



# **MINUTES**

## **GENERAL MEETING**

**Wednesday 14 June 2023**  
commencing at 9.45am

Caboolture Chambers  
2 Hasking Street, Caboolture

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**ENDORSED GM20230628**

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

***Adoption Extract from General Meeting – 28 June 2023 (Page 23/1379)***

**1. General Meeting - 14 June 2023 (Pages 23/1131 - 23/1329)**

**RESOLUTION**

**Moved by Cr Yvonne Barlow**

**Seconded by Cr Mick Gillam**

**CARRIED 12/0**

**That the minutes of the General Meeting held 14 June 2023, be confirmed.**

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**RESOLUTION**

REPORT DETAIL

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**RESOLUTION**

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**RESOLUTION**

REPORT DETAIL

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**RESOLUTION**

REPORT DETAIL

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**RESOLUTION**

REPORT DETAIL

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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

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

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

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

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

Cr Brooke Savige provided the Acknowledgement of Country.

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

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

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### **3. ATTENDANCE & APOLOGIES**

#### **Attendance:**

Cr Peter Flannery (Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Mark Booth  
Cr Adam Hain  
Cr Jodie Shipway (Deputy Mayor) \*via video conference  
Cr Sandra Ruck  
Cr Yvonne Barlow  
Cr Mick Gillam  
Cr Cath Tonks  
Cr Matt Constance  
Cr Darren Grimwade

Chief Executive Officer	(Scott Waters)
Deputy CEO/Director Projects & Asset Services	(Tony Martini)
Director Community & Environmental Services	(Bill Halpin)
Director Finance & Corporate Services	(Donna Gregory)
Director Infrastructure Planning	(Amanda Creevey)
Director Planning	(David Corkill)
Chief Economic Development Officer	(Paul Martins)
Chief External Relations Officer	(Joshua O'Keefe)
Chief Legal Counsel	(Kate Draper)
Meeting Support	Kathrine Crocker

#### **Apologies:**

Cr Karl Winchester  
Cr Tony Latter who is representing Council at the National General Assembly.

#### **ATTENDEES - ABBEY MUSEUM MEDIEVAL FESTIVAL**

In celebration of the upcoming Abbey Medieval Festival to be held 8 - 9 July 2023, representatives from the Abbey Museum were invited to attend the Council Chambers which had been transformed into medieval theme set in the 14th century, in show of Council's support of the event.

Abbey Chairman Lord Paul Garcia welcomed the Councillors into chambers and provided an introduction to the Abbey team including Luke Binks - Jousting and Company of the Gryphon, Andrew Murray ERMS - Sheriff of Abbeystowe and Kellee Neville, Marketing Manager, and spoke about Council's support of the festival, medieval history, and the extraordinary community the festival brings together.

As part of the introduction, Luke Binks provided Council with an overview of his journey into the profession of jousting, including his worldwide experiences, acknowledging the growth of the tournament over the years and the new permanent grandstands installed that will provide the opportunity for future tournaments to be held throughout the year.

#### **4. MEMORIALS OR CONDOLENCES**

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

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

##### **General Meeting - 31 May 2023 (Pages 23/1008 to 23/1130)**

##### **RESOLUTION**

Moved by Cr Yvonne Barlow

Seconded by Cr Cath Tonks

**CARRIED 11/0**

**That the minutes of the General Meeting held 31 May 2023, be confirmed.**

#### **6. PRESENTATION OF PETITIONS**

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

##### **6.1. Petition: Michelle Hall re construction of footpath from Frank Nicols Reserve to Eatons Crossing Road intersection (67685084)**

Cr Cath Tonks tabled a petition containing 192 eligible signatures, received from Michelle Hall, reading as follows:

*"We the undersigned residents of Queensland request that Council construct a footpath from Frank Nicols Reserve on Lilley Road Cashmere - extending down the southern end of Lilley Road to the Eatons Crossing Road intersection. At the Lilley Road and Eatons Crossing Road intersection the footpath would turn left along Eatons Crossing Road and extend to meet the existing footpath on Eatons Crossing Road that currently ends at Eden Drive".*

**Council received the petition, referring it to the Director Projects & Asset Services for investigation and report to Council, if required.**



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## 7. CORRESPONDENCE

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There was no correspondence for tabling.

