If this application is approved, it is recommended that a condition of any approval require the use to comply with the recommendations of this Noise Assessment Report.

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

Ground level

First level

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

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

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

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

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

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 6 April 2021. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.9 Other Matters
None identified.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

- 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.
- Permit conditions require infrastructure contributions to Council.

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay Region.

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Refer to clause 2.8.

Council resumed discussion on the following item, as deferred previously in the meeting (refer to page number 21/1018).

ITEM 4.1 - PREVIOUSLY DEFERRED (REFER PAGE 21/1018)
DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL

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

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

Meeting / Session: 4 PLANNING
Reference: 62223057 : 24 February 2021 – Refer Supporting Information 62223078, 62341756, 62341762, 62341763, 62341764, 62396601
Responsible Officer: KA, Senior Planner (PL Development Services)

Executive Summary

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

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

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 and Consistent

ITEM 4.1 - PREVIOUSLY DEFERRED (REFER PAGE 21/1018) DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL - 62223057 (Cont.)

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

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

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

The proposed development is consistent with the intent of the MBRC Planning Scheme and is recommended to be approved subject to conditions.

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

RESOLUTION

Moved by Cr Brooke Savige
Seconded by Cr Adam Hain

CARRIED 13/0

That the proposed development application for a Development Permit for a Material change of use for a Child Care Centre over premises located at 12 and 14 Marylin Terrace, Eatons Hill, formally described as Lots 41 and 42 on RP862580 be refused on the following basis:

- (a) **The proposed development is not consistent with the Council's Moreton Bay Regional Council Planning Scheme 2016 Version 4 and will have a material impact on the locality in the following respects:**
 - (i) **Town planning;**
 - (ii) **Amenity; and**
 - (iii) **Traffic, both vehicular and pedestrian traffic.**
- (b) **There is no town planning or economic need for the proposed development the subject of the Development Application;**
- (c) **The proposed development the subject of the Development Application is of a scale and nature which is not intended on the subject land, but which is intended and provided for by the Council's planning scheme in other parts of the local government area.**
- (d) **The proposed development the subject of the Development Application would be contrary to the community's expectations.**
- (e) **The proposed development the subject of the Development Application cannot be appropriately conditioned to overcome the material impacts with the Council's planning scheme and the locality more broadly.**

ITEM 4.1 - PREVIOUSLY DEFERRED (REFER PAGE 21/1018) DA/42105/2020/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE (95 CHILDREN) - 12 & 14 MARYLIN TERRACE, EATONS HILL - 62223057 (Cont.)

- (f) **Approval of the proposed development the subject of the Development Application would not represent a balanced decision in the public interest and would not advance the purpose of the Planning Act 2016.**
- (g) **There are otherwise no other relevant matter/s that would tip the balance of favour in support of an approval of the Development Application.**

ITEM 4.3

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

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

OWNER: Ausbuild Development Corp No 11 Pty Ltd

Meeting / Session: 4 PLANNING
Reference: 61883228 : 30 June 2021 – Refer Supporting Information 62372509, 62372528, 62372543, 62372561, 62456838 & 62495894
Responsible Officer: WM, Principal Planner (PL Development Services)

Executive Summary

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

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

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

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

ITEM 4.3 DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT - 61883228 (Cont.)

This development application seeks;

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

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

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

MOTION

Moved by Cr Cath Tonks

Seconded by Cr Jodie Shipway

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

After considerable debate, the motion was put to the vote and declared **CARRIED 8/5**

The following Councillors voted against the motion:

*Cr Brooke Savige
Cr Mark Booth
Cr Karl Winchester
Cr Cath Tonks
Cr Matt Constance*

ITEM 4.3 DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT - 61883228 (Cont.)

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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

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

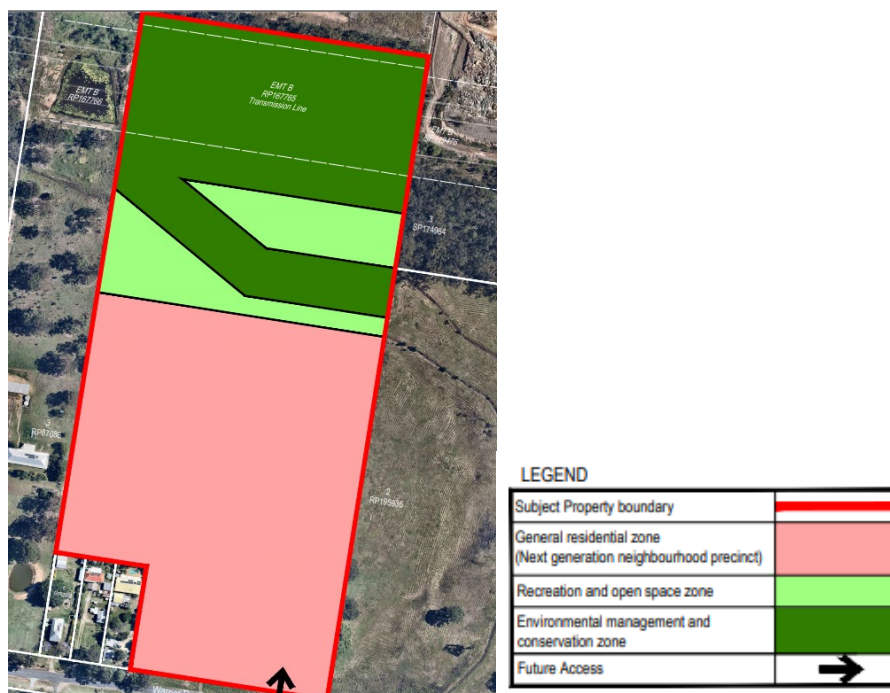
ITEM 4.3 DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT - 61883228 (Cont.)

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

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

The Proposal

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



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

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

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

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

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

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

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

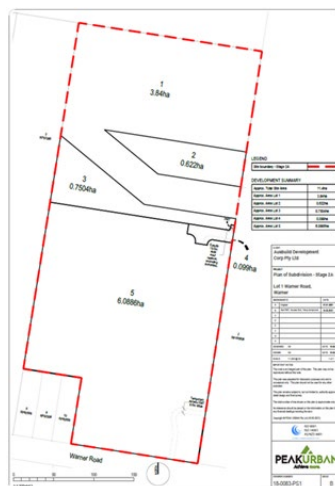


Figure 2: Stage 2A Subdivision Plan

Subsequent to Stage 2A being carried out, it is then proposed to carry out Stages 3 and 4 of the reconfiguration that involves the creation of 102 residential lots (Figure 2). As shown on the plan, none of the proposed lots are to have a frontage of less than 10 metres and all of the proposed lots along the Warner Road frontage will have a minimum size of 600m². The proposal is consistent with and connects to the previously approved Ausbuild 1 development.

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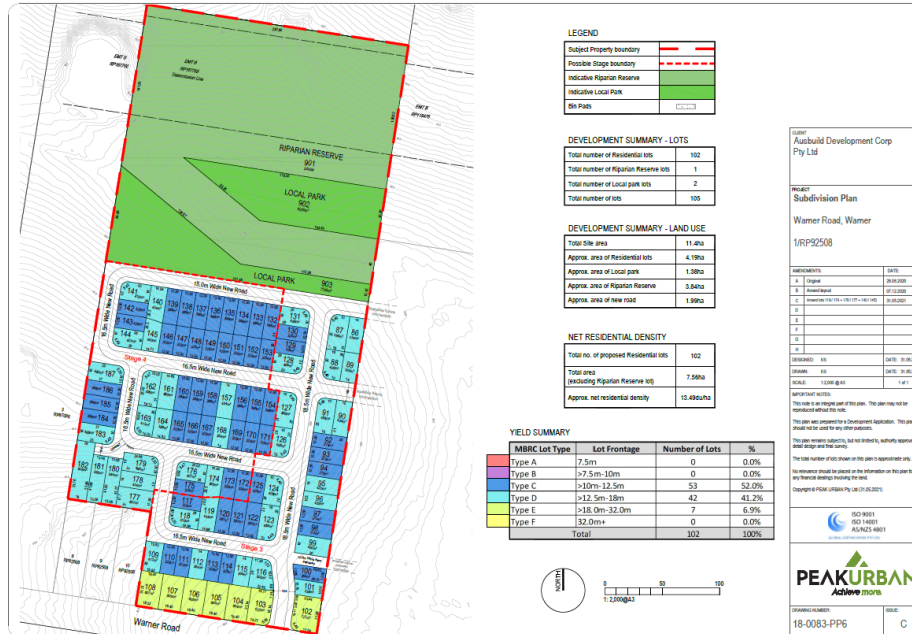


Figure 3: Stage 3 & 4 Subdivision Plan

2. Explanation of Item

2.1 Description of the Site and Surrounds

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

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

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

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

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

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Directions	Planning Scheme Zone	Current Land Use
	<ul style="list-style-type: none"> General Residential - Suburban Neighbourhood Precinct; Industry (Light Industry); and Rural Residential. 	
West	Rural Residential	Rural residential detached dwellings

2.2 Assessment Benchmarks related to the Planning Regulation 2017

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

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

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 - liveable 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

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Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
Yes	<ul style="list-style-type: none"> (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.
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <ul style="list-style-type: none"> (1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is: <ul style="list-style-type: none"> (a) coastal dependent development; or (b) temporary, readily relocatable or able to be abandoned development; or (c) essential community infrastructure; or (d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned. (2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level. 	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply based on the technical reports submitted with the development application.

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	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the Site or to other properties.</p> <p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
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 designation.

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

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

Koala Habitat Area

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

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

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

2.3.1 *Strategic Framework*

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

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

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

Section 3.14 of the Strategic Framework, specific to the Place Type Model states;

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

The Site is located within the Rural Residential Place Type of the MBRC Planning Scheme while also being identified as an Investigation Area.

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

Strategic Outcome	Comply	Assessment
Theme - Sustainability and Resilience		
<p><i>Design and site development and infrastructure using sustainability and urban design principles to reflect the Region's subtropical climate, reinforce local character and achieve innovation and design excellence.</i></p> <p><u>Specific Outcomes</u></p> <p>1. All development, including buildings and infrastructure, will incorporate subtropical design principles, including orientation, siting and passive climate control, in the planning, design and delivery process to minimise land</p>	Yes	The proposal seeks a Preliminary Approval for a Material Change of Use for Dwelling Houses, Home Based Business, Park and Sales Office (including a variation request to vary the effect of the MBRC Planning Scheme 2016) and a Reconfiguring a Lot - Development Permit for Subdivision (1 into 102 lots). Accordingly, there is no specific building design elements to the proposal submitted. However, the layout of the development and the proposed provision of infrastructure is consistent with the urban design principles and sustainability requirements articulated in

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Strategic Outcome	Comply	Assessment
<p>consumption and service costs and improve design of new development;</p> <p>2. The design and orientation of all buildings and allotments will take advantage of the Region's climate and reduce the use of energy, especially for cooling and heating, in accordance with sub-tropical design principles and climate smart initiatives;</p> <p>3. The level of water and energy consumption will be reduced by:</p> <p>a. encouraging the use of climate smart initiatives;</p> <p>b. implementing the Moreton Bay Regional Council's Total Water Cycle Management Plan; and</p> <p>c. avoiding land use change and development that has adverse impacts on land, water and air quality and is associated with environment, health and safety concerns; and</p> <p>4. Development outcomes are focused on creating multiple benefits to the community, the economy and the environment.</p>		<p>the codes and policies in the MBRC Planning Scheme.</p> <p>The orientation of the lots is developed in a manner which takes advantage of the region's climate.</p> <p>The development outcomes will result in the delivery of affordable residential lots to help meet the housing needs of the community while also providing rehabilitated / revegetated land to the community for environmental purposes supported by the infrastructure necessary.</p>
<p><i>Greenhouse gas emissions are reduced from development, land management and other planning decisions in the region.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Support relevant sustainable/ alternative energy strategies, policies and projects that assist in the production of a decentralised energy grid and support smart grid initiatives;</p> <p>2. Incorporate planning and design measures in development, land management and other planning decisions to reduce greenhouse gas emissions in accordance with climate smart design principles, Next Generation Planning handbook planning principles and smart growth principles;</p> <p>3. Reduce greenhouse gas emissions from transport fuel consumption by adopting patterns of urban development that reduce the need to travel and the distance travelled and</p>	<p>Yes</p>	<p>The proposed development reflects the principles of reducing greenhouse gas emissions by providing active transport infrastructure. Similarly, the proposal will designate 3.84ha as Environmental Management and Conservation zone and 1.38ha of local recreation park.</p>

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Strategic Outcome	Comply	Assessment
<p>by facilitating an increase in provision of active and public transport alternatives;</p> <p>4. Improve energy efficiency through siting, design, construction and use of demand management technologies to reduce greenhouse gas emissions from electricity use;</p> <p>5. Increase the local provision of renewable energy and low emission technology in appropriate locations;</p> <p>6. Increase stored carbon through the retention or planting of trees or other vegetation, and other land management practices that also provide sustainability and amenity outcomes; and</p> <p>7. Develop urban and peri-urban agriculture strategies, policies and projects that support local sustainable commercial and community food growing in the region to assist in reducing emissions and transport costs.</p>		
<p><i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Respond to the risk from natural hazards, including projected changes in weather, by avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;</p> <p>2. Respond to the risk from natural hazards, including projected changes in weather, by establishing adaptation strategies to minimise vulnerability to heatwaves and high temperatures, reduced and more variable rainfall, cyclones and severe winds, and severe storms and hail; and</p> <p>3. Recognise and respond to changes in urban climates due to land use</p>	<p>Yes</p>	<p>The single critical natural hazard applicable to the Site is bushfire, the overlay map of which is proposed to be varied as part of this application.</p> <p>Significant variations to the Bushfire Hazard Overlay map are proposed with the development proposal based on a site specific assessment in combination with the development of a Bushfire Hazard and Mitigation Plan for the Site. Site specific responses are proposed to minimise bushfire risks from the existing vegetation to be retained and revegetated corridors that are proposed.</p>

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Strategic Outcome	Comply	Assessment
conversion and urban heat island effect from increased development intensity.		
<p><i>Identify people, economic sectors and areas that are at risk due to oil supply vulnerability and increase their resilience to the effects of oil supply vulnerability.</i></p> <p><u>Specific Outcomes</u> Manage risks and reduce impacts on people, economic sectors and areas from the effects of oil supply vulnerability by:</p> <ul style="list-style-type: none"> a. Designing development to encourage walking, cycling and public transport use to access local shopping facilities and employment locations, and early provision of public transport services; b. ensuring transport infrastructure and service investment actively reduces oil dependence, particularly for trips that could be undertaken by public or active transport; and c. reducing the length of trips and dependence on oil by localising access to goods, services and employment opportunities. 	Yes	<p>The proposed development responds to oil supply vulnerability by providing active transport infrastructure and being located in an area in close proximity to commercial and employment centres, schools and the like.</p> <p>The subject site is within 900 metres of a public transport route on South Pine Road.</p>
<p><i>The adverse effects of development on land, air quality and noise levels are avoided in the first instance, mitigated and managed to within acceptable levels and environmental harm is avoided.</i></p> <p><u>Specific Outcomes</u></p> <ul style="list-style-type: none"> 1. Development minimises the adverse effects of land degradation; 2. In areas where land degradation has occurred, the land is restored to a healthy, self-sustainable and stable condition; 3. Development does not lead to adverse impacts on air quality by contamination; and 4. Development does not lead to environmental harm or nuisance through unacceptable levels of noise. 	Yes	<p>Substantial areas of land are proposed to be transferred to the Council with the development proposal and previously cleared areas are proposed to be revegetated to resemble their original regional ecosystem.</p> <p>Given the proposed use, being primarily residential allotments, no Noise Impact Assessment was required as it is expected that noise pollution as a result of the proposal would be low and consistent with the amenity of the area.</p>
Theme - Natural Environment and Landscape		
<i>Biodiversity and associated ecosystem services of the Moreton Bay Region will be</i>	Yes	The proposed development will remove 30 Non-Juvenile Koala Habitat Trees