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## 8. COMMUNITY COMMENT

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### 8.1. Community Comment: Paul O'Donohue - Proposed Development 99 First Avenue, Woorim (67213528)

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Cr Peter Flannery (Mayor) opened the Community Comment session, making the required statement regarding the conduct of the Session, and invited Paul O'Donohue (Committee Member of the Bribie Island Environmental Protection Association, BIEPA) to address Council.

The address regarding the impact of the development on the environment and the health and safety risks involved should the development be approved, included the following points:

- BIEPA believes this is a good opportunity for Council to demonstrate it takes the reduction of habitat seriously, and is prepared to respond to the community's expectations on environmental issues by saying no to the development
- It is time to move away from the 'old style' local government's view on freehold land and the low bar of concessions required to attain approval
- It is okay to say no to development that clears land, disrupts wildlife, creates health risks to the community through traffic hazards and sewerage seepage
- Moreton Says survey results sent a clear message that environmental protection in the region should get higher priority
- This development application is a test case of whether the Council is serious about its own Environment & Sustainability Strategy - will this set a precedent that opens the way to further development along the stretch of First Avenue, or will Council put their new strategy into practice?
- The site is rural zone and part of long stretch of rural bushland that joins the industrial area. This stretch of land is a significant wildlife corridor and needs to be preserved
- The fact the applicant is a religious institution does not affect considerations
- Concern that Council's development application process is flawed, as at previous meetings words were used that the applicant had an expectation generally of Council's support of the proposed use of the land
- The report on traffic lacks detail regarding Sunday morning traffic and understates the queuing distances required as the Australian Standard not taking into account traffic arriving in a short window of time - this is considerable and serious risk
- The inadequate secondary sewage treatment proposed will be exacerbated by the limitations of the proposed soakage field which is considered to be too small to deal with the amount of wastewater which will be discharged onto it - the calculations are understood to have not been investigated by Council, and nutrient levels into the adjoining National Park will impact Bribie's native plants
- BIEPA recommend council decline the application, or should council approve the application, BIEPA requests the applicant to take responsible action and withdraw the application

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

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*(s262 of the Local Government Regulation 2012)*

There were no notices of motion for consideration.

## 10. CONFLICTS OF INTEREST NOTIFIED TO THE CEO

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

There were no notified conflicts of interest.

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

*(as referred by the Chief Executive Officer)*

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

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

Session	Portfolio Councillors	
<b>1 Vibrant Communities</b>	Cr Y Barlow	Cr S Ruck
<b>2 Healthy Environments</b>	Cr C Tonks	Cr B Savige
<b>3 Well-planned Places</b>	Cr J Shipway (Deputy Mayor)	Cr M Booth
<b>4 Well-connected Places</b>	Cr A Hain	Cr M Gillam
<b>5 Progressive Economy</b>	Cr K Winchester	Cr T Latter
<b>6 Engaged Council</b>	Cr M Constance	Cr D Grimwade

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**1 VIBRANT COMMUNITIES SESSION**

(Cr Y Barlow / Cr S Ruck)

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**ITEM 1.1  
TOORBUL - THE ESPLANADE - PARK NAMING**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67021651: 18 May 2023  
*Responsible Officer:* BS, Senior Business Systems Officer (IP Parks & Recreation Planning)

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**Executive Summary**

An application has been received requesting that an unnamed park on The Esplanade, Toorbul be named in recognition of John Van Peype.

This report provides Council with background information relevant to the application and recommends that the parkland identified in Figure 1, be named "John Van Peype Park".

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as the matter relates the naming of park infrastructure and community wayfinding.

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**RESOLUTION**

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Moved by Cr Brooke Savige

Seconded by Cr Mick Gillam

CARRIED 11/0

1. That having regard to the information provided within this report and subject to the outcome of public advertising, that parkland at 107 The Esplanade, Toorbul on Lot 105 on T3123 and identified in Figure 1, be named as "John Van Peype Park".
2. That public advertising of the proposal to name the area be undertaken via appropriate digital and/or print media platforms, having a distribution covering the general vicinity of the subject park with public submissions open for a period of 28 days.
3. That should non-supportive submissions be received following public advertising; the matter be referred to Council in a subsequent report.

*ITEM 1.1 TOORBUL - THE ESPLANADE - PARK NAMING - 67021651 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That having regard to the information provided within this report and subject to the outcome of public advertising, that parkland at 107 The Esplanade, Toorbul on Lot 105 on T3123 and identified in Figure 1, be named as "John Van Peype Park".
2. That public advertising of the proposal to name the area be undertaken via appropriate digital and/or print media platforms, having a distribution covering the general vicinity of the subject park with public submissions open for a period of 28 days.
3. That should non-supportive submissions be received following public advertising; the matter be referred to Council in a subsequent report.

## **REPORT DETAIL**

### **1. Background**

An application has been received by Council requesting that parkland at 107 The Esplanade, Toorbul, on Lot 105 on T3123 (figure 1), be named in recognition of John Van Peype.



**Figure 1 Parkland at 107 The Esplanade, Toorbul**

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

Under Policy 2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads), applicants are required to provide documentation to substantiate the good character of the person or persons being acknowledged. In this instance a letter of support has been provided by the Toorbul Community & District Association Inc. and is also supported by the family of John Van Peype. Council's Senior Local History Officer has also provided information which supports the community involvement by Mr Van Peype.

ITEM 1.1 TOORBUL - THE ESPLANADE - PARK NAMING - 67021651 (Cont.)

Information received in the application notes the following in regard to Mr Van Peype.

- *Founding member of Toorbul Community Hall*
- *Founding member of Toorbul & Donnybrook Seniors Club*
- *Organised and built the Toorbul and Donnybrook War Memorial ANZAC Cenotaph*
- *Ex-serviceman and long-time resident of Toorbul*
- *Committee member of the Toorbul Progress Association in the late 70's early 80's*
- *Volunteer at the Toorbul Rural Fire Brigade*

The recommendation to name the parkland after Mr Van Peype complies with the policy's guideline as outlined below:

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

Council policy requires that any proposal to name a park, reserve or place be advertised in local newspapers for a period of 28 days during which time submissions can be received. This process allows Council to assess any possible objections to the proposed naming.

A history board is proposed to be installed in conjunction with the park signage to explain the connection Mr Van Peype had with the Toorbul area.

The proposed wording reads as follows:

*"John Van Peype was a tireless volunteer who gave freely of his time to the Toorbul community."*

### 3. Strategic Implications

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 03 Our communities embrace opportunities for participation in creative experiences and celebrate our stories, cultures, and identities.

3.3 Policy Implications

The submitted application complies with and has all the supporting documentation required under MBRC Policy 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 \$2000 which can be covered within existing operational budgets.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

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

*ITEM 1.1 TOORBUL - THE ESPLANADE - PARK NAMING - 67021651 (Cont.)*

3.10 Human Rights Implications

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

3.11 Consultation / Communication

The submission has been discussed with the Division 1 Councillor, who supports the proposal for the parkland to be named.

**ITEM 1.2**  
**GROW IT LOCAL ONLINE PLATFORM - SINGLE SUPPLIER**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 66984575 : 31 May 2023  
*Responsible Officer:* ML, Community Development Officer (CES Community Services, Sport & Recreation)

**Executive Summary**

In July of 2021, Council launched a two-year pilot of the Grow It Local (GIL) platform, which is a digital, web-based subscription platform designed to enable residents and community groups to connect around the topics of growing, sharing and eating locally grown food.

Officers have undertaken an internal review of the GIL pilot and consider that the platform has been successful in achieving the objectives sought by Council. Accordingly, it is recommended that the GIL platform be continued for a further two (2) year period.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as continuation of the GIL platform will assist communities to make growing food more accessible, increase the production and consumption of locally grown foods, inspire positive health and wellbeing, and help build stronger and more resilient communities.

Further, the matter is reported to Council as section 235(a) of the *Local Government Regulation 2012* requires Council resolution regarding single supplier arrangements.

**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Matt Constance

CARRIED 11/0

1. That in accordance with section 235(a) of the *Local Government Regulation 2012*, Council is satisfied that Grow it Local Pty Ltd is the only supplier who is reasonably available for the provision of its digital web-based platform, branded assets, and events programming.
2. That Council enters into a contract with Grow it Local Pty Ltd for a further period of two (2) years for the provision of its online platform, branded assets and programming as described in this report.
3. That Council acknowledges:
  - a) the contract will require continuing operational funding for the 2023/24 and 2024/25 financial years; and
  - b) the intention to account for this future expenditure as part of Council's budget for the 2023/24 and 2024/25 financial years.
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 Grow it Local Pty Ltd and any required variations of the agreement on Council's behalf.