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Strategic Outcome	Comply	Assessment
<p><i>protected, managed and enhanced, and resilience of ecosystems (including sub-tidal ecosystems) to the impacts of changing weather patterns and other environmental challenges will be maximised.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> 1. The Region's current network of protected areas will be conserved and expanded to achieve viable representations of all the Region's currently identified and future regional ecosystems to ensure biodiversity resilience and ongoing provision of ecosystem services; 2. Ecological connectivity to improve ecological robustness and resilience to changing weather patterns and other threats will be maintained and improved through retention of native vegetation, managed regrowth and rehabilitation; the use of mechanisms such as development offset and mitigation contributions and non-planning scheme measures such as voluntary agreements and Land for Wildlife programs; 3. The green infrastructure network within the urban footprint will be incorporated into the design of development in a way that complements and supports the intended urban design outcomes for the relevant place and also allows for an ongoing supply of ecosystem services to the community and to conserve biodiversity values. In order of priority the actions to be taken are: <ol style="list-style-type: none"> a. protection of existing natural areas or land adjacent to natural areas not already protected in perpetuity; b. rehabilitation of degraded natural areas; then c. habitat enhancement of priority species and ecosystems; and 4. Where an area within the green infrastructure network is not incorporated into the design of 		<p>(NJKHTs); but will transfer to the Council 3.84ha of revegetated and rehabilitated land. Comparatively to what is currently on the Site, being grassed and vastly cleared of vegetation, it is a positive result for the natural environment and landscape.</p> <p>The revegetation will supplement the existing dense vegetation directly north east of the Site and seek to extend an important fauna corridor in the area contributing to the creation of an extended green infrastructure corridor.</p> <p>The proposal achieves the Strategic Outcomes.</p>

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Strategic Outcome	Comply	Assessment
<p>development but is allowed to be cleared, the effect of this clearing may be required to be offset in an environmental offset area as identified in Planning scheme policy - Environmental areas and corridors, Section 11.3 Offset receiving site location hierarchy.</p>		
<p><i>Koala population viability within the Moreton Bay Region will be maintained and improved.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> 1. Strategic koala habitat networks will be conserved and expanded to ensure strong and safe habitat and linkages for koalas across our Region; 2. Development in koala movement areas or near to koala habitat areas and corridors will incorporate koala design principles to reduce threats to koalas, integrating green infrastructure that maximises koala movement across the landscape, such as koala friendly fencing, culverts and land bridges; and 3. Where vegetation within priority species habitat (refer to Planning scheme policy - Environmental areas and corridors, Section 3 Priority and other native species, and Section 14 List of priority species of Moreton Bay) and movement areas is removed an offset will be sought for placement within an environmental offset area as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy. 	Yes	
Theme - Strong Communities		
<p><i>Utilise the principles of urban design to promote healthy and safe communities.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> 1. Sustainability and urban design principles and the standards of universal access and safety will be used to create built environments 	Yes	<p>No built form is proposed in the Material Change of Use component, including the variation, of the development application.</p> <p>The proposed reconfiguration is however consistent with the MBRC Planning Scheme in proposing an interconnected grid layout of subdivision with active</p>

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

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Strategic Outcome	Comply	Assessment
<ol style="list-style-type: none"> 1. Identify and respond to community needs for urban community greenspace generated as a result of urban development, especially in areas targeted for redevelopment, infill and new walkable neighbourhoods; 2. Ensure urban community greenspace is integrated into the planning, design and development of existing neighbourhoods targeted for infill and redevelopment and new walkable neighbourhoods to provide for land use efficiencies and long-term sustainability; 3. Respond to growth in a co-ordinated manner, with place and function as a focus through the use of open space typologies in regard to defined place types; 4. Create a more flexible open space planning framework that responds to increased residential populations and changing demographic compositions; and 5. Encourage the shared use of open space where appropriate through the development of design principles for new open space. 		
<p><i>Provide for a variety of outdoor recreation opportunities including recreation trails and camping areas to meet community demands.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> 1. A variety of outdoor recreation opportunities is provided to meet community demands; 2. Identify possible locations for hard to locate sports within the inter-urban break; 3. Provide a range of recreational trails for a range of users in diverse settings that range from urban to natural; 4. Provide facilities and areas that allow equitable use by a broad range of active sport, recreation and community activities, including: 	Yes	

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Strategic Outcome	Comply	Assessment
<p>a. venues for organised and informal activities;</p> <p>b. civic and cultural activities including festival and public events;</p> <p>c. coastal foreshores and esplanades; and</p> <p>d. high impact sporting and recreational uses in appropriate locations; and</p> <p>5. Provide recreational experiences that promote a healthier lifestyle including recreational trails, passive parkland and formal sporting facilities.</p>		
<p><i>A variety of housing options is provided to meet diverse community needs and achieve housing choice and affordability.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Council's planning initiatives are primarily aimed at increasing population in close proximity to services, public transport and employment to make the overall cost of living more affordable by reducing overall lifestyle costs, particularly transport costs, energy costs by requiring services and facilities close to where people live;</p> <p>2. Significant housing development will continue across the region with a greater range of housing types being built in new developments and in established areas targeted for infill and redevelopment;</p> <p>3. New housing developments will be planned, designed and delivered taking into account the neighbourhood and place type, existing and future housing needs in the area, and the connectivity and accessibility required to create a walkable neighbourhood and encourage active transport;</p> <p>4. Council will support the provision of affordable housing through community-based, not-for-profit entities and housing cooperatives and the private sector;</p> <p>5. All major new developments will be encouraged to incorporate a greater range of housing types and</p>	<p>Yes</p>	<p>The proposal provides lots ranging from 325m² to 828m² that support both housing diversity and affordability and have the appropriate dimensions in accordance with the Planning Scheme to accommodate private open space.</p> <p>The proposal also provides active transport linking the development to South Pine Road along Warner Road where public transport is available.</p> <p>The Site is located approximately 1.6km from Eatons Hill that accommodates significant commercial and community uses including supermarkets, retail shops, a hotel, educational facilities, places of worship and the like as well as major district sporting facilities. The Brendale Industrial estate being one of the major employment areas in the region is also located approximately 1.6km away from the Site.</p> <p>The Site is well located for residential development that has been recognised elsewhere in the MBRC Planning Scheme confirming the development of the Site for residential purposes is consistent with the Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>affordable housing products that demonstrate housing affordability, including appropriate housing for the entry buyer and low-income housing markets and demographic mix;</p> <p>6. Council will lobby the other levels of government regarding decisions on the disposal or redevelopment of government property and surplus land to include consideration of the opportunity for that land to be used for affordable housing purposes; and</p> <p>7. Appropriate 'private open space' is provided in the development of all housing products.</p>		
Theme - Settlement Pattern and Urban Form		
<p><i>A more compact urban form is developed within the urban footprint by a program of urban design and sustainability principles aimed at increasing the jobs and people per hectare in targeted locations (to help achieve Council's long term 70% local employment target), creating walkable communities, and a viable quality transit system.</i></p> <p><u>Specific Outcomes</u></p> <p>1. A more efficient land use and development pattern will be achieved progressively over time by:</p> <ul style="list-style-type: none"> a. limiting new urban development occurring outside the Urban Footprint to land in an Identified Growth Area and part of new master planned walkable and transit-based neighbourhoods which are contiguous with existing neighbourhoods wherever possible; b. encouraging more intense development and a greater mix of uses at targeted locations within the Urban Footprint; c. requiring new development to be integrated into existing neighbourhoods in a spatially cohesive manner to help create walkable communities with an emphasis being placed on active 	<p>Yes</p>	<p>The proposal provides suitable road connections and an upgrade to the active transport network along Warner Road supporting and encouraging safe movement through the community.</p> <p>The proposal will establish a next generation style neighbourhood with lots ranging from 325m² to 828m² which supports both housing diversity and affordability.</p> <p>The proposal is consistent with the Strategic Outcomes for the theme.</p>

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Strategic Outcome	Comply	Assessment
<p>transport and access by transit; and</p> <p>d. directing growth away from areas of higher risk of natural hazards, given that urban land allocations outside these areas are sufficient to accommodate growth beyond the life of the planning scheme.</p> <p>2. Ensure that new development and redevelopment in established urban areas reinforces the strengths and individual character of the urban area in which the development occurs;</p> <p>3. Target growth in locations within the Urban Footprint in growth areas and in investigation areas that provide superior transportation choices or otherwise reduce car use, particularly through supporting growth in targeted established urban areas and redevelopment in and around existing urban centres and along priority transit networks and other high-frequency transit corridors;</p> <p>4. Within the Urban Footprint, Council will consolidate and maintain rural residential development in the identified rural residential areas in locations where this form of development will not compromise the orderly, progressive and efficient expansion of the urban area and its associated infrastructure networks;</p> <p>5. Development in the Urban Footprint, in growth areas and in investigation areas protects agricultural land outside the Urban Footprint with the onus of buffering placed on land in the Urban Footprint, growth areas and in investigation areas.</p> <p>6. New industrial land uses are appropriately separated from sensitive land uses; and</p> <p>7. New development including sensitive land uses recognises existing industrial development and includes appropriate separation measures</p>		
<p><i>New master planned walkable neighbourhoods, activity centres and enterprise and employment areas served</i></p>	<p>Yes</p>	<p>All the required services and infrastructure needed to facilitate development will be made available to</p>

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Strategic Outcome	Comply	Assessment
<p><i>by public transport have a role to play in helping to accommodate regional dwelling and employment targets and require comprehensive planning to coordinate future development with infrastructure delivery.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> 1. New urban development will be supported in greenfield locations with available infrastructure capacity or where infrastructure capacity can be provided efficiently and cost effectively and without creating disadvantage to current and planned priority infrastructure areas; 2. New development and land use patterns that would compromise or constrain the efficient expansion of the infrastructure system and services required to service development and/or the corridors required for provision of infrastructure will be discouraged; 3. Development within new greenfield developments and rural residential transition areas is to be designed and developed as part of a future transit based walkable neighbourhood and as such must provide pedestrian, cycle, local road, open space and waterway connectivity, within the neighbourhood and adjacent areas in accordance with the specific outcomes of the relevant place types; 4. Urban development of greenfield areas will not be supported unless it is designed and developed as a series of transit based walkable neighbourhoods and with an appropriate network of centres, public spaces and pedestrian, cycle, local road, green infrastructure, within the neighbourhood and to adjacent areas in accordance with the specific outcomes of the relevant place types and local plan strategies; 5. New "15 minute" walkable neighbourhoods will include a diversity of uses and employment opportunities at a minimum of 35 		<p>the Site, including a network of green infrastructure and recreational facilities.</p> <p>The proposal demonstrates a suitable and integrated road hierarchy in addition to a pathway network proposed for the development.</p> <p>The proposal provides suitable road connections and an upgrade to the active transport network along Warner Road supporting and encouraging safe movement through the community.</p> <p>The proposal will establish a next generation style neighbourhood with lots ranging from 325m² to 828m² which supports both housing diversity and affordability.</p> <p>As stated previously, the Site is well located due to its proximity to commercial, community and employment uses supporting the development of the land for residential purposes.</p> <p>The proposal is consistent with the Strategic Outcomes.</p>

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Strategic Outcome	Comply	Assessment
<p>people and jobs per hectare to support viable public transport services and walkable communities and encourage active transport. These new neighbourhoods will be designed around local centres and neighbourhood hubs and include a range of community facilities and services and public spaces required by the local community. A range of different housing types will be provided on a range of lot sizes. Pedestrian and cycle way networks and local road systems will be designed to maximise connectivity;</p> <p>6. Greenfield development sites will be designed to demonstrate best practice in community services, urban green infrastructure, communication, mobility, energy efficiency, water cycle management and waste management; and</p> <p>7. Urban development avoids areas of higher natural hazard risk and otherwise ensures development subject to natural hazards is compatible with the risk presented to protect people, property and infrastructure.</p>		
Theme - Employment Location		
Theme - Rural Futures		
Theme - Natural Resources		
Theme - Integrated Transport		
<p><i>Plan for a more compact settlement pattern and urban form to encourage sustainable travel patterns: reducing the need to make trips by any motorised form and to reduce the length of motorised trips.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Support transit oriented communities at locations with high frequency public transport services and access to good quality and safe cycling and walking routes;</p>	<p>Yes</p>	<p>As stated above, the proximity of the Site to public transport, commercial and community centres as well as places of employment supports the creation of a more compact settlement pattern in the region, with the development having the infrastructure necessary to support it, having regard to its context in the natural landscape.</p> <p>The proposal is consistent with the Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<ol style="list-style-type: none"> 2. Sufficient infrastructure is provided to connect communities and increase self-containment in the region; 3. Reduce the length and reduce the frequency of car trips; 4. Reduce the length and increase the frequency of public transport trips; 5. Increase the length and increase the frequency of walking and cycling trips; 6. End of trip facilities are provided in public and private developments in activity centres to encourage walking and cycling; 7. Complementary land uses are provided in close proximity to each other, encouraging shorter trips and a higher level of linked trips (e.g. child-care facilities, open space and shops located close to work-places) and providing opportunities for communal parking; 8. Ensure new development is serviced with new public transport routes, facilities and high frequency services, including priority transit corridors, to establish improved mode share at an early stage; and 9. Appropriate fauna management practices are implemented where necessary to protect wildlife. 10. Appropriate measures are implemented where necessary to protect water quality in drinking water catchments. 		
<p><i>Influence sustainable travel behaviour by creating attractive places to walk and cycle.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> 1. Provide good quality urban design to encourage Crime Prevention Through Environmental Design principles to improve the design quality of public space; 2. Activate areas to encourage a sense of community, creating a feeling of safety and encouraging more people to walk; 	<p>Yes</p>	<p>The development proposes through its subdivision component a layout of development with integrated and connected local roads supported by a network of active transport paths. Internal roads are proposed adjacent to proposed areas of public open space to enhance casual surveillance of the public open space to ensure CPTED outcomes are achieved. The development if approved, would encourage and support active transport and is therefore consistent with the Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>3. Pedestrian and cycle routes and associated infrastructure are well managed and maintained;</p> <p>4. Promote the health aspects of walking and cycling; and</p> <p>5. Provide best practice design of the transport network to reduce accidents and improve safety, particularly related to pedestrians and cyclists.</p>		
Theme - Infrastructure		
<p><i>Use infrastructure to support desired regional growth and help create a more compact urban pattern, cohesive urban and rural communities, and regional economic development.</i></p> <p>1. Council is approaching the challenge of growth management by adopting smart growth principles and the MBRC Place Model. This model will integrate land uses, transport and infrastructure to promote a more compact urban form, including increased availability and diversity of housing for people of all income levels, walkable neighbourhoods, creating distinctive and attractive mixed use communities, access to a variety of transportation choices, reduced car dependency, protecting our natural landscapes, targeting new development to accessible infill locations and prioritising use of existing infrastructure.</p>	Yes	<p>As stated above in the assessment of the proposal against other Themes, the proposal will utilise existing infrastructure and provide improvements to the networks where it is needed including the green infrastructure network, consistent with this Strategic Outcome.</p>
<p><i>Facilitate access to high-speed broadband telecommunications.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Council is supportive of high speed internet access for all and encourages the roll out of the high speed broadband services throughout the Region including access for the more remote rural areas; and</p> <p>2. Council will continue to monitor the growth of the digital economy and its potential impacts on lifestyles and development within the Region and</p>	Yes	<p>While not applicable to the Material Change of Use component of the development application, the subdivision component of the development proposal will require the residential lots to be connected to the broadband network.</p>

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Strategic Outcome	Comply	Assessment
<p>will seek to identify opportunities provided by the new economy to support greater levels of economic development/job self containment within the Region and opportunities for telecommuting to replace commuter travel to the city.</p>		
Theme - Water Management		
<p><i>Floodplains in the region will be managed for the long-term benefit of the community such that hazards to people and damages to property and infrastructure are minimised and the intrinsic environmental values of the floodplain are protected.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> 1. The natural function of the Region's floodplains are preserved and enhanced; 2. The different flood behaviour that occurs across the region in a variety of events, up to and including the probable maximum flood, are recognised and planned for; and 3. Land use planning and development controls minimise both the exposure of people to flood hazard and the potential damages to property and infrastructure. 	Yes	<p>The Site is not affected by flooding hazard.</p>
<p><i>Ensure development is appropriately planned, designed, constructed, operated and maintained to manage stormwater and wastewater in order to protect the environmental values.</i></p> <ol style="list-style-type: none"> 1. Incorporate water sensitive urban design principles into urban developments to reduce the impact of stormwater run-off and associated pollutants generated from urbanised areas, including: <ol style="list-style-type: none"> a. naturalising stormwater run-off, rather than rapidly conveying stormwater; b. rainwater tanks to conserve potable water supplies; 	Yes	<p>While not applicable to the Material Change of Use component of the development application, the subdivision component of the development proposal will provide stormwater solutions that achieve state and local government requirements with large areas of land proposed to be transferred to the Council being revegetated and having broader benefits to improving water quality in the catchment.</p>