*ITEM 1.2 GROW IT LOCAL ONLINE PLATFORM - SINGLE SUPPLIER - 66984575 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That in accordance with section 235(a) of the *Local Government Regulation 2012*, Council is satisfied that Grow it Local Pty Ltd is the only supplier who is reasonably available for the provision of its digital web-based platform, branded assets, and events programming.
2. That Council enters into a contract with Grow it Local Pty Ltd for a further period of two (2) years for the provision of its online platform, branded assets and programming as described in this report.
3. That Council acknowledges:
  - a) the contract will require continuing operational funding for the 2023/24 and 2024/25 financial years; and
  - b) the intention to account for this future expenditure as part of Council's budget for the 2023/24 and 2024/25 financial years.
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 Grow it Local Pty Ltd and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

GIL is a digital, web-based subscription platform that enables residents and community groups to connect around growing, sharing and eating locally grown food. GIL provides regular webinars and interactive question and answer sessions to members which are hosted by celebrity gardeners and chefs. It also provides an extensive suite of digital resources and tools to support community education and engagement.

At its 26 May 2021 General Meeting (Page 21/736), Council agreed to enter into an agreement with Grow It Local Pty Ltd for a pilot period of two years for the provision of its digital web-based platform, branded assets, and participation in GIL events programming.

Council launched the Moreton Bay Grow It Local platform in July 2021. The platform now boasts 1,358 members (as of 4 May 2023), representing the largest membership of any local government area in Australia. Users include community gardens, school gardens, urban food projects, backyard gardeners and balcony gardeners. According to the GIL Impact Report 2022, over 250 local members participated in webinars, and made 500 local food trade/swap transactions.

Notably, officers also developed a two-week program of events and activities to coincide with the national GIL Festival in October 2022. The Moreton Bay GIL Festival was held between 8 to 23 October 2022 with eight events across the region. The estimated attendance of these eight events was more than 1,750 people. It is intended to deliver a further such program in 2023.

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

An internal review of the GIL platform over the pilot period to date has been undertaken by Council officers and it is considered that the platform has been successful in facilitating residents and community groups to connect around the topics of growing, sharing, and eating locally grown food. Specifically, the findings of the review have identified that the platform is:

- Being utilised by a high number of community members;
- Providing opportunities for community members to connect with each other, both online and face to face, on the topics of growing, sharing and eating locally grown food;
- Enabling Council and the community to engage in new and innovative ways on sustainability initiatives;



ITEM 1.2 GROW IT LOCAL ONLINE PLATFORM - SINGLE SUPPLIER - 66984575 (Cont.)

- Providing a valuable suite of digital resources and tools to support community education and social connection;
- Proving successful in achieving the objectives sought by Council; and
- The only digital platform that provides the desired level of service and access to gardening and food sustainability initiatives and resources to community.

The GIL platform is procured via an annual membership fee, calculated on a population-based subscription model. The cost to Council to partner with GIL is quoted to be \$17,600 (Incl. GST) per annum for the 2023/24 and 2024/25 financial years. In return for Council's investment, Grow It Local Pty Ltd will continue to deliver:

- **Free and unlimited digital platform access:** A website that enables an unlimited number of local community members to register free of charge and connect to share and exchange knowledge, skills, produce, seeds, unused space and more;
- **Digital workshops:** Fortnightly digital workshops and live broadcasts to help educate and inspire communities to grow, share and eat local produce;
- **Council dashboard:** A Council dashboard that provides localised data relating to program participation, composting, food waste diversion, square meters under cultivation, what's growing locally and when, and how local community members are engaging and connecting with each other;
- **Communication assets:** Council branded communication assets, website and media toolkit to help build awareness and encourage the community to get involved;
- **Grow It Local Festival:** A knowledge and skill sharing festival that runs throughout spring each year and features workshop sessions by high profile personalities such as Costa and Paul West, amongst others. Local community members are invited to open their gardens, share produce and exchange seeds and seedlings; and
- **Impact report:** A local impact report developed in consultation with social market research firm Taverner Research highlighting the program's waste reduction, positive environmental, social and economic impacts achieved in Moreton Bay Region.

Under section 235(a) of the *Local Government Regulation 2012*, Council may resolve to purchase goods and services from a single supplier without seeking competitive quotations. Such purchases may only be made where the local government is satisfied that there is only one supplier who is reasonably available to provide the goods and services.

Officers consider that Grow It Local Pty Ltd is the only supplier reasonably available to deliver the digital web-based platform, branded assets, and events programming sought by Council. Accordingly, officers recommend that Council enters into an agreement with Grow it Local Pty Ltd for a further period of two (2) years for the continuation of the GIL platform in the Moreton Bay Region, and that this agreement be entered into without seeking competitive quotations.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Section 235(a) of the *Local Government Regulation 2012* states that a local government may enter into a medium-sized contractual arrangement without first inviting written quotes if the local government resolves it is satisfied that there is only one supplier who is reasonably available.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

- Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need and, Our Vibrant Communities: 02 Our communities are safe and resilient so that in times of adversity our people and places are supported.

#### 3.3 Policy Implications

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

*ITEM 1.2 GROW IT LOCAL ONLINE PLATFORM - SINGLE SUPPLIER - 66984575 (Cont.)*

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

This report recommends that the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing, and discharging the agreement with Grow it Local Pty Ltd and any required variations of the agreement on Council's behalf.

3.6 Financial Implications

The cost to Council to continue the GIL platform membership in 2023/24 and 2024/25 is quoted to be \$17,600 (Incl. GST) per annum. These costs have been provided for in Council's draft 2023/24 operational budget and would have to be provided for in the 2024/25 operational budget.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications

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

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

3.9 Social Implications

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

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 and human rights relevant to its decision. Officers consider that there are no human right implications relevant to this matter.

3.11 Consultation / Communication

- Grow It Local Pty Ltd
- Legal Services
- All Councillors (Councillor Portal Briefing Note)
- Relevant Council departments

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**ITEM 1.3**  
**COMMUNITY GRANTS POLICY AMENDMENT**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67094663 : 25 May 2023 - **Refer Supporting Information 67079119**  
*Responsible Officer:* JB, Team Leader Community Grants and Partnerships (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council's consideration of an amendment to the Community Grants Policy (No. 2150-030). Specifically, it is proposed that the limit of total funding that can be received by an applicant in a financial year under the Community Activities Grant and the Community Facilities Grant (combined) be increased from \$20,000 to \$30,000 per financial year.

This proposed policy amendment will enable Council's Community Facilities Grant Guidelines to be amended (under delegation) to allow applicants to apply for funding of up to \$30,000 towards eligible projects, rather than the current \$20,000 maximum funding amount. This change is proposed in recognition of the significant increase in capital construction costs being experienced throughout the building industry.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the provision of grants to community organisations that support the delivery of new and upgraded community facilities across the region.

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**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Adam Hain

CARRIED 11/0

That pursuant to section 195 of the *Local Government Regulation 2012*, Council adopts the amended Community Grants Policy (2150-030) as described within this report and as appearing in Supporting Information #1.

ITEM 1.3 COMMUNITY GRANTS POLICY AMENDMENT - 67094663 (Cont.)

## OFFICER'S RECOMMENDATION

That pursuant to section 195 of the *Local Government Regulation 2012*, Council adopts the amended Community Grants Policy (2150-030) as described within this report and as appearing in Supporting Information #1.

## **REPORT DETAIL**

### **1. Background**

Under the provision of Council's Community Grants Policy (2150-030), Council provides various grants to community organisations and individuals towards the delivery of projects and initiatives that:

- support the sustainable delivery of community, cultural, sporting, economic and environmental activities to residents in the Moreton Bay region by community organisations;
- recognise individuals who have achieved outstanding results in their chosen field and have qualified, or been selected by a peak body, to represent Queensland or Australia;
- recognise individual student achievement in schools;
- promote and develop arts, culture and heritage in the Moreton Bay region;
- assist the community to respond to and recover from a natural disaster, emergency event or pandemic.