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Strategic Outcome	Comply	Assessment
<ul style="list-style-type: none"> c. vegetated swales and buffer strips to reduce flow velocities and filter pollutants; d. water-efficient landscaping; e. at-source stormwater treatment through streetscape bioretention/rain gardens; f. constructed stormwater wetlands to treat run-off from larger catchments; g. protecting water-related environmental, recreational and cultural values; h. stormwater harvesting for various uses in localised catchments; and i. greywater re-use and on-site sewerage treatment facilities. 		
Theme - Planning Areas		
Element - Strathpine planning area		
<p>Specific Outcomes - Natural environment and landscape</p> <ul style="list-style-type: none"> 1. The planning area includes significant natural features and green infrastructure. These areas include: <ul style="list-style-type: none"> a. the waterways of the North Pine and South Pine Rivers, Cabbage Tree Creek and Kedron Brook; and b. areas protected because of their conservation significance including Bunyaville State Forest. These areas will be protected by their inclusion in the Mountain ranges, forests and waterways place type and the Coast and riverlands place type which exclude development incompatible with protecting the significant values of these areas; 2. The planning area contains many green infrastructure components, including waterways, core environmental areas, terrestrial environmental corridors, parks, linear open spaces, urban forests and street trees. The design and development of concept plans for growth areas at Warner and Joyner will incorporate green infrastructure network elements wherever possible; and 	Yes	<p>As stated previously, while the proposal will result in the removal of 30 Non-Juvenile Koala Habitat Trees (NJKHTs), some 3.84ha of land will be revegetated and transferred to the Council as a public asset.</p> <p>The land will extend and enhance the existing open space networks and represent a significant contribution to the green infrastructure network.</p>

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Strategic Outcome	Comply	Assessment
<p>3. Strategic koala habitat networks in this planning area are critical to ensuring strong and safe habitat linkages for koalas in the longer term. Identified core koala habitat areas and koala movement and dispersal corridors will be protected and development will rehabilitate and reinstate the regional ecosystem values in these identified areas. In areas where clearing of koala habitat is required to achieve good quality urban design outcomes, offsets will be required into an identified environmental offsets area.</p>		
<p>Specific Outcomes - Strong communities</p> <p>1. The planning area provides for a diverse range of housing choice in terms of type, density, layout and affordability to cater for a demographically and socio-economically diverse population within the Rural residential, Suburban neighbourhood, Next generation neighbourhood, Urban neighbourhood and Activity centre place types;</p> <p>2. The planning area provides for the development of an appropriate range of community facilities and services, sporting and recreational facilities, open space and parkland to cater for the planning area's community;</p> <p>3. Special places that contribute to the unique identity of the planning area include the South Pine Sporting Complex, private sport and recreation area, Energex site and wastewater treatment plant at Brendale, James Drysdale Recreation Reserve at Bunya and Pine Rivers Park at Strathpine. These facilities have a unique role to play in respect to opportunities for sport and recreation and planning area infrastructure which this plan seeks to protect. These have been allocated to Special area place types in the urban structure;</p>	<p>Yes</p>	<p>The proposal provides lots ranging from 325m² to 828m² which supports both housing diversity and affordability.</p> <p>The Site is located within an established locality being situated within close proximity of the community, educational, retail, commercial and business uses existing within the neighbouring localities of Warner, Brendale, Strathpine and Bray Park.</p>

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Strategic Outcome	Comply	Assessment
<p>4. The planning area falls within the regional character area of urban corridor. New development will contain high quality built form and landscapes consistent with provisions of the Moreton Bay Regional Council Urban Design Charter and the Subtropical Design in South East Queensland: A Handbook for Planners, Developers and Decision Makers;</p> <p>5. Residential areas will be generously landscaped and linked to one another by a continuous open space system including parks and playing fields; and</p> <p>6. Sites of local heritage significance are located within the planning area. Development that has the potential to impact upon the heritage listed sites will require a Heritage Impact Assessment as part of the approval process.</p>		
<p>Specific Outcomes - Settlement pattern and urban form</p> <p>1.; and</p> <p>2.; and</p> <p>3. Next generation neighbourhood areas at Strathpine, Bray Park, Joyner, Warner, Albany Creek and the Hills District will be developed as well planned and attractive refurbished residential neighbourhoods providing a diverse range of residential opportunities at densities that support the provision of community facilities and services and viable local centres. The local centres will generally be located on central intersections with good accessibility and visibility, in locations that support active transport and a network of well connected and attractive streets and open spaces within the neighbourhoods;</p> <p>4.</p> <p>5.</p> <p>6.</p> <p>7.</p> <p>8.</p>	<p>Yes</p>	<p>As discussed above, the subdivision component of the development application will deliver the outcomes expected in the planning scheme for a Next Generation Neighbourhood.</p> <p>Section 1 of this report refers to the recent history of planning for the Site as a part of the Investigation area for Warner that has become known as the Warner Investigation Area (WIA).</p> <p>While the major amendment to the MBRC Planning Scheme was refused by the State government in October 2018, the planning scheme remains in effect supporting the investigation of the area for residential purposes. The current proposal is consistent with the WIA investigations that were undertaken by the Council prior to the proposed major amendment to the MBRC Planning Scheme, that was refused by the State government for other reasons.</p>

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Strategic Outcome	Comply	Assessment
<p>9. An investigation area has been identified at Warner. The area is bound by Kremzow Road to the north, Old North Road and South Pine Road to the east, Eatons Crossing Road in the south and existing rural residential development to the west. Further investigations will be required to determine the development potential and future use of this area. The majority of the area, in the vicinity of Warner Road and to the south, is likely to remain largely rural residential in nature until the area can be developed in an efficient and cohesive manner.</p>		
Theme - MBRC Place Model		
Element - Next generation neighbourhood place type		
<p>Specific Outcomes - Sustainability and resilience</p> <ol style="list-style-type: none"> 1. Buildings on small to medium sized lots and in medium density developments are interspersed with private open space and trees and respond to local climate conditions by allowing flow of breezes, natural ventilation and light; 2. Residential developments are designed to allow footpaths suitable for extensive native vegetation and appropriate shade trees; 3. Dwellings are to be designed and sited so as to minimise energy requirements and provide a high standard of residential amenity; and 4. Development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion. 	Yes	Refer to the assessment above against the Sustainability and Resilience Theme.
<p>Specific Outcomes - Natural environment and landscape</p> <ol style="list-style-type: none"> 1. Open space network incorporates natural and semi-natural parklands that form part of environmental corridors within the green infrastructure network; 2. The green infrastructure network is incorporated into the design of new 	Yes	Refer to the assessment above against the Natural environment and landscape Theme.

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Strategic Outcome	Comply	Assessment
<p>development and rehabilitated in accordance with green infrastructure network detailed maps. Where native vegetation is to be cleared in order to achieve high quality urban design outcomes and offsets are required these are to be located within environmental offset areas as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy;</p> <p>3. Open space and natural environmental areas within these areas are complemented by the private 'greening' of yard space on private property and street trees. Residents experience a high level of on-site residential amenity; and</p> <p>4. Development is designed to incorporate natural features and respond to topography.</p>		
<p>Specific Outcomes - Strong communities</p> <p>1. Schools, pre-schools, child care centres, place of worship, community health services and other community activities provide informal and safe meeting places for residents whilst serving daily convenience needs;</p> <p>2. An extensive range of active and passive open space and recreation areas for use by local residents are an integral part of these places within walking distance of most homes along lineal green corridors and tree lined streets; and</p> <p>3. Informal recreation experiences are predominantly provided, with formal recreation opportunities provided in some circumstances</p>	Yes	Refer to the assessment above against the Strong communities Theme
<p>Specific Outcomes - Settlement pattern and urban form</p> <p>1. Next generation places cater for a mix of dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing, dual occupancies,</p>	Yes	Refer to the assessment above against the Settlement pattern and urban form Theme.

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Strategic Outcome	Comply	Assessment
<p>medium density residential units and housing for older persons;</p> <p>2. Development across a Next generation neighbourhood place type has a minimum density of 35 people and/or jobs per hectare (for people this equates to a net residential density of 15 – 25 dwellings per hectare);</p> <p>3. Adaptable housing is encouraged in response to changing housing needs;</p> <p>4. Community activities (schools, pre-schools, child care centres, places of worship, community health services and other community activities) are designed to have a low rise built form on landscape sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres, or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;</p> <p>5. Buildings address the street and non-residential uses have active street frontages;</p> <p>6. At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient locations for local centres and neighbourhood hubs are on main through streets or on central intersections and within a 15 minute walking distance and responsive to active transport;</p> <p>7. Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:</p> <p>a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities;</p>		

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Strategic Outcome	Comply	Assessment
<ul style="list-style-type: none"> b. it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node; c. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses; d. a new local centre or neighbourhood hub is to service an un-serviced catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood; e. they are appropriately designed to have high quality urban design outcomes. <p>8. New development should have regard to the existing character of the Next generation neighbourhood, however high quality urban design outcomes have priority.</p>		
<p>Specific Outcomes - Integrated transport</p> <ul style="list-style-type: none"> 1. Next generation neighbourhoods have a well-connected, permeable, legible and grid-like network of streets and active transport linkages that provide direct and easily understood choices of routes to walk, cycle, take public transport and drive to multiple destinations within the neighbourhood. Cul-de-sacs are not the dominant form of street network; 2. The active transport network is integrated with public transport infrastructure so that all homes are within 400metres of a bus stop; and 3. Local centres, local concentrations of employment and other local attractors are within 15 minutes of all residents by walking, cycling or public transport. 	Yes	Refer to the assessment above against the Integrated Transport Theme.
<p>Specific Outcomes - Infrastructure</p> <ul style="list-style-type: none"> 1. Next generation neighbourhoods have the level of service of 	Yes	Refer to the assessment above against the infrastructure Theme.

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Strategic Outcome	Comply	Assessment
infrastructure provision necessary to support growth, increased intensity of activity and adaptation to change over time and to create a safe and attractive public realm; and 2. Next generation neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.		
Specific Outcomes - Water management 1. Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments; and 2. Water sensitive urban design measures are incorporated into development, including, where possible, the retention and rehabilitation of riparian vegetation to protect and enhance the water quality in the Region's waterways and drinking water catchments.	Yes	Refer to the assessment above against the Water management Theme

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

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

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

2.3.2 Variation Request

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

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

- (a) the result of the assessment of that part of the development application that is not the variation request; and

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- (b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and
- (c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and
- (d) any other matter prescribed by regulation.

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

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

In this Development Application, the other aspects as discussed earlier in this Assessment Report are twofold; firstly, a Preliminary Approval for A Material Change of Use for Dwelling Houses, Home Based Business, Park and Sales Office (including a variation request to vary the effect of the MBRC Planning Scheme 2016) and a Reconfiguring a Lot - Development Permit for Subdivision (1 into 102 lots) varying in size from 325m² to 828m².

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

2.3.2.2 Consistency with the rest of the MBRC Planning Scheme

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

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

Environmental Areas Overlay

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

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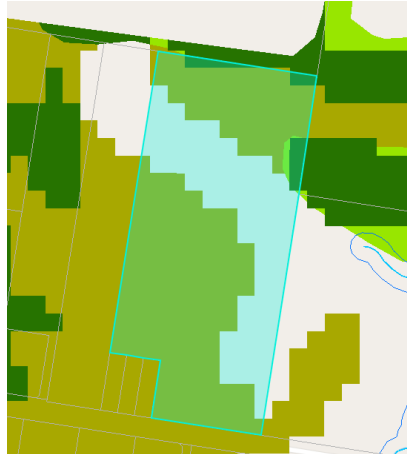


Figure 4: Environmental Areas Overlay Map

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



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

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

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

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

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

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

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

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

Bushfire Hazard Overlay

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

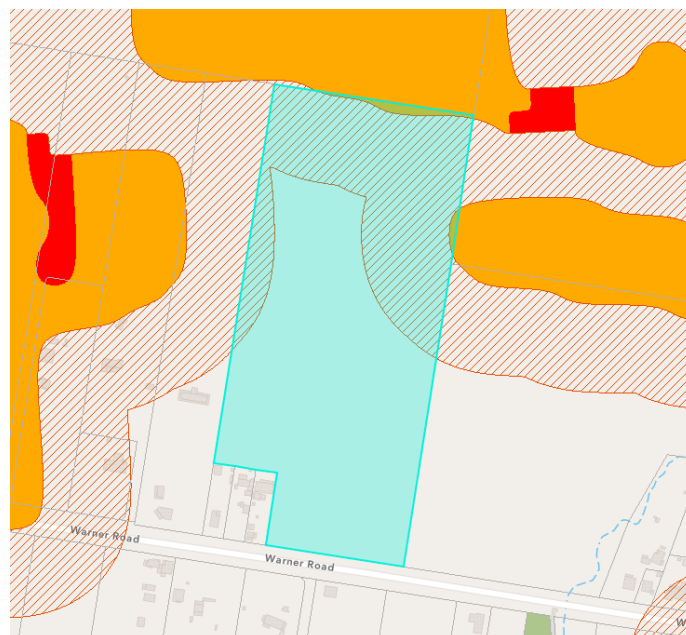


Figure 6: Bushfire Hazard Overlay Map

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

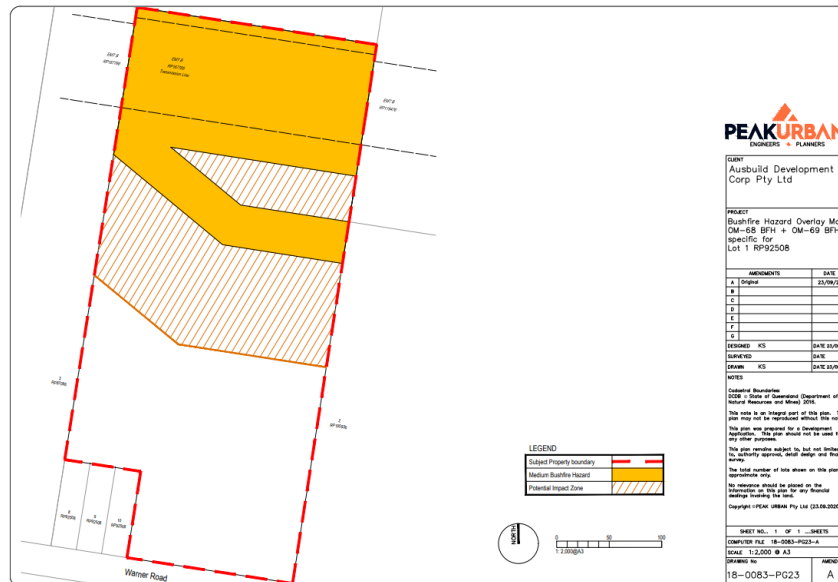


Figure 7: Proposed Bushfire Hazard Overlay (Peak Urban, 2020)

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

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

Dwelling House Code

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

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

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

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

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

Figure 8: Proposed Amendments to the Dwelling House Code

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

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

2.3.2.3 Effect of the variations on submission rights

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

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

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

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

2.3.2.4 Any other matter prescribed by regulation

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

32 Assessing variation requests—Act, s 61

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

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

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

common material, for a development application, means—

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

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

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

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

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

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

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

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

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

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

- (a) It is aligned with the proposed uses contained in the Material Change of Use - Preliminary Approval and Reconfiguring a Lot components of the development application; and
- (b) It is consistent with the rest of the MBRC Planning Scheme; and
- (c) The effect of the variation on submitters rights is acceptable as submitters with concerns have had the opportunity to make a submission about this development application; and
- (d) The development application is compliant with the other matters as prescribed in Section 32 of the *Planning Regulation 2017*.

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

2.3.3 Assessment of Applicable Codes

Code Compliance Summary

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

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General Residential Zone Code - Next Generation Neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO4, PO48.

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Environmental Management and Conservation Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
Sport and Recreation Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
Development Codes		
Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO4, PO8, PO30, PO31, PO32, PO33, PO66, PO67, PO86, PO87, PO88, PO89, PO90, PO91, PO92.

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

2.3.4 Performance Outcome Assessment

Performance Outcome	Example
General Residential Zone Code - Next Generation Neighbourhood Precinct	
PO4 Residential buildings and structures are setback to: <ol style="list-style-type: none"> be consistent with the low to medium density next generation neighbourhood character intended for the area, where buildings are positioned closer to the footpath to create more active frontages and maximise private open space at the rear; result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites; maintain private open space areas that are of a size and dimension to be usable and functional; maintain the privacy of adjoining properties; ensure parked vehicles do not restrict pedestrian and traffic movement and safety; limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties; 	E4.1 Setbacks (excluding built to boundary walls) comply with Table 6.2.6.3.3 'Setbacks - Setback (Residential uses)'.
	E4.2 Buildings (excluding class 10 buildings and structures) ensure that built to boundary walls are: <ol style="list-style-type: none"> of a length and height in Table 6.2.6.3.4 'Built to boundary walls (Residential uses)'; setback from the side boundary: <ol style="list-style-type: none"> not more than 20mm; or if a plan of development shows only one built to boundary wall on the boundary, not more than 150mm; on the low side of a sloping lot.

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Performance Outcome	Example
<ul style="list-style-type: none"> g. provide adequate separation to particular infrastructure and waterbodies to minimise adverse impacts on people, property, water quality and infrastructure; h. ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties. 	
<i>Performance Outcome Assessment</i>	
<p>A part of the variation application is to vary the effect of Table 6.2.6.3.4 as it relates to the side boundary setbacks of future dwelling houses on the proposed lots. The applicant has submitted information to show that it is often making and having approved on a Site by Site basis dwelling house relaxations that could otherwise be avoided. A review by Council officers of another development project being delivered by the same applicant at Greensill Road, Albany Creek has verified that positive outcomes are able to still be achieved with the reduced setbacks that are essentially setbacks to the wall instead of the outermost projection (OMP). The amended setbacks will deliver dwelling house outcomes consistent with what is sought by the Performance Outcome. The amendment to the Dwelling House Code is also consistent with what was approved in the neighbouring Ausbuild 1 approval.</p>	
<p>PO48 The scale and intensity of the Home Based Business:</p> <ul style="list-style-type: none"> a. is compatible with the physical characteristics of the site and the character of the local area; b. is able to accommodate anticipated car parking demand and on-site manoeuvring without negatively impacting the streetscape or road safety; c. does not adversely impact on the amenity of the adjoining and nearby premises; d. remains ancillary to the residential use of the dwelling house; e. does not create conditions which cause hazards or nuisances to neighbours or other persons not associated with the activity; f. ensure employees and visitor to the Site do not negatively impact the expected amenity of adjoining properties; 	<p>No example provided.</p>

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Performance Outcome	Example
g. ensure service and delivery vehicles do not negatively impact the amenity of the area.	
<i>Performance Outcome Assessment</i>	
Any future proposal for a Home-Based Business will be assessable against this provision and therefore, for the purpose of this assessment the proposal accords with PO48.	

Performance Outcome	Example
Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct	
PO3 Reconfiguring a lot provides for a variety of housing options, by way of a mix of lot sizes and dimensions consistent with the medium density character of the precinct, whilst facilitating delivery of diversity within the streetscape.	E3.1 For reconfiguring a lot which creates in excess of 5 new lots, a mix of lot types in accordance with 'Table 9.4.1.6.3.3 - Lot Types' are to be incorporated into the development as follows: <ul style="list-style-type: none"> • 5 - 10 lots - 2 lot types • 11 - 20 lots - 3 lot types • 21 - 50 lots - 4 lot types (must include lot type A) • >50 lots - 5 lot types (must include lot type A)
	E3.2 For reconfiguring a lot which creates in excess of 20 new lots, the following minimum percentages of lot types in accordance with 'Table 9.4.1.6.3.3 - Lot Types' apply: <ul style="list-style-type: none"> • Lot Type A - 10% of new lots and Lot Type F - 5% of new lots; or • Lot Type A - 15% of new lots and Lot Type F - 2% of new lots; or • Lot Type A - 15% of new lots and Lot Type B - 15% of new lots.
<i>Performance Outcome Assessment</i>	
The proposal provides three lot types, being 53 type C's, 42 type B's and 7 type E's which does not accord with the requirements of E3.1 or E3.2.	
A common theme of a significant number of submissions against the proposal was that the area is made up primarily of rural residential allotments and that the area should promote lots as large as feasible. This is represented in the type E lots fronting Warner Road.	
Accordingly, while the proposal does not provide the complete range of lot widths contemplated by the precinct, in this instance the lot type mix provides for a sufficient variety of housing options and diversity within the streetscape with lots varying in area of 325m ² to 828m ² and therefore accords with the requirements of PO3.	

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Performance Outcome	Example
<p>PO4 A range of different lots are distributed throughout the development with no one lot type concentrated within a single location, to create diversity within the streetscape and minimise conflicts between vehicle access and on street parking.</p>	<p>E4.1 Where not accessed via a laneway, a maximum of 4 adjoining lots of the same type in accordance with 'Table 9.4.1.6.3.3 - Lot Types' are proposed where fronting the same street.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposal provides 8 lot type C's in a row twice and provides 6 lot type E's fronting Warner Road which does not accord with the requirements of E4.1.</p> <p>As mentioned in the assessment of PO3 above, a common theme of a significant number of submissions against the proposal was that the area is made up primarily of rural residential allotments and that the area should promote lots as large as feasible. This is represented in the type E lots fronting Warner Road.</p> <p>In this instance, the proposal provides a sufficient range of lots throughout the development creating diversity whilst avoiding the imposition of lot type A's and B's and therefore meets the requirements of PO4.</p>	

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Performance Outcome	Example
<p>PO8</p> <p>a. Lot layout and design avoids the impacts of cutting, filling and retaining walls on the visual and physical amenity of the streetscape, each lot created and of adjoining lots ensuring, but not limited to, the following:</p> <p>b. The likely location of private open space associated with a Dwelling House on each lot will not be dominated by, or encroached into by built form outcomes such as walls or fences;</p> <p>c. Walls and/or fences are kept to a human scale and do not represent barriers to local environmental outcomes and conditions such as good solar access and access to prevailing breezes; and</p> <p>d. The potential for overlooking from public land into private lots is avoided wherever possible; and</p> <p>e. Lot design is integrated with the opportunities available for Dwelling House design to reduce impacts.</p>	<p>E8.1 Lot layout and design ensures that a lot has a maximum average slope of 1:15 along its long axis and 1:10 along its short axis.</p> <p>E8.2 Retaining walls and benching and associated cutting, filling and other earthworks associated with reconfiguring a lot are limited to:</p> <p>a. a maximum vertical dimension of 1.5m from ground level for any single retaining structure; or</p> <p>b. where incorporating a retaining structure greater than 1.5m in height, the retaining wall is stepped, terraced and landscaped as follows:</p> <p>i. maximum 1m vertical, minimum 0.5m horizontal, maximum 2m vertical (refer figure below);</p> <p>ii. Maximum overall structure height of 3m; or</p> <p>c. where incorporating benching along the short axis (from side to side boundary) of a lot:</p> <p>i. The difference between levels at each boundary is no greater than 4m per lot;</p> <p>ii. each bench has a maximum height of 2m (refer Figure below); or</p> <p>d. where incorporating benching along the long axis (from front to rear boundary):</p> <p>i. each bench has a maximum height of 2m;</p> <p>ii. lots orientate up/down the slope (refer Figure below)</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Given the topography of the site, the proposed retaining throughout the site does not accord with the requirements of E8.2.</p> <p>In designing the subdivision, an outcome more aligned to the Example was possible however resulted in a high retaining wall existing between the proposed Local Park and the internal road as well as not having a road on the western boundary of the site. In resolving those issues, has required the height of some retaining walls in a single section to range in height of up to 2m, however in assessing the proposal against PO8, subject to a condition ensuring adequate terracing throughout the proposal with landscaping, the proposal can comply with the Performance Outcome.</p>	
<p>PO30 A hierarchy of Park and open space is provided to meet the recreational needs of the community.</p>	<p>No example provided.</p>
<p>PO31 Park is to be provided within walking distance of all new residential lots.</p>	<p>No example provided.</p>

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

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Performance Outcome	Example
<p>f. ensuring that soil erosion and land degradation does not occur; g. ensuring that quality of surface water is not adversely impacted upon by providing effective vegetated buffers to water bodies.</p> <p>AND</p> <p>Where development results in the unavoidable loss of native vegetation within a MLES waterway buffer or a MLES wetland buffer, an environmental offset is required in accordance with the environmental offset requirements identified in Planning scheme policy - Environmental areas</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant seeks to amend the Environmental Areas Overlay map to change the High Value MSES and MLES areas to be consistent with the results of a Koala Habitat Value amendment request as per Schedule 11 of the <i>Planning Regulation 2017</i>.</p> <p>The proposed changes align with the approved Property Map of Assessable Vegetation (PMAV) of existing vegetation to the north of the lot. The PMAV amendment request was granted by the Department of Resources Mines and Energy (DNRME) in 2016 (Reference 2016/004109). A ground truthing site visit by MBRC Environmental Planning was conducted on 29th August 2019. MBRC Environmental Planning has subsequently agreed to the proposed mapping changes.</p> <p>The variation is therefore seeking to give effect to the updated Environmental Areas Overlay map due to sufficient technical information being provided to demonstrate that the actual environmental values present on the Site are less than how it is currently mapped.</p> <p>The application is therefore compliant with PO66 and PO67.</p>	
<p>PO86 Development: a. minimises the risk to persons from overland flow; b. does not increase the potential for damage from overland flow either on the premises or on a surrounding property, public land, road or infrastructure.</p>	<p>No example provided.</p>
<p>PO87 Development: a. maintains the conveyance of overland flow predominantly unimpeded through the premises for any event up to and including the 1% AEP for the fully developed upstream catchment; b. does not concentrate, intensify or divert overland flow onto an</p>	<p>E87 Development ensures that any buildings are not located in an Overland flow path area.</p>

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Performance Outcome	Example
upstream, downstream or surrounding property.	
<p>PO88 Development does not:</p> <ul style="list-style-type: none"> a. directly, indirectly or cumulatively cause any increase in overland flow velocity or level; b. increase the potential for flood damage from overland flow either on the premises or on a surrounding property, public land, road or infrastructure. 	No example provided.
<p>PO89 Development ensures that overland flow is not conveyed from a road or public open space onto a private lot, unless the development is in a Rural zone</p>	<p>E89 Development ensures that overland flow paths and drainage infrastructure is provided to convey overland flow from a road or public open space area away from a private lot, unless the development is in the Rural zone.</p>
<p>PO90 Development ensures that Council and inter-allotment drainage infrastructure, overland flow paths and open drains through private property cater for overland flows for a fully developed upstream catchment flows and are able to be easily maintained.</p>	<p>E90.1 Development ensures that roof and allotment drainage infrastructure is provided in accordance with the following relevant level as identified in QUDM:</p> <ul style="list-style-type: none"> a. Urban area – Level III; b. Rural area – N/A; c. Industrial area – Level V; d. Commercial area – Level V. <p>E90.2 Development ensures that all Council and allotment drainage infrastructure is designed to accommodate any event up to and including the 1% AEP for the fully developed upstream catchment.</p>
<p>PO91 Development protects the conveyance of overland flow such that easements for drainage purposes are provided over:</p> <ul style="list-style-type: none"> a. a stormwater pipe if the nominal pipe diameter exceeds 300mm; b. an overland flow path where it crosses more than one property; and c. inter-allotment drainage infrastructure. 	No example provided
<p>PO92 Development for a Park ensures that the design and layout responds to the nature of the overland flow affecting the premises such that:</p>	<p>E92 Development for a Park ensures works are provided in accordance with the requirements set out in Appendix B of the Planning scheme policy - Integrated Design.</p>

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Performance Outcome	Example
<p>a. public benefit and enjoyment is maximised;</p> <p>b. impacts on the asset life and integrity of park structures is minimised;</p> <p>c. maintenance and replacement costs are minimised.</p>	
<i>Performance Outcome Assessment</i>	
<p>A Stormwater Management Plan has been submitted in support of the development proposal demonstrating substantial compliance with the Performance Outcomes however as some minor amendments to the report are necessary, it is recommended that if the proposal is approved that it be conditioned to require an amended Stormwater Management Plan be submitted to Council for approval.</p> <p>The proposal will meet the requirements of Performance Outcomes PO86-PO92.</p>	

2.3.5 Overall Outcome Assessment

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

Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.	Yes	The proposal achieves a net residential density of 16.75 lots per hectare. A common theme of a significant number of submissions against the proposal was that the area is made up primarily of rural residential allotments and that the area should be developed as larger lots. The applicant has proposed larger lots along the Warner Road frontage to create a less dense perception / streetscape to Warner Road that many local residents travel along with an outcome the same as what has been approved on the adjoining land to the east (Ausbuild 1). The proposal achieves the density at the lower part of the range anticipated for the precinct.
b. Neighbourhoods will have a mix of residential uses, tenure and densities on a variety of lot sizes providing housing choice and affordability for different lifestyle	Yes	The proposal provides lots ranging from 325m ² to 828m ² which supports both housing diversity and affordability.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
choices and life stages to meet diverse community needs.		
c. Neighbourhoods are designed to provide well-connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that provide high levels of accessibility between residences, open space areas and places of activity	Yes	The lot layout provided accords with the Planning Scheme and provides well-connected, safe and convenient movement through interconnected streets.
j. General works associated with the development achieves the following: <ul style="list-style-type: none"> 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); ii. the development manages stormwater to: <ul style="list-style-type: none"> A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters; B. prevent stormwater contamination and the release of pollutants; C. maintain or improve the structure and condition of drainage lines and riparian areas; D. avoid off-site adverse impacts from stormwater. iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network; 	Yes	Assessed as part of detailed development application and will be reflected in the recommended conditions of any approval.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Comply Y/N	Comments
iv. the development ensures the safety, efficiency and useability of access ways and parking areas; v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.		

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

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

2.4 Trunk Infrastructure

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

2.4.1 Levied Charge

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

2.4.2 Levied Charge Credit

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

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

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

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

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

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

2.4.3 Levied Charge Offset or Refund

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

2.4.4 Additional Trunk Infrastructure Costs

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

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

AND

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

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

2.5 Recording of particular approvals on the MBRC Planning Scheme

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

2.6 Referrals

2.6.1 Internal Council Referrals

2.6.1.1 Development Engineering

Traffic, Access & Parking

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

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

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

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

Stormwater / Flooding

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

The proposed development will achieve no-worsening of the upstream and downstream waterways through the implementation of an updated Drainage Investigation Area Master Plan referenced as 6326-01_R3_V05 dated 24/02/21 by Water Technology.