A key grant program provided by Council is the Community Facilities Grant. This grant program provides funding to community organisations towards the development of new or improvement of existing community facilities in the Moreton Bay Region. Under the Community Facilities Grant Guidelines, applicants are able to apply for a maximum grant of \$20,000 towards eligible projects.

In addition to the maximum project funding limit of \$20,000 under the Community Facilities Grant Guidelines, Council's Community Grants Policy also imposes a combined funding limit of \$20,000 that can be received by a community organisation under both the Community Facilities Grant and the Community Activities Grant programs each financial year.

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

Noting the significant increase in capital construction costs experienced within the building sector over recent years, officers propose to amend the Community Facilities Grant Guidelines to enable applicants to apply for a maximum grant of \$30,000 (instead of the current \$20,000) towards eligible projects. This proposal was discussed with Councillors at the 26 April 2023 Grants Budget Briefing.

Should Council support this proposal, a change to the Community Grants Policy (2150-030) will be required, prior to amendment of the Community Facilities Grant Guidelines (which will be actioned under existing delegations to the Chief Executive Officer). Currently, the policy notes that for the Community Facilities Grant and Community Activities Grant programs, a total of \$20,000 per financial year can be granted across both programs. This would need to be amended to \$30,000 to align with the proposed new maximum funding limit for the Community Facilities Grant. No other amendments to the policy and guidelines are proposed.

The amended Community Grants Policy is provided in Supporting Information #1 of this report for Council's consideration and adoption.

### **3. Strategic Implications**

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

In accordance with Sections 194 and 195 of the *Local Government Regulation 2012*, in order to award community grants, a local government must prepare and adopt a policy about local government grants to community organisations (a community grants policy). The recommendations in this report will amend Council's existing Community Grants Policy (No. 2150-030).

ITEM 1.3 COMMUNITY GRANTS POLICY AMENDMENT - 67094663 (Cont.)

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

*Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need.*

3.3 Policy Implications

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

This report recommends that Council approve amendments to its Community Grants Policy (2150-030).

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

This change to the policy will not affect the total budget available for Community Facilities Grants program.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Council's community grant programs build the capacity of local community organisations to deliver a variety of community services, sport and recreation programs and facilities that respond to the needs of the Moreton Bay 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

Councillor Budget Briefing - 26 April 2023

**ITEM 1.4**

**MOUSETRAP THEATRE COMPANY INC - SPECIAL HIRE FEES**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67185731 : 6 June 2023  
*Responsible Officer:* SM, Sport and Recreation Development Officer (CES Community Services, Sport & Recreation)

**Executive Summary**

Mousetrap Theatre Company Inc were required to cease operations at their leased premises following the identification of critical structural building defects and compliance issues during a building condition audit in mid-2022. To continue operations, the group have been hiring several facilities, including Council community halls, which has come at significant financial cost to the organisation.

Over the coming twelve (12) months, the organisation has advised of their intention to utilise Council's John Naumann Hall (100 Maine Terrace, Deception Bay) for various rehearsals and performances. This facility is considered to have both the baseline functionality (e.g. elevated stage) and the necessary availability to support their upcoming performances.

With consideration to the unplanned building closure and resultant financial impacts to the organisation, it is proposed that Council establish a special hire fee (as detailed in Table 1 below) to facilitate their reasonable use of John Naumann Hall at no cost to the organisation, for the period up to 30 June 2024. This will enable the organisation to plan their performances with surety, whilst minimising financial impacts.

Officers will be undertaking a review of all community halls special hire fees throughout the 2023/24 financial year, with the view to presenting the findings and associated recommendations to Council for consideration in May 2024. The special hire fee for Mousetrap Theatre Company Inc as proposed by this report will also be subject to this review process.

This matter is brought to the attention of Council under the **Vibrant Communities** as it relates to the provision of community facilities which enable to the delivery of community and cultural services to residents of the region.

**RESOLUTION**

**Moved by Cr Sandra Ruck**

**Seconded by Cr Matt Constance**

**CARRIED 11/0**

**That Council approve the community hall special hire fees for Mousetrap Theatre Company Inc as detailed in Table 1 of this report, for the period up to 30 June 2024.**

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*ITEM 1.4 MOUSETRAP THEATRE COMPANY INC - SPECIAL HIRE FEES - 67185731 (Cont.)*

## OFFICER'S RECOMMENDATION

That Council approve the community hall special hire fees for Mousetrap Theatre Company Inc as detailed in Table 1 of this report, for the period up to 30 June 2024.