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

2.6.1.2 Environmental Health

Waste Management

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

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

2.6.1.3 Environmental Planning

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2.6.2 Referral Agencies

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

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

2.6.2.2 Advice Agencies

Powerlink

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

2.6.2.3 Third Party Agencies

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

2.7 Public Consultation

2.7.1 Public Notification Requirements under the Development Assessment Rules

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

2.7.2 Submissions Received

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

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

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

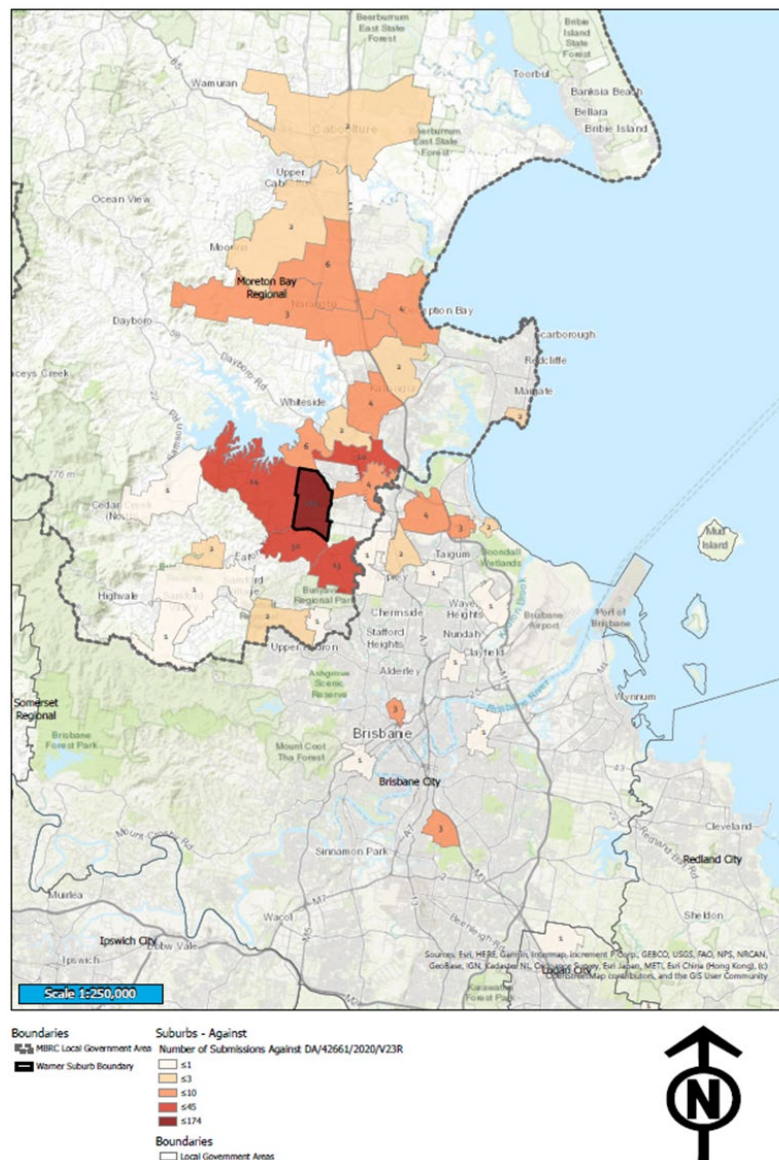


Figure 9: Submissions Against

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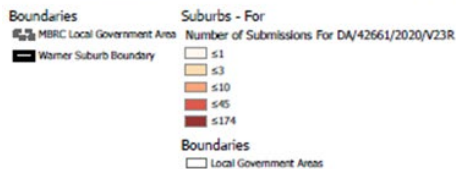
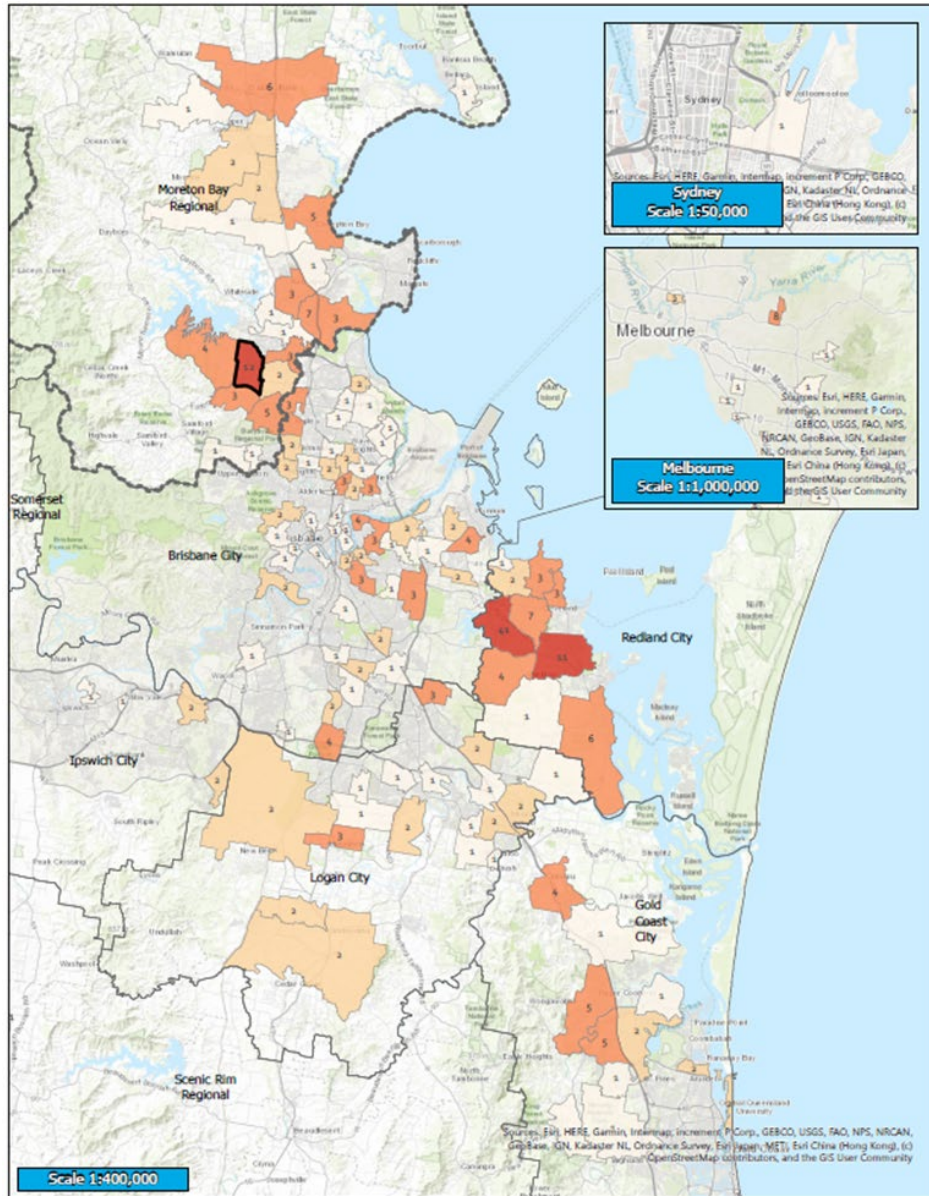


Figure 10: Submissions Supporting

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

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

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Assessment of Submissions

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

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

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

Issue - Community Consultation

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

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

Comment:

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

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

Issue - Neighbourhood Design (Car Parking)

Submitters raised the following concerns in relation to Car Parking:

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

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Assessment of Submissions

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

Comment:

Council officers note the communities concern regarding the road and verge alignments however do not share those concerns as under the MBRC Planning Scheme, carriageways are required to be a minimum of 8m wide with verges of at least 4m in width. An 8m carriageway is sufficient to allow a single car to park in the street and have 2 passing vehicle. The verges are also sufficient to accommodate services, street trees and footpaths in accordance with the requirements of the MBRC Planning Scheme applied throughout the Moreton Bay Region.

In addition, as only a Local Park is proposed to service the immediate local catchment with a network of footpaths to be provided, the planning scheme promotes persons walking to the Local Park rather than driving. It is also not a requirement of the Council's Desired Standards of Service to provide car parking for a Local Park.

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

Issue - Koala Habitat

Submitters raised the following concerns in relation to Koala Habitat:

- *Proposal includes limited koala fencing generally and no koala fencing to existing properties to the southwest.*
- *Concern raised that the proposal does not include recommendations about managing increased threats of dog/cat predation and car strikes to koala populations.*
- *Proposal does not make a "real contribution" to sustaining koala habitat areas.*
- *Revegetation to occur on "useless" land (e.g. easements, land needed to manage overland flow) and will take a significant period of time before it is habitable.*
- *Koala populations in the Pine Rivers/SEQ area are in decline; the proposed development will accelerate the rate of decline.*
- *Previous approvals (e.g. "Sandblasters" and "Quarry") were granted on the basis that their environmental impact would be offset by the retention of vegetation to the south of the powerline easement (i.e. the proposed development site).*
- *Urbanisation and tree-clearing attributed to decline of koala populations in SEQ.*
- *Concern raised that Ausbuild are relying on future support from Powerlink (yet to be confirmed) for koala-friendly vegetation planting within their easement.*
- *The trees that the Developer intends to use for replacement koala habitat (i.e., Eucalyptus kabiana) have been in short supply; no evidence that these will be available for use.*

Comment:

The landscape concept plans include the provision of Koala Refuge Poles within the conservation zone to allow for continued safe koala movement, until such time as the revegetation plantings have matured. Further, koala exclusion fencing will be provided along the interface of the conservation zone and urban areas to exclude dogs from the wildlife corridor and stop koalas from entering urban areas which include threats such as vehicle strike.

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Assessment of Submissions

As the Environmental Areas in the north of the site are a continuation of wildlife corridors to the east of the site, koala's will be afforded safe fauna passage under Warner Road through the construction of a fauna friendly underpass. Further, vegetation immediately to the east of the site on Lot 3 SP174984 and Lot 4 SP174985, as well as on Lot 5 SP174986, within Lowan Street Reserve to the west and vegetation on lots South of Kremzow Road, is known to contain Core Koala habitat.

More vegetated Koala habitat and movement opportunity's within properties surrounding the site will not be impacted by the development and will benefit from the site creating safer movement corridors for more intact vegetation to the east, north west and south of the site. Revegetation will also be required to be carried out that will be a condition of approval and it will be incumbent on the applicant to source the relevant plant species. It is an incorrect statement that all of the land is encumbered by easements and useless, as opportunities for koala safe movement will be available.

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

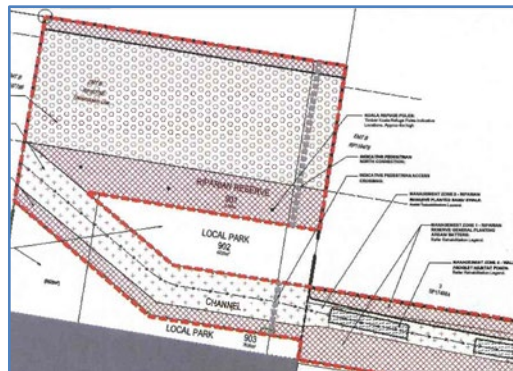
Issue - Connection to Active and Public Transport Networks

Submitters raised the following concerns in relation to the Active and Public Transport Networks:

- *No active transport/pedestrian connection between the proposed development and other planned estates (e.g. "Sandblasters" and "Quarry").*
- *Development application suggests that footpath to be provided to the site's frontage to Warner Road only with no connection to Old North Road (route fragmentation).*
- *Proposal does not provide for public transport connections and is unable to deliver the level of service that is promised in Next Generation Neighbourhood zoning.*
- *The development does not include provision for adequate access to public transport.*
- *No arrangement provided to connect future residents to the bus stop on the other side of Old North Road.*

Comment:

Within the Infrastructure Agreement entered into between the applicant and Council, a pedestrian connection north to the Mordar (sandblasters) land is to be provided as shown below;



Active transport will also be provided along the frontage of the site through an unconstructed section of Warner Rad to the intersection of South Pine Road and Old North Road.

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Assessment of Submissions

While public transport is administered by the State Government and is outside of the scope of this assessment, the upgrades to Warner Road and the intersection of Coorparoo Road and South Pine Road will allow public transport to use Warner Road if ever sought. In time, this may be triggered by the size of the local population and/or travel trip choices. In addition, a bus route (338) exists at South Pine Road.

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

Issue - Environmental Impact

Submitters raised the following concerns in relation to Environmental Impact:

- *Threatened flora and fauna have not been mapped; mapping understood to be a requirement.*
- *Impacts to threatened flora and fauna have not been quantified.*
- *Concern raised that environmental impacts of development have received piecemeal consideration; impacts assessed on a site-by-site basis and not holistically.*
- *Concern raised about the loss of habitat for threatened fauna, specifically the Koala, Wallum Froglet, Powerful Owl and White-Bellied Sea Eagle.*
- *The Applicant's Ecological Report (2015) is outdated; does not reflect current ecological values.*
- *QLD Government koala mapping/recordkeeping does not reflect the value of this habitat.*
- *No wildlife passages provided to ensure animals can safely cross adjoining roads.*
- *A submission included a statement from a professional veterinarian which noted that wildlife do not "just move on" once we clear bushland, rather they die "either immediately during the destruction of their habitat, or eventually due to exposure to predators, lack of food or the sheer stress associated with losing their environment".*
- *Impact of increasing development in area already being felt; a handful of submitters (local residents) noted that they had new animal species entering their properties*

Comment:

The most recent Ecological Assessment Report (EAR) is dated 24 September 2020. Whilst the EAR refers to surveys undertaken in 2015, the EAR also stipulates that 'several additional spot check surveys and assessments have been undertaken since this time. The EAR also includes a tree survey dated 9th September 2020 and a chronological listing of changes to vegetation that have occurred on and around the site from 1955 to 2018.

The Neighbouring Approval which adjoins the Site to the east (Ausbuild 1) includes extensive rehabilitation of the Conflagration Creek Riparian Corridor in the east and to the north of the site, which also extends into the northern areas of the subject site. This development application has included the rehabilitation of the riparian reserve within the north of Site.

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Assessment of Submissions

The diagram, titled 'OVERALL FENCE LAYOUT PLAN', shows a site layout with Warner Road to the north and Cooks Road to the east. A red dashed line indicates the 'Site extents'. A yellow dashed line represents the '1.8M HIGH FEATURE KOALA EXCLUSION FENCING'. A legend explains that this fencing is used to interface between development and a rehabilitation corridor, with timber posts capped with aluminium flashing facing the riparian reserve to prevent koala climbing. A black double line indicates a 'FAUNA UNDERPASS' under Warner Road, with a note to refer to engineering drawings. A circular inset image shows a close-up of the 'FEATURE KOALA EXCLUSION FENCE' with a koala on a post. A label on the plan indicates 'ONE WAY CLIMBING POLES INSTALLED ON ROAD SIDE OF FENCE'.

The proposed development extends the wildlife movement corridors in the east of the site. The approved EAR for Ausbuild 1 explains that as well as a fauna underpass under Warner Road for safe terrestrial species movement, trees will be established in close proximity to the road to provide canopy connectivity over the road for safe movement of arboreal species to vegetation in the south of Warner Road.

In regard to the existing flora on site, due to the changes in vegetation over time, it is evident that vegetation communities are limited to scattered trees with limited understory species. The proposed development will result in the loss of 30 scattered sclerophyll trees over pasture and no more than 6 identified habitat trees.

In regards to the Wallum Froglet, identified Wallum Froglet habitat is proposed to be retained and enhanced and a condition of approval is to provide evidence of a rehabilitation permit for tampering with Wallum Froglet Habitat, by way of a High-Risk Species Management Plan approved by the Department of Environment and Science.

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

Issue - Infrastructure

Submitters raised the following concerns in relation to Infrastructure:

- Concern raised that the proposal does not address the issue of infrastructure (schools, hospitals, train station parking, roads) that will be required to support future population growth.
- The proposed development will be at a considerable distance from transport and other vital community infrastructure.
- Existing schools will be unable to cope with additional demand generated by the proposed development.
- Recent publication from the RACQ, which identified the South Pine Road/Eatons Crossing Road intersection as the State's fifth most congested road, to substantiate their claim that the proposed development would exacerbate local traffic problems.

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Assessment of Submissions

- *Trains are already full during peak times; the proposed development will exacerbate this issue.*
- *Parking at train stations already constrained; further congestion likely to deter public transport use.*
- *Medium/High density housing is typically located near transport corridors*

Comment:

In relation to roads, the signalisation of Coorparoo Road with South Pine Road will be delivered by the applicant as part of the Ausbuild 1 development to alleviate both the impacts on the road network directly east of the development and the long-term impacts on the surrounding road network (both local and State controlled). The proposed frontage works and upgrade to Warner Road east of the development along with signalised Coorparoo Road intersection with South Pine Road will provide an improved and more direct access to the major road network and limited development traffic is anticipated to travel west. Upgrading of Warner Road to the west of the development is not required.

Significant assessment has been undertaken in respect to all traffic and transport considerations as a result of the proposal as detailed in this Assessment Report.

In relation to public transport, this proposal does not warrant a new public transport route (i.e. busses) directly servicing only the Site. There are existing public transport routes on South Pine Road which will service the development in addition to the existing infrastructure in the Strathpine, Brendale and Albany Creek suburbs. The development also provides the opportunity for Translink to introduce a bus route if demand warrants it.

The perceived overcrowding of the State controlled road network and public transport services is outside of the scope of this assessment.

Schools, hospitals and trains are administered by the State Government and are therefore outside of the scope of this assessment however Eatons Hill State school is located within 2km of the site and a private hospital and rail station is available at Strathpine being in the vicinity of 6km to the east.

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

Issue - Traffic

Submitters raised the following concerns in relation to Traffic:

- *The proposed development will generate several negative externalities, such as congestion (concern expressed about Warner Road and the intersection of Coorparoo Road/South Pine Road) and road accidents.*
- *Inclusion of traffic lights at the Coorparoo Road/South Pine Road intersection will delay traffic on South Pine Road.*

Comment:

In relation to roads, the signalisation of Coorparoo Road with South Pine Road will be delivered by the applicant as part of the Neighbouring Ausbuild 1 Approval to alleviate both the impacts on the road network directly east of the development and the long-term impacts on the surrounding road network (both local and State controlled). The proposed frontage works and upgrade to Warner Road east of the development along with the signalised Coorparoo Road intersection with South Pine Road will provide an improved and more

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Assessment of Submissions

direct access to the major road network and limited development traffic is anticipated to travel west. Upgrading of Warner Road to the west of the development is not required.

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

Issue - Amenity

Submitters raised the following concerns in relation to Amenity:

- *Landscape buffers are not provided to adjoining properties.*
- *Adjoining properties do not have sewerage connections - risk of black/grey water (which is released via trenches) entering the development site.*
- *Increased crime rates in areas with higher density living; potential to impact on localised feelings of safety and pride of place.*
- *The proposed development will compromise the amenity of local residents and negatively impact on their attachment to the area.*
- *Potential for an "urban heat island" effect to occur due to the increase in impervious surface area.*
- *The proposed development will result in noise levels that incompatible with existing rural residential land uses.*
- *The area lacks both after-school entertainment options for schoolchildren and public transport; these deficiencies were cited as being potential catalysts for youth delinquency.*
- *Increased traffic will negatively impact on the amenity of local residents.*

Comment:

Council officers note the concern of the submitters in regard to maintaining the rural residential character / amenity of the area.

The Engineering Services Report provided by the applicant confirms that the required stormwater infrastructure to service the development can and will be provided with only small technical amendments required to the proposed Stormwater Management Plan. All infrastructure requirements of the proposal will fully comply with the infrastructure and servicing requirements of the Planning Scheme, Australian Standards and other relevant guidelines where appropriate.

Assessment of a perceived increase in crime rates as a result of the proposal is outside of the scope of this Assessment Report however it is not substantiated that the development as proposed generates or attracts crime or anti-social behaviour.

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

Issue - Neighbouring Approval

Submitters raised the following concerns in relation to the Neighbouring Approval:

- *A large number of submissions drew attention to the previous application that was made over Lot 2 & 54 Warner Road, Warner and refused unanimously by Councillors for reasons such as: incompatible with adjoining land uses, concerns for local wildlife (mainly the Koala and Wallum Froglet), no town planning or economic need, absence of useful public space, did not meet community's reasonable expectations for development, and unable to achieve compliance with relevant assessment benchmarks even with the imposition of development conditions.*

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Assessment of Submissions

- *One submitter stressed the importance of consistency in the Councillors' decision-making.*

Comment:

Council officers note the submitters desire for a consistent decision making approach to what which was undertaken by the Councillors for the neighbouring approval however that decision was appealed to the Planning and Environment Court and as a result of changes made to that proposal that have been applied to this proposal, it was approved and therefore arguably, to be consistent, this proposal should be supported.

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

Issue - Property Values

Submitters raised the following concerns in relation to the perceived reduction in property values of the surrounding neighbourhood:

- *Urban housing will negatively impact the value of adjoining properties.*

Comment:

The perceived reduction in property values of the existing surrounding neighbourhoods is outside of the scope of development application assessment.

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

Issue - Perceived Compromised Solution

Submitters raised the following concerns in relation to a perceived compromised solution:

- *General expression for meaningful public consultation with regards to the following issues:*
 - *Access to public transport*
 - *Structuring planning*
 - *Urban design, specifically internal road widths and car parking provision*
 - *Revegetation strategies*
- *General Residential (Suburban Neighbourhood) zoning viewed as being more appropriate in this situation as it encourages lower density development, of which would serve as a buffer to established rural residential properties.*
- *General Residential (Suburban Neighbourhood) zoning would also provide more opportunities to retain non-juvenile koala habitat trees.*

Comment:

Council notes the submitters point regarding the benefits of a General Residential zone - Suburban Neighbourhood precinct instead of the General Residential zone - Next Generation neighbourhood precinct as applied for. In giving consideration to this issue, Council officers have given consideration to the broader area and what can be described as the balance of zones / precincts. The subject site is within what can be described as the northern part of the Warner Investigation Area (WIA) bounded by Kremzow Road to the north, Old North Road to the east, Warner Road to the south and the Lowan Reserve environmental corridor to the west. To the north of Kremzow Road is Warner Lakes located in the Next Generation Neighbourhood Precinct and the approvals given to date (CSR and Ausbuild 1) in this northern part of the WIA are essentially extensions of that precinct to the south. As shown in the image below, the current proposal is a logical

ITEM 4.3 DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT - 61883228 (Cont.)

Assessment of Submissions

extension of the precinct already commenced with those 2 development approvals and applying the Suburban Neighbourhood Precinct instead is unnecessary as a buffer or transition to the Rural Residential areas to the west exists. The proposal is contiguous and consistent with other development approvals of the same nature and therefore it is logical to apply the Next Generation Precinct instead of the Suburban Neighbourhood Precinct.



In relation to meaningful community consultation, again it is at the discretion of the developer as to how much additional community consultation they undertake prior to and during the application process. The only obligation on the applicant is the formal public notification actions and period being the time when the community gets its opportunity to voice its concerns as legislated under the *Planning Act 2016* and the applicant has complied with that obligation.

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

Issue - Miscellaneous

Submitters raised the following miscellaneous concerns:

- *Development restricts public access to a heritage place, being a “historical well”. This issue is not addressed within the present application.*
- *Several submitters made calls for further investigation into the local heritage significance of the above-mentioned well.*
- *Only Ausbuild stand to benefit from this development.*
- *Development does not represent a balanced decision in the public interest.*

ITEM 4.3 DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT - 61883228 (Cont.)

Assessment of Submissions

- *Several adjoining property owners acknowledged that they have been in contact with Ausbuild and are currently in the process of negotiating conditions of support.*
- *Council needs to find a balance between economic growth and projected growth in the region. There is also a need to ensure that a variety of housing typologies are provided for near major employment centres.*

Comment:

While there may have been a well used on the property historically, it is of no heritage significance under the Council's planning scheme or state legislation.

Council officers note the community's concern regarding Ausbuild benefiting from the development and the proposal lacking a balanced consideration of public interest in their view however Ausbuild are the owners of the property and developers, and it stands to reason that they would be the primary beneficiary of any development of the site having taken all of the risks in developing the site.

These matters are not sufficient grounds for refusal of the development application.

Support - Economic Development and Housing Supply

Submitters provided support of the development in relation to economic development and housing supply:

- *The new community and population growth will provide support to local businesses, industry and services.*
- *Development is in close proximity to strong local employment centres; advances a live-work-play community.*
- *The development is required to address the shortage of affordable housing stock.*
- *The development will provide opportunities for young people, families, downsizers, first home buyers, low-income households, etc. to break into the property market.*
- *Community will benefit from the infrastructure (e.g. park, cycleways, pedestrian pathways, flood management, upgrades to the existing road network, environmental corridors) that will be provided for in the development.*
- *Development provides a range of different lot types supported by open space.*
- *Ausbuild is a family-owned business with a good track record in delivering vibrant communities and quality housing designs.*

Comment:

Council officers note the items of support in relation to economic development and housing supply.

Support - Neighbourhood Design

Submitters provided support of the development in relation to neighbourhood design:

- *A large number of submitters viewed the proposed development as being sympathetic to its rural residential setting, noting that the larger-sized lots along Warner Road were "in keeping with the surrounding larger rural residential lots that currently exist".*
- *Design of development responsive to key environmental attributes of the site and surrounding area; appropriate development footprint to mitigate impact.*
- *Support for the proposed park; comment made that the area lacks this type of social infrastructure.*

ITEM 4.3 DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT - 61883228 (Cont.)

Assessment of Submissions
<p><u>Comment:</u> Council officers note the items of support in relation to neighbourhood design.</p>
Support - Environmental Impact
<p>Submitters provided support of the development in relation to the environmental impact:</p> <ul style="list-style-type: none"> • <i>Coordinated approach to koala habitat regeneration will result in a “substantial wildlife corridor”.</i> • <i>Support for the proposed riparian reserve which will provide habitat for the Wallum Froglet and other local fauna species.</i> • <i>A large number of submitters pointed out that the Australian Government Department of Agriculture, Water and Environment had previously granted approval in July 2020 under the Environmental Protection and Biodiversity Conversation Act 1999 (Cth) [EPBC Act] for residential development and associated infrastructure on Lot 1, Lot 2 & 54 Warner Road, Warner.</i> <p><u>Comment:</u> Council officers note the items of support in relation to environmental impact.</p>
Support - Roads and Traffic
<p>Submitters provided support of the development in relation to the roads and traffic:</p> <ul style="list-style-type: none"> • <i>Support for the proposed upgrades to Warner Road and the Old North Road intersection; cited benefits include increased safety and further peace of mind.</i> <p><u>Comment:</u> Council officers note the items of support in relation to roads and traffic.</p>
Support - Stormwater Management
<p>Submitters provided support of the development in relation to the stormwater management:</p> <ul style="list-style-type: none"> • <i>The proposed development will “suitably accommodate and manage stormwater flows from the site and upstream properties”.</i> • <i>Proposal viewed as a permanent solution to the area’s perennial flood problem.</i> • <i>A handful of submitters appreciated the retention of natural flow path/drainage features in the proposed development.</i> <p><u>Comment:</u> Council officers note the items of support in relation to stormwater management.</p>
Support - Rebuttal Against Opposition Pro Forma
<p>Submitters provided support of the development in response to the pro forma submission in opposition to the proposal which constituted a significant number of submissions against the proposal:</p> <ul style="list-style-type: none"> • <i>Revegetation does not necessarily take years to grow; this point addressed in the EPBC submissions process (report “available upon request”). The proposed revegetation represents an improvement on existing conditions, so as to justify the wait.</i> • <i>Development allows for the creation of an east-west habitat link.</i> • <i>The assessment of ecological impacts, mitigation, and compensatory measures has been conducted in a coordinated manner.</i>

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Assessment of Submissions

- *Koala habitat offsets provided at a greater rate than what is mandated by the State.*
- *The overall environmental management strategy has been approved by the State through a Species Management Program.*
- *The proposed development includes the provision of significant public open space.*

Comment:

Council officers note the response to the pro forma submission in opposition to the proposal.

Issues from Not Properly Made Submissions

The following items were taken from submissions that were deemed not properly made for various reasons:

- *Compromised Solution*
 - *Lots fronting Warner Road must seek access from internal roads for safety reasons.*
 - *Lots should be minimum 500m² in size.*
 - *Garages to be setback minimum 6m from road frontages to allow for on-site car parking.*
 - *In relation to regenerative koala habitat provision, VIC requires one (1) canopy tree per lot; NSW required two (2) per lot in the Campbelltown koala area.*
 - *Koala fencing to be provided to Warner Road only, to avoid full enclosure*
 - *Internal roads should be wide enough to accommodate a garbage truck and two parked cars.*
 - *Parkland should be named after "Archibald Fogarty", a historic landowner.*
 - *The two (2) historic trees located in the southeast corner of the site should be retained.*

Comment:

Council officers note the not properly made submissions items.

2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 27 April 2021. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.8 Other Matters

Infrastructure Agreement

Relevantly, the abovementioned Ausbuild 1 approval borders this development application to the east at Lot 2 and 54 Warner Road, Warner (**Neighbouring Approval**). As part of the Neighbouring Approval, Council entered into an Infrastructure Agreement with the developer whereby the developer is to provide the following:

- (i) Upgrade to existing trunk stormwater box-culverts identified in the Council's LGIP in Warner Road that presently do not meet the Desired Standards of Service;
- (ii) Construction of a fauna underpass under Warner Road;
- (iii) Reconstruction of 350m of Warner Road;
- (iv) Revegetation and rehabilitation of the riparian corridor in Lot 2 Warner Road, Warner;
- (v) Dedication of 7 hectares to Council in fee simple on trust as Environmental Management and Conservation Precinct;

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- (vi) Construction of 3 bio-retention basins;
- (vii) Signalisation of the Coorparoo Road and South Pine Road intersection;
- (viii) Construction of a 2.5m wide shared off-street cycle ways and pathways across the frontage of the site to Warner Road extending to Old North Road having a total length of 703 metres;
- (ix) An upgrade of Warner Road between the subject site and Coorparoo Road;
- (x) Dedication of 1.3724ha of land to the Council for a Local Recreation Park from the subject site;
- (xi) Contribution of \$267,000 excluding GST towards embellishments for the Local Recreation Park;
- (xii) Dedication of 3.84ha of land from the subject site as Environmental Management and Conservation;
- (xiii) Contribution of temporary koala exclusion fencing during construction;
- (xiv) Contribution of 50 x 25 litre advanced tree stock in the area.

These items benefit the current application and further, items such as the Local Recreation Park for example are to be provided on the land subject to this application. It is also recommended that if this application is approved, it be required as a condition of approval that the developer comply with this Infrastructure Agreement.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region.

3.8 Environmental Implications

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

3.9 Social Implications

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

ITEM 4.3 DA/42661/2020/V23R - PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK AND SALES OFFICE (INCLUDING A VARIATION REQUEST TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME 2016) AND RECONFIGURING A LOT - DEVELOPMENT - 61883228 (Cont.)

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Refer to clause 3.7.

**ITEM 4.4
INCENTIVISING INFILL DEVELOPMENT POLICY**

Meeting / Session: 4 PLANNING
Reference: 62321593: 22 June 2021 **Refer Supporting Information 62321592**
Responsible Officer: CQ, Coordinator Specialist Assessment (PL Development Services)

Executive Summary

The Incentivising Infill Development Policy 2150-096 has an application expiration date of 30 June 2021 and a construction expiration date of 31 December 2021. It is recommended that the policy construction timeframe only be extended for an additional 12 months to utilise the committed funding.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Matt Constance

CARRIED 13/0

That the Incentivising Infill Development Policy 2150-096 (“Policy”) and associated Policy Directive 2160-025 (“Policy Directive”) are amended by:

- a) **extending the construction timeframe by a year by amending “building work to be substantially commenced by 31 December 2021” to “building work to be substantially commenced by 31 December 2022”; and**
- b) **accepting the applications noted in table 2(c) pending ‘development approval’, that meet all other policy requirements where the only reason that they have not already been decided is due to ongoing infrastructure negotiations involving the State Government and/or the Council.**

ITEM 4.4 INCENTIVISING INFILL DEVELOPMENT POLICY - 62321593 (Cont.)

OFFICER'S RECOMMENDATION

That the Incentivising Infill Development Policy 2150-096 ("Policy") and associated Policy Directive 2160-025 ("Policy Directive") are amended by:

- a) extending the construction timeframe by a year by amending "building work to be substantially commenced by 31 December 2021" to "building work to be substantially commenced by 31 December 2022"; and
- b) accepting the applications noted in table 2(c) pending 'development approval', that meet all other policy requirements where the only reason that they have not already been decided is due to ongoing infrastructure negotiations involving the State Government and/or the Council.

REPORT DETAIL

1. Background

Council's Incentivising Infill Development Policy (the Policy) commenced on 1 July 2017 for an initial period of two (2) years. The Policy, similar, to other policies in other Local Government areas is to incentivise the right development in the right location. The policy is to provide financial incentive, by refunding application fees and discounting 100% of infrastructure charges, for eligible developments. Eligible developments must also be in eligible areas which at present are Strathpine, Caboolture and in and around the Redcliffe Peninsular Rail Corridor. These areas were developed and identified in concert with Unitywater.

The Policy had an initial end term for applications to be accepted under it (30 June 2019) and approved developments required to be substantially commenced by 31 December 2019.

On 20 August 2019 Council adopted to extend the policy terms to accept applications made to 30 June 2021 and approved developments required to be substantially commenced by 31 December 2021.

A Council briefing was conducted on 15 June 2021 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

<p><i>BRIEFING 3 INCENTIVISING INFILL POLICY REVIEW / RECOMMENDATION</i></p> <p>EXTRACT TO BE INCLUDED IN OFFICER'S REPORT</p> <p>The CEO noted the way forward:</p> <p>Options were discussed at the briefing in relation to the Incentivising Infill Policy and it was noted to: Extend only the construction timeframe by a further one year and accept applications pending development approval that meet all other policy requirements where the only reason that they have not already been decided is due to ongoing infrastructure negotiations involving the State Government and/or the Council.</p>

2. Explanation of Item

The implementation and success of the policy was reviewed in May this year. Interest regarding the Policy has been high since its inception. At the current time, approximately \$9.6 million of the \$10 million pool is either 'under consideration', or 'approved'. This represents uptake of 96% of the \$10 million pool. Furthermore, the Policy has yielded some excellent development results on the ground.

- a) Approximately \$2.1 million, 20% of the \$10 million pool is approved, constructed or under construction and are expected to meet all conditions of approval under the Policy.

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ITEM 4.4 INCENTIVISING INFILL DEVELOPMENT POLICY - 62321593 (Cont.)

DA Reference	Address	Description	Applicant Name	Total Fees and Infrastructure charges
DA/33222/2016/V2M	738 Gympie Road, Lawnton	Multiple dwelling (12 Units)	Strathsind Pty Ltd	\$154,663.37
DA/34543/2017/V2K	83-97 King Street, Caboolture	Residential Care Facility, Community Use, Place of Worship & Park	RSL Care RDNS Ltd	\$426,412.99
DA/37363/2018/V23P	15 Rowe Street, Caboolture	Multiple Dwelling, Residential Care Facility, Retirement Facility, Relocatable Home Park, Office, Shop and Food & Drink and Reconfiguring a lot - Subdivision (1 into 5 lots)	Nusoho Pty Ltd c/- Place Design Group	\$1,541,120.15

- b) Approximately \$4.8 million, 50% of the \$10 million pool is approved, under construction or construction will commence this year however are unlikely to meet the expected construction timeframes stated in the Policy.

DA Reference	Address	Description	Applicant Name	Total Fees and Infrastructure charges
DA/33806/2017/V23R	34-40 Bietz Street & 5 Bland Street, Strathpine	Residential Care Facility (96 beds)	Ed Dycueco	\$465,766.59
DA/37862/2019/V2L	11 Buchanan Street, Rothwell	Residential Care facility	DAM26 Project Development & Management	\$601,795.47
DA/39309/2019/V2H	1725 Anzac Avenue, Mango Hill	Residential Care Facility	Linear Properties	\$1,300,204.17
DA/39269/2019/V24R and DA/39151/2019/V23C	1725 & 1729 Anzac Avenue, Mango Hill	Retirement Facility	Linear Properties	\$2,030,032.97
DA/39958/2019/V2M	11 & 21 Lakeside Crescent, Mango Hill	Material Change of Use - Development Permit for Multiple Dwellings	Solido Investment Nominees Pty Ltd	\$465,123.80
DA/42236/2020/V23C	1737 Anzac Avenue, Mango Hill	Material Change of Use - Development Permit for Office	Keymax Building Group	\$460,233.00

- c) Approximately \$2.7 million, 30% of the \$10 million pool is pending development approval in the PDA due to ongoing infrastructure negotiations and will not meet the policy development approval timeframe or the construction timeframe.