## **REPORT DETAIL**

### **1. Background**

The Redcliffe Musical and Arts Society, known as Mousetrap Theatre Company Inc, have since 1967, operated from a building located at the Redcliffe Showgrounds (1 Lamington Drive, Redcliffe) under community lease arrangements with Council.

In mid-2022, Council engaged structural engineers to undertake a routine building condition audit of the Mousetrap Theatre facility. Significant structural defects and compliance issues were identified, which resulted in the organisation being required to cease operations at the facility at short notice. Council took possession of the building in August 2022 to undertake further investigations and detailed assessments to determine the full extent of rectification requirements.

As a result of the more detailed investigations, it was confirmed that the building had reached 'end of life' and that rectification costs would exceed \$2 million. Following consideration by Council officers, it was determined that due to the age and condition of the building, investment in rectification could not be warranted and that the building would ultimately require demolition.

Since the closure of the Mousetrap Theatre building, Council officers have been working with the group to investigate short, medium and long-term accommodation options. These options include the increased use of Council's network of community halls for rehearsals and performances as an interim measure.

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

Since closure of the Mousetrap Theatre facility in August 2022, the organisation has been required to hire several facilities across the region for their community theatre rehearsals and performances. This change has reportedly increased the organisation's operating costs by approximately \$2,000 per month.

Mousetrap Theatre Company Inc have advised officers of their intent to utilise Council's John Naumann Hall at 100 Maine Terrace, Deception Bay for various rehearsals and performances for the period up to 30 June 2024. Further, in May of 2023 Council received a request from the organisation for financial assistance in meeting the unforeseen venue hire costs.

As detailed above, the organisation has historically had access to a dedicated Council facility on an exclusive use basis under the subsidised provisions of Council's Community Leasing Policy. The additional costs associated with the hire of John Naumann Hall for the group's upcoming rehearsals and performances is likely to place additional financial strain on the organisation.

Across the community halls network, Council currently has thirty (30) 'special hire fees' which facilitate use of a hall by a hirer at a discounted rate. Given the financial impacts associated with the organisation's increased alternate venue hire, it is recommended that Council consider establishing a special hire fee for Mousetrap Theatre Company Inc's use of John Naumann Hall up to 30 June 2024. Such an arrangement would assist the group in meeting the additional costs of their interim service delivery model and reduce the short-term impacts of the recent Mousetrap Theatre closure. The proposed special hire fees are detailed in Table 1 below.

ITEM 1.4 MOUSETRAP THEATRE COMPANY INC - SPECIAL HIRE FEES - 67185731 (Cont.)

Table 1 - Proposed Special Hire Fees for Mousetrap Theatre Company Inc

Hirer Name	Facility	2022/23 & 2023/24 Adopted Hire Fees**	Proposed Special Hire Fees to 30 June 2024
Mousetrap Theatre Company Inc	John Naumann Hall	Non-profit - \$17.80 / hr Non-profit - \$178.00 / day (10+ hours)	Non-profit - \$0 / hour* Non-profit - \$0 / day (10+ hours)*  * Use for performances and rehearsals, including bump-in and bump-out. Subject to hall availability.

\*\* Hall fees for the 2023/24 financial year remained unchanged from the 2022/23 financial year due to the current Community Halls Management Review and re-tendering processes occurring between May and October 2023.

It is noted that Mousetrap Theatre Company Inc's use of John Naumann Hall would be subject to:

- hall availability;
- existing bookings not being negatively impacted;
- future bookings for regular hirers not being negatively impacted; and
- reasonable access to hall hire opportunities being retained for other prospective hall hirers.

Officers will be undertaking a review of all community hall special hire fee arrangements (Special Hire Fees Review) in the 2023/24 financial year, with the view to presenting these findings and associated recommendations to Council for consideration in May 2024. The special hire fees for Mousetrap Theatre Company Inc proposed by this report would also be subject to this review process.