DA Reference	Address	Description	Applicant Name	Total Fees and Infrastructure charges
DA/38673/2019/V2K	1059 Anzac Ave, Petrie	Rooming accommodation and office - Mill PDA	K4KFin Pty Ltd & EPG The Mill Pty Ltd and Longfield Land Company Pty Ltd	\$2,739,399.50

ITEM 4.4 INCENTIVISING INFILL DEVELOPMENT POLICY - 62321593 (Cont.)

Based on this review, Officer's recommend extending the policy construction timeframe only for a further 12 months. Should all the current approved proposals under the policy be genuine developments, the extended construction timeframe is achievable for them and 96% of the committed fund will be used, meeting the Policy objective.

Officers have prepared amendments to the policy as per attached supporting information.

3. Strategic Implications

3.1 Legislative / Legal Implications

The policy has been developed in accordance with the *Local Government Act 2009* and the Local Government Regulation 2012.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications Nil identified

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

The incentives framework is already considered in the budget and no additional adjustments to the budget are being sought.

3.7 Economic Benefit Implications

This policy has the potential to bring forward new development and benefit the local economy with creation of construction jobs, construction spend and additional expenditure within the region. This has already been seen with over \$70M dollars' worth of projects being brought forward. The inclusion of Arana Hills is likely to assist in economic benefits for this part of the region.

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Councillors, the Executive Leadership Team and the respective Council officers have been consulted in the preparation of this report.

ATTENDANCE

Mr Dan Staley and Mr Marco Alberti left the meeting at 2.39pm after Item 4.4.

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION

(Cr M Gillam)

ITEM 5.1

LEASE RENEWAL - ARTISANS' GUILD OF CABOOLTURE AND DISTRICT INCORPORATED

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 62264833 : 1 July 2021 - **Refer Supporting Information 62264835**
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a lease to Artisans' Guild of Caboolture and District Incorporated at 1-17 Maitland Road, Burpengary East (Division 2) (*refer Supporting Information #1*).

This matter is reported to Council as section 236(2) of the Local Government Regulation 2012 requires Council resolution to apply the exception under section 236(1)(b)(ii) to dispose of land and buildings (via a lease to a community organisation) other than by tender or auction.

RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Tony Latter

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, the Artisans' Guild of Caboolture and District Incorporated be granted a lease over an area at 1-17 Maitland Road, Burpengary East (*refer Supporting Information #1*) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.1 LEASE RENEWAL - ARTISANS' GUILD OF CABOOLTURE AND DISTRICT INCORPORATED - 62264833
(Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, the Artisans' Guild of Caboolture and District Incorporated be granted a lease over an area at 1-17 Maitland Road, Burpengary East (*refer Supporting Information #1*) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

The Artisans' Guild of Caboolture and District Incorporated (the organisation) has held a lease with Council over a building at 1-17 Maitland Road, Burpengary East (*refer Supporting Information #1*) for the purpose of conducting art classes and exhibitions. The current lease is due to expire on 30 November 2021.

In accordance with the Old Bay Road Community Facility Master Plan 2013, in August 2018, Council undertook building extension works at the site to increase the capacity of the facility. The works included a large extension to the front of the existing building to accommodate a new workshop space, a new kitchen, storerooms and amenities. The organisation has occupied the extended area since the works were completed, however this area of occupation was never formalised under a lease agreement.

2. Explanation of Item

The organisation has made application to Council seeking renewal of its lease at 1-17 Maitland Road, Burpengary East under Council's Community Leasing Policy (2150-079). As part of the lease renewal process, Council officers identified the organisation's occupation of the building extension and the need to include this area into the organisation's future lease. Following discussion with the organisation regarding its requested lease renewal, the organisation has confirmed its desire to be granted a lease over a revised area inclusive of the building extension.

The inclusion of the building extension will see the organisation's lease area increase by approximately 275m², representing an increase of approximately 40% in comparison to its existing lease. In accordance with Council's Community Lease Renewals Policy Directive (No. 2160-024), due to the size of the lease area increase being greater than 20% of the organisation's original lease area, Council must consider the renewal at a General Meeting. Accordingly, this report recommends that Council approves the granting of a new lease to the Artisans' Guild of Caboolture and District Incorporated over the area identified in *Supporting Information #1* under the terms and conditions of Council's Community Leasing Policy (2150-079). Further, it is recommended that this lease be for a period of five years.

3. Strategic Implications

3.1 Legislative / Legal Implications

The Council must comply with the *Local Government Act 2009* and the Local Government Regulation 2012 when it disposes of valuable non-current assets. In accordance with section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (for example the grant of a lease over land or a building).

*ITEM 5.1 LEASE RENEWAL - ARTISANS' GUILD OF CABOOLTURE AND DISTRICT INCORPORATED - 62264833
(Cont.)*

Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings (via a lease to a community organisation) other than by tender or auction. The organisation identified in this report is a community organisation for the purposes of the Regulation.

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (2150-079).

3.4 Risk Management Implications

Nil identified

3.5 Delegated Authority Implications

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

The issuing of a lease to the Artisans' Guild of Caboolture and Districts Incorporated will provide the organisation with facilities to support its operations.

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Cr Mark Booth (Division 2)

Relevant Council Departments

Artisans' Guild of Caboolture and Districts Incorporated

**ITEM 5.2
BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT
ARRANGEMENTS**

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 62424241 : 8 July 2021 - Refer **Confidential Supporting Information 62424307 and Supporting Information 62424320**
Responsible Officer: MM, Manager - Community Services, Sport and Recreation (CES Community Services, Sport & Recreation)

Executive Summary

At its 7 October 2020 General Meeting, Council resolved to invite Expressions of Interest (EOI), followed by written tenders, from specialist child care providers (in particular targeting the non-profit sector) to assume the future governance and management of Council's Birralee Child Care Centre (BCCC). Following the initial EOI process, Council shortlisted one (1) provider, The Creche and Kindergarten Association Limited (C&K), and invited the organisation to submit a written tender for Council's consideration. On 14 January 2021, Council received a tender submission from C&K.

During the period of 15 January 2021 to 7 July 2021, Council entered into discussions with C&K regarding their tender submission and proposed future governance and management arrangements for BCCC. Following these discussions, Council received an updated tender submission from C&K, which subsequently progressed for evaluation by Council's Tender Assessment Panel.

This report recommends that C&K's updated tender submission be accepted, and that Council proceed with the transition of Birralee Child Care Centre's governance and management to C&K at a date mutually agreed by Council's Chief Executive Officer and C&K.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Adam Hain

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3 of this report, the tender for the '*Future Governance and Management of Birralee Child Care Centre (MBRC010509)*' be awarded to The Creche and Kindergarten Association Limited.
3. That Council enter into a Services Transmission Deed (Agreement) with The Creche and Kindergarten Association Limited for the '*Future Governance and Management of Birralee Child Care Centre*' as described in this report, and proceed with the transition of the Birralee Child Care Centre's governance and management at a date mutually agreed by the parties.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the Agreement with The Creche and Kindergarten Association Limited for the '*Future Governance and Management of Birralee Child Care Centre*' and any required variations of the Agreement on the Council's behalf, as described in this report.
5. That, subject to recommendations 2, 3, 4 and 6 of this report, The Creche and Kindergarten Association Limited be granted a lease over an area at 1-7 Samantha Court, Ferny Hills (*refer Supporting Information #2*) for a period of fifteen years.

*ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241
(Cont.)*

6. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
7. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

*ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241
(Cont.)*

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3 of this report, the tender for the '*Future Governance and Management of Birralee Child Care Centre (MBRC010509)*' be awarded to The Creche and Kindergarten Association Limited.
3. That Council enter into a Services Transmission Deed (Agreement) with The Creche and Kindergarten Association Limited for the '*Future Governance and Management of Birralee Child Care Centre*' as described in this report, and proceed with the transition of the Birralee Child Care Centre's governance and management at a date mutually agreed by the parties.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the Agreement with The Creche and Kindergarten Association Limited for the '*Future Governance and Management of Birralee Child Care Centre*' and any required variations of the Agreement on the Council's behalf, as described in this report.
5. That, subject to recommendations 2, 3, 4 and 6 of this report, The Creche and Kindergarten Association Limited be granted a lease over an area at 1-7 Samantha Court, Ferny Hills (*refer Supporting Information #2*) for a period of fifteen years.
6. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
7. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Council has owned and operated the 65-place Birralee Child Care Centre (BCCC) located at 1-7 Samantha Court, Ferny Hills since 1977. The centre provides high-quality long day care services and a Queensland Government accredited kindergarten program for families across both the Moreton Bay Region and Brisbane City local government areas.

Over its forty-four (44) years of operation, BCCC has built a strong reputation in the local child care sector for providing high-quality early childhood education and care services. This is evidenced by the centre's 100% occupancy rate and National Quality Framework Assessment Rating of 'Exceeding'.

BCCC is best described as a community-based non-profit child care centre, operating under public governance and administration. When originally established by Council in 1977, it is understood that very few child care providers were in existence, and the availability of this service type to residents was limited. Accordingly, it was determined by the former Pine Rivers Shire Council that a centre-based child care service would be established under Council's management for the benefit of residents.

In today's context, the Moreton Bay Region is well serviced by a large, dynamic and highly competitive specialist child care sector. Council's contribution to the availability of child care services across the region is considered minor, with all other services being delivered by non-profit community organisations or for-profit businesses.

ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241
(Cont.)

Whilst common place in the 1980s, the direct governance and management of child care centres by major Queensland local governments is, in the modern day, irregular. Currently, Moreton Bay Regional Council (MBRC) is the only major local government in South-East Queensland (SEQ) still directly delivering child care services. All others, inclusive of Sunshine Coast Regional Council in 2010, have since transitioned the delivery of their services to alternate specialist providers. It is understood that the primary drivers for this sectoral change are:

- Child care centres now operate within a highly competitive marketplace, creating challenge for councils with regards to competitive neutrality and National Competition Policy compliance;
- The commercial and non-profit sectors are generally more responsive and agile in the direct delivery of child care services;
- Operating costs for child care centres in a local government context are higher than that of non-public sectors. This can constrain the growth and service potential of centres; and
- Child care is no longer considered to be the core business of Queensland local governments.

In 2020, officers undertook a review of the BCCC’s operations with the view to better understanding the governance and management arrangements that would best support the future provision of high-quality child care services to BCCC customers. The core findings of this review are detailed in Table 1.1 below.

Table 1.1 - Governance and management review core findings

No.	Review Finding	Detail
1.	A strong and diverse child care sector	Today, the Moreton Bay Region child care sector has considerable strength, depth and diversity. With the exception of Council’s BCCC, all other child care centres in the Region operate under the governance and management of either specialist non-profit or commercial child care providers. Council is no longer required to contribute towards the availability of child care services to residents.
2.	Not a Queensland local government core service	The direct provision of child care services is not considered a core deliverable of Queensland local governments. Moreton Bay Regional Council is currently the only major SEQ council still directly delivering child care services. In recent decades, all other SEQ councils (with the exception of Lockyer Valley Regional Council who continues to manage one service) have transitioned the delivery of their child care services to alternate specialist child care providers.
3.	Service potential limitations	The child care industry is a dynamic, everchanging and heavily regulated sector. Accordingly, services are required to be agile and responsive to the needs of customers, marketplace competition and legislative reforms. As child care services are not considered the core business of Council, its governance and administrative structures are not established in ways that best support the delivery of this service type. This may be considered a limiting factor in the service’s ability to grow and diversify its services to customers into the future.
4.	Competitive neutrality	As a public entity, Council has responsibilities under the National Competition Policy to apply principles of competitive neutrality in its delivery of business activities that compete in the open marketplace. BCCC operates in a highly competitive market alongside many local child care businesses and community organisations. As a public-sector

ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241
(Cont.)

No.	Review Finding	Detail
		<p>entity, Council endeavours wherever possible to minimise its direct competition with industry.</p> <p>Whilst BCCC has not previously been the subject of competitive neutrality concerns, there remains a risk that local child care businesses may perceive BCCC as having a competitive advantage due to its public governance and management.</p>
5.	Risk profile	<p><u>Compliance risk</u> As a heavily regulated industry, the operations of BCCC requires Council to closely monitor the centre's compliance with various regulatory and service quality frameworks. Whilst every endeavour is made to ensure BCCC's compliance, there remains a level of risk to Council due to the focus of its governance and administrative structures being on Council core business, rather than the child care industry.</p> <p><u>Liability risk</u> BCCC is fully compliant with the <i>Childcare Regulation 2003</i> and maintains a comprehensive suite of policies and procedures that minimise risks to children. However, as is the case with all child care centres, there remains a risk that a child whilst under the care of Council's BCCC may suffer a serious injury or death. This risk is identified in Council's Corporate Risk Register as a 'Medium' risk.</p> <p><u>Financial risk</u> Whilst BCCC has generally operated at a cost-neutral or better operating position, there remains a risk that due to the high operating costs, subsidisation of the service by Council may be required into the future.</p> <p><u>Key person dependency risks</u> As an operator of only one medium sized childcare centre, Council has a critical dependence on a small number of specialist staff to manage the BCCC's operations.</p> <p>Unlike many major child care providers that operate multiple centres, Council does not have a breadth of specialist industry skills and knowledge within its broader workforce.</p>

Council briefings were conducted on 5 August and 16 September 2020 for the purpose of providing information and advice to Council regarding the review findings. In line with Council's decision-making framework, extracts from the minutes of these briefings are provided below.

5 August 2020 Council Briefing - Birralee Child Care Centre - Governance and Management Review

The CEO noted the way forward:

- That the Manager Community Services, Sport and Recreation to provide Council with a detailed transition methodology and also a communications plan prior to consideration to adopt an EOI at a future General Meeting.

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(Cont.)*

16 September 2020 Council Briefing - Birralee Child Care Centre - Governance and Management Review

The CEO noted the way forward:

- The Transition Methodology and Communications Plan as presented was noted by Council.
- The initial Council resolution to invite Expressions of Interest is to be submitted to the General Meeting of 7 October 2020. This will alter the indicative timelines provided in the Briefing Note accordingly.

At its 7 October 2020 General Meeting, Council resolved to invite EOIs followed by written tenders from specialist child care providers, in particular targeting the non-profit sector. The following resolution appears on minute page 20/1790 of the General Meeting of Council held 7 October 2020, Item C.1 - Services Review.

RESOLUTION

1. That in accordance with s228 of the Local Government Regulation 2012, Council commences a tender process for the Council Services identified in the accompanying officer's report.
2. That in accordance with s228(3)(a) of the Local Government Regulation 2012, Council decides it would be in the public interest to invite Expressions of Interest before inviting the written tenders.
3. That, in accordance with s228(3)(b) of the Local Government Regulation 2012, Council record its reasons for resolving to invite Expressions of Interest before inviting written tenders, as follows:
 - a) to enable Council to canvass the interest and capacity of providers outside Council in relation to the Council Services identified in the accompanying officer's report having regard to Council's desired terms, prior to inviting written tenders;
 - b) to reduce for providers the time and expense associated with preparing a full tender response where such a response may not be required following the preparation of a short list from which written tenders will be invited; and
 - c) to maximise Council's resources in the tender process.
4. That in accordance with s228(6) of the Local Government Regulation 2012, Council prepares a short list from those providers who respond to the invitation for Expressions of Interest and invite written tenders from those providers.
5. That the Chief Executive Officer be authorised to take all action necessary to undertake the Expressions of Interest and tender processes as described in this report.
6. That a report be tabled at a future General Meeting detailing the evaluation outcomes of the tender process for Council's further consideration.
7. That the full contents of this report be made public (through publication on Council's website) in seven days to enable appropriate communications to be undertaken.

NB: This report was uploaded to Council's website on 14.10.2020

*ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241
(Cont.)*

This report detailed Council's desire to achieve a smooth transition of BCCC services for staff, customers and Council. Specifically, the following five (5) Desired Transition Outcomes were noted for investigation throughout the EOI and tender processes:

1. Continuity of high-quality services to BCCC customers;
2. Retainment of BCCC's community-based status and ethos;
3. Transition of BCCC employees to the new provider on terms acceptable to Council;
4. Transmission of all relevant Council assets to the new provider for continued deployment in the delivery BCCC services to customers; and
5. Retention of the Birralee Child Care Centre brand.

2. Explanation of Item

Following an initial Expressions of Interest (EOI) process undertaken during the period of 17 October and 2 November 2020, Council invited one (1) organisation, The Creche and Kindergarten Association Limited (C&K), to submit a written tender for Council's consideration. On 14 January 2021, Council received an initial tender submission from C&K.

Between the period of 15 January and 7 July 2021, Council and C&K entered into discussions regarding the proposed transition arrangements detailed in the tender response received by Council. Throughout these discussions, further due diligence investigations were undertaken by both parties.

On 4 April 2021, a Council briefing was conducted for the purpose of providing Council with an update on the discussions between the two parties. In line with Council's decision-making framework, an extract from the minutes of this briefing is provided below.

4 April 2021 Council Briefing - Birralee Child Care Centre Governance and Management Tender

A briefing was provided to Council regarding the current status of negotiations with C&K and the next steps in the tender process.

The CEO noted the way forward:

- Council noted the next steps.

Following the conclusion of discussions between Council and C&K, Council received an updated tender submission from the organisation. This tender submission progressed to a Tender Assessment Panel meeting on 7 July 2021 where it was evaluated with consideration to the Desired Transition Outcomes as noted above, and the following evaluation criteria:

- Relevant experience;
- Transition arrangements;
- Financial sustainability;
- Demonstrated understanding; and
- Environmental Sustainability.

Established in 1907, C&K are a Queensland-based non-profit early childhood education and care (ECEC) provider that operates over 330 kindergartens and long day child care centres state-wide. C&K are widely regarded as an industry leader in the provision of high-quality services, which is evidenced by the high proportion of their services which operate with a National Quality Rating of 'Exceeding' (60% - double the national average).

As one of the largest ECEC providers in Australia (providing education and care to over 18,000 children annually), C&K offers an extensive suite of specialist corporate services that support the day to day operations of its centres. These include but are not limited to: sector specific recruitment and onboarding services; payroll; facilities management; Information Technology support; staff backfill and relief services; finance / accounts management; business development and strategy; curriculum and inclusion support; and service quality and regulatory compliance support.

*ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241
(Cont.)*

Should its tender be accepted, C&K would assign a dedicated Children's Services Area Manager to oversee the governance and management changeover, ensuring a smooth and incremental transition for staff, children and families. In addition, an Early Childhood Pedagogy Advisor will be assigned to the service to provide expertise, mentoring and advice to all BCCC staff.

Provided in *Confidential Supporting Information #1* is an overview of the alignment between the core transition terms of C&K's updated tender response, and Council's Desired Transition Outcomes for BCCC services, staff and customers. One such transition term proposed by C&K is that Council grant a lease to C&K for utilisation of Birralee Child Care Centre facilities, located at 1-7 Samantha Court, Ferny Hills (*refer Supporting Information #2*). It is proposed that the terms and conditions of this lease be in accordance with Council's Community Leasing Policy (No. 2150-079) and for a period of 15-years.

As a result of the tender evaluation process, C&K's submission received an evaluation score of 80 out of 100 and is considered to meet all five (5) of Council's Desired Transition Outcomes. Accordingly, it is the recommendation of the Tender Assessment Panel and this report that Council accept C&K's updated tender submission and proceed with the transition of BCCC services. Further it is recommended that Council's Chief Executive Officer be authorised to finalise the terms of the transition, including determining a transition date in consultation with C&K.

3. Strategic Implications

3.1 Legislative / Legal Implications

The Council must comply with the Local Government Act 2009 and the Local Government Regulation 2012 when it disposes of valuable non-current assets. Under section 224(6) of the Regulation, the disposal of a valuable non-current asset includes the disposal of all or any part of an interest in the asset (including, for example the grant of a lease over land or a building).

In accordance with section 227 of the Regulation Council can enter into a valuable non-current asset contract after inviting written tenders for the contract. Section 228 allows Council to dispose of a valuable non-current asset via a tender process following an Expressions of Interest campaign. Council has followed this process for the disposal of the assets (i.e. Birralee Child Care Centre). If the Council decides to accept a tender, it must accept the tender most advantageous to it, having regard to the sound contracting principles (s 228(9)).

Section 236(1)(b)(ii) of the Regulation provides an exception to the requirement that a valuable non-current asset be disposed of by tender or auction. Section 236(2) of the Regulation provides that the exception in section 236(1)(b)(ii) of the Regulation applies only if the Council has decided by resolution that it may apply. By resolving that the exception applies, Council can dispose of the land and buildings via a lease to a community organisation. The Creche and Kindergarten Association Limited is a community organisation for the purposes of the Regulation.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The *'Future Governance and Management of Birralee Child Care Centre'* EOI and tender process has been undertaken in accordance with the provisions of Council's Procurement Policy (2150-006).

Further, the terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (2150-079).

ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241
(Cont.)

3.4 Risk Management Implications

Should Council support the recommendations of this report and proceed with the transition of BCCC services to C&K, the following risks and related mitigation strategies have been noted.

Risks	Risk explanation and mitigation strategies
Customer impacts	There is a risk that changes resulting from the transition of services to C&K may negatively impact customers. To mitigate this risk, Council has negotiated various transition provisions with C&K that will enable continuity of services to customers (<i>refer Confidential Supporting Information #1</i>).
Workforce impacts	There is a risk that the transition of services to C&K may negatively impact BCCC employees. To reduce this risk, Council has negotiated various transition provisions related to BCCC employees (<i>refer Confidential Supporting Information #1</i>).
Service quality impacts	There is a risk that the high quality of services historically provided to customers may be negatively impacted by the transition of services to C&K. To mitigate this risk, Council has negotiated various transition provisions related to the continuation of BCCC's service quality (<i>refer Confidential Supporting Information #1</i>). In addition, C&K's significant experience and expertise in the industry of early childhood education and care is considered to strongly position the organisation to maintain and / or increase the high quality of services provided by BCCC to customers.

3.5 Delegated Authority Implications

As per recommendations 4 and 7 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the Services Transmission Deed (Agreement) and lease referred to in this report.

3.6 Financial Implications

Under the transition arrangements proposed by C&K, various consumables, equipment and assets used exclusively in the delivery of BCCC services will be transitioned to C&K for continued use in the delivery of BCCC services to customers (*refer Confidential Supporting Information #1*). The value of these assets is unable to be accurately quantified given their individual low values.

BCCC has historically operated at a cost neutral or better financial position.

Following the proposed transition of BCCC services to C&K, all revenues and expenses directly related to BCCC operations will be the responsibility of C&K.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications

As an industry leading specialist early childhood education and care provider, C&K is considered to be well positioned to assume the future governance and management of BCCC and continue the provision of high quality services to current and future customers.

*ITEM 5.2 BIRRALEE CHILD CARE CENTRE GOVERNANCE AND MANAGEMENT ARRANGEMENTS - 62424241
(Cont.)*

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Internal

- Chief Executive Officer
- Director - Community and Environmental Services
- Legal Services Department
- Procurement Development Department
- Community Services, Sport and Recreation Department
- All Councillors - Various Council Briefings as detailed in this report.

External

- The Creche and Kindergarten Association Limited
- Queensland Government Department of Early Childhood Education and Care

6 FINANCE & CORPORATE SERVICES SESSION

(Cr M Constance)

ITEM 6.1

AUDITOR-GENERAL SECOND INTERIM OBSERVATION REPORT 2020/21

Meeting / Session: 6 FINANCE & CORPORATE SERVICES
Reference: 62356352 : 28 June 2021 - **Refer Supporting Information 62356432**
Responsible Officer: DC, Manager Accounting Services (FCS Accounting Services)

Executive Summary

The purpose of this report is to present the Auditor-General's second interim observation report relating to the audit of Council's Financial Statements for 2020/21.

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Jodie Shipway

CARRIED 13/0

That the Auditor-General's second interim observation report relating to the audit of Council's 2020/21 Financial Statements be received.

ITEM 6.1 AUDITOR-GENERAL SECOND INTERIM OBSERVATION REPORT 2020/21 - 62356352 (Cont.)

OFFICER'S RECOMMENDATION

That the Auditor-General's second interim observation report relating to the audit of Council's 2020/21 Financial Statements be received.

REPORT DETAIL

1. Background

The Auditor-General must prepare an observation report about the audit of a local government's financial statements in accordance with section 54 of the *Auditor-General Act 2009*.

In accordance with the Local Government Regulation 2012, the Mayor must present the Auditor-General's observation report about the audit of the Council.

The audit of Council's Financial Statements for 2020/21 occurs over a number of phases. Queensland Audit Office (QAO) commenced planning work in December 2020 with the first interim audit undertaken from mid-February to early March 2021. The first interim observation report was provided to Council at the General Meeting held on April 28, 2021

2. Explanation of Item

The second interim audit was conducted in early June 2021, the purpose being to confirm the operating effectiveness of Council's internal controls and perform further substantive procedures.

No new internal control deficiencies were noted from testing conducted during the second interim visit.

The status of audit findings previously reported is outlined in the supporting information (page 3). Of the four deficiencies identified, three are resolved (two pending QAO's verification) with one outstanding.

Full details are provided in the supporting information.

3. Strategic Implications

3.1 Legislative / Legal Implications

The observation report is a report prepared by the Auditor-General in accordance with section 54 of the *Auditor-General Act 2009*.

In accordance with section 213(3) of the Local Government Regulation 2012, the Mayor must present the Auditor-General's observation report at the next ordinary meeting of the local government

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

The Auditor-General's Observation Report assesses the risks and possible implications associated with deficiencies and matters observed during the audit of the financial statements. Observations identified can be significant deficiencies, deficiencies, financial reporting matters or other matters. Management provides responses to recommendations suggested in the observation report which have a due date for completion with a view to reducing or eliminating the risk associated with the observations raised.

ITEM 6.1 AUDITOR-GENERAL SECOND INTERIM OBSERVATION REPORT 2020/21 - 62356352 (Cont.)

3.5 Delegated Authority Implications Nil identified

3.6 Financial Implications

The QAO Audit Fee was estimated to be in the amount of \$240,000 (exclusive of GST) at the time the External Audit Plan was agreed to with Council in January 2021. As at the date of this report there is no change to the estimate.

3.7 Economic Benefit Implications Nil identified

3.8 Environmental Implications Nil identified

3.9 Social Implications Nil identified

3.10 Human Rights Implications

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

3.11 Consultation / Communication

Chief Executive Officer, Director Finance and Corporate Services, Manager Governance and Executive Services, Financial Operations Manager.

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

Consideration of notified general business items (including reports on significant regional achievements) or responses to questions taken on notice.

**ITEM 12.1
COMMUNITY CONSULTATION TO RECOGNISE WOMEN OF THE MORETON BAY REGION**

Cr Matt Constance spoke in relation to the State Government's recent announcement that from February 2022, Councils across Queensland will be able to apply for grants to erect statues acknowledging the contribution of women in our community.

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 13/0

That Council seek community nominations to identify a suitable person/s and potential locations to assist in preparing a submission when more details about the program become available.

**ITEM 12.2
VEHICLE STACKERS**

Following considerable debate on Item 4.2 in relation to vehicle stackers, Cr Tony Latter requested further discussion be had regarding their use in the context of development applications.

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Karl Winchester

CARRIED 13/0

That the Chief Executive Officer prepare a report to a Council Briefing regarding the use of vehicle stackers and innovative parking solutions as part of development applications.

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.

ITEM C.4 - DECLARATION OF INTEREST

Declarable Conflict of Interest - Cr Matt Constance

Pursuant to s150EQ of the *Local Government Act 2009*, Cr Matt Constance informed the meeting of a declarable conflict of interest in Item C.4 as he is a close personal friend of the property owner Peter Dutton, who is the subject of the confidential item.

Cr Matt Constance elected not to participate in the decision and left the meeting at 3.10pm during closed session, prior to discussion on Item C.4.

Declarable Conflict of Interest - Cr Cath Tonks

Pursuant to s150EQ of the *Local Government Act 2009*, Cr Cath Tonks informed the meeting of a declarable conflict of interest in Item C.4 as she is a close personal friend of the property owner Peter Dutton, who is the subject of the confidential item.

Cr Cath Tonks elected not to participate in the decision and retired from the meeting at 3.10pm during closed session, prior to discussion on Item C.4.

CLOSED SESSION

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Tony Latter

CARRIED 13/0

That Council move into closed session pursuant to the provisions of s254J of the Local Government Regulation 2012 to discuss Items C.1 to C.4.

The closed session commenced at 2.56pm (livestreaming paused).

ATTENDANCE

In accordance with declared conflicts of interest in Item C.4 prior to closed session, Cr Cath Tonks retired from the meeting and Cr Matt Constance left the meeting at 3.10pm during closed session, prior to discussion on Item C.4.

OPEN SESSION

RESOLUTION

Moved by Cr Jodie Shipway

Seconded by Cr Tony Latter

CARRIED 11/0

Cr Matt Constance had declared a conflict of interest and left the meeting during closed session

Cr Cath Tonks had declared a conflict of interest and was retired from the meeting when open session resumed

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

The open session (livestreaming) resumed at 3.18pm.

Cr Cath Tonks returned to the meeting at 3.18pm following the open session resuming.
It was noted that Cr Matt Constance left the meeting at 3.10pm during closed session.

14a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL

PROPERTY ACQUISITION FOR DESIGNATION AS A PARK

Meeting / Session: 2 INFRASTRUCTURE PLANNING

Reference: 62024311 : 14 May 2021 - Refer **Confidential** Supporting Information
62024269

Responsible Officer: WM, Park & Recreation Planning Manager (IP Parks & Recreation Planning)

Basis of Confidentiality

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Executive Summary

This report seeks Council approval to commercially acquire part of land for the purpose of a park.

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Tony Latter

CARRIED 12/0

1. That Council proceeds with the acquisition of the part of the property described in this confidential report and in the confidential supporting information for designation as a park.
2. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the commercial acquisition of part of to the property as described in this confidential report.

ITEM C.2 – CONFIDENTIAL

PROPOSED ACQUISITION OF LAND FOR DESIGNATION AS A PATHWAY

Meeting / Session: 2 INFRASTRUCTURE PLANNING

Reference: 61977684 : 9 June 2021 - Refer **Confidential Supporting Information**
61675848; 61863089; 61863093; 61811099; 61811103

Responsible Officer: WM, Manager Parks and Recreation Planning (IP Infrastructure Planning)

Basis of Confidentiality

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Executive Summary

This report seeks Council approval to commercially acquire land for a pathway on the terms detailed in this report.

RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Jodie Shipway

CARRIED 12/0

1. That Council proceeds with the acquisition of the land described in this confidential report and in the confidential supporting information for a pathway.
2. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the commercial acquisition of the property, as described in this confidential report.

ITEM C.3 – CONFIDENTIAL

LAND ACQUISITION FOR PURPOSES RELATING TO THE ENVIRONMENT

Meeting / Session: 2 INFRASTRUCTURE PLANNING

Reference: 62355348 : 28 June 2021 Refer **Confidential** Supporting Information
62325145; 62318457

Responsible Officer: WM, Manager Parks and Recreation Planning (IP Parks & Recreation Planning)

Basis of Confidentiality

Pursuant to s254J(3)(g) of the Local Government Regulation 2012, as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Executive Summary

This report seeks Council's approval for the commercial acquisition of land for purposes relating to the environment.

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Jodie Shipway

CARRIED 12/0

1. That Council proceeds with the acquisition of the property described in this confidential report and the confidential supporting information for purposes relating to the environment.
2. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the commercial acquisition of the property as described in this confidential report.

ATTENDANCE

In accordance with the previously declared conflict of interest relating to Item C.4 (refer Page 21/1191), Cr Cath Tonks left the meeting at 3.21pm prior to consideration of Item C.4.

ITEM C.4 – CONFIDENTIAL

PROPERTY ACQUISITION FOR DESIGNATION AS ROAD RESERVE

Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES
Reference: 62205529: 14 July 2021 - Refer **Confidential** Supporting Information
62205530
Responsible Officer: AS, Manager Property Services (CES Property Services)

Basis of Confidentiality

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

Executive Summary

This report seeks Council's approval for the commercial acquisition of land for dedication as road reserve, on the terms detailed in this report.

RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Sandra Ruck

CARRIED 11/0

Cr Cath Tonks had declared a conflict of interest and had left the meeting

1. That Council proceeds with the acquisition of that part of the property described in this report and in Confidential Supporting Information #2, for dedication as road reserve.
2. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the acquisition of part of the property, as described in this report.

14b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

14. CLOSURE

There being no further business the Chairperson closed the meeting at 3.23pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 21/967 to 21/1208 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 21 July 2021.

Greg Chemello
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 4 August 2021.

Greg Chemello
Chief Executive Officer

Councillor Peter Flannery
Mayor