**3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 01 Our communities make healthy and active lifestyle choices and have access to the services and facilities they need

3.3 Policy Implications  Nil identified

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The recommendations of this report will facilitate free access to John Naumann Hall up to 30 June 2024. The financial implications associated with this use are unable to be accurately determined at this time, due to the group not having finalised their usage dates for the 2023/24 financial year. However, based on the usage proposed by the organisation for the period of 16 June to 6 August 2023 (57.5 hours) the financial implications (lost hall hire revenue to Council) are estimated to be in the order of \$6,200 for the period up to 30 June 2024.

Council may not have realised this revenue if it were not for Mousetrap Theatre Company Inc's increased use of the venue.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified



*ITEM 1.4 MOUSETRAP THEATRE COMPANY INC - SPECIAL HIRE FEES - 67185731 (Cont.)*

3.9 Social Implications

Mousetrap Theatre Company Inc provides a valuable suite of community performing arts services to the Moreton Bay Region. The recommendations of this report aim to provide interim support to the organisation to minimise financial impacts associated with the closure of the Mousetrap Theatre facility and support the ongoing viability of the organisation.

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

Relevant Council departments  
Mousetrap Theatre Company Inc

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**2 HEALTHY ENVIRONMENTS SESSION**

**(Cr C Tonks / Cr B Savige)**

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**ITEM 2.1**

**COMMUNITY OPERATIONAL SUPPORT GRANT - WILDLIFE RESCUE  
QUEENSLAND INCORPORATED**

*Meeting / Session:* 2 HEALTHY ENVIRONMENTS  
*Reference:* 66890017: 8 May 2023 - **Refer Supporting Information 67099517**  
*Responsible Officer:* JB, Community Grants and Partnerships Team Leader (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council's approval to provide a two-year Community Operational Support Grant (COSG) to Wildlife Rescue Queensland Inc. to support their delivery of wildlife rescue, care, rehabilitation and release services within the Moreton Bay Region.

This matter is brought to the attention of Council under the **Healthy Environments portfolio** as it relates to the provision of financial support towards wildlife rescue, care, rehabilitation, and release services within the Moreton Bay region.

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**RESOLUTION**

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**Moved by Cr Cath Tonks**

**Seconded by Cr Brooke Savige**

**CARRIED 11/0**

**That Officer's Recommendations 1, 2, 4 and 5 be adopted, and that the motion in relation to Officer's Recommendation 3 be as follows:**

***That in relation to the grant referred to in Recommendation 2, a grant be provided in the amount of \$80,000 per annum, for the two-year period.***

**OFFICER'S RECOMMENDATION**

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that the services provided by Wildlife Rescue Queensland Inc. deliver significant public benefits to the Moreton Bay Region.
2. That under the provisions of Council's Community Grants Policy, Council provides a two-year Community Operational Support Grant to Wildlife Rescue Queensland Inc., towards costs associated with the delivery of wildlife rescue, care, rehabilitation and release services in the Moreton Bay region.
3. That subject to Recommendation 2, **Council provides direction** with regard to its preferred funding amount, up to a maximum of the requested \$84,000 (excl. GST) per annum, for the two-year period.
4. That Council provide sufficient funds as part of its 2023/24 and 2024/2025 operational budgets to meet the costs associated with the grant referred to in Recommendations 2 and 3.
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

*ITEM 2.1 COMMUNITY OPERATIONAL SUPPORT GRANT - WILDLIFE RESCUE QUEENSLAND INCORPORATED - 66890017 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

Wildlife Rescue Queensland Inc (WRQ) is a non-profit community organisation specialising in the rescue, care, rehabilitation, and release of native Australian wildlife. Specifically, WRQ:

- operates a 24 / 7 hotline and responds to urgent calls (between 50 - 60 per day) and afterhours callouts from the community, RSPCA, Australia Zoo Wildlife Hospital, veterinary clinics, and other agencies for wildlife rescues;
- has a specialist Trauma Team that are trained to respond to serious wildlife injuries that require medical intervention, including euthanasia;
- provides a 7-day per week wildlife transport service to Australia Zoo Wildlife Hospital and the RSPCA;
- supports Australia Zoo Wildlife Hospital, RSPCA and various veterinary clinics to place sick, injured or orphaned native wildlife (including specialist species such as koalas, greater gliders, echidnas, emus, quolls and all bat species) with trained carers for the purpose of rehabilitation and release back into the wild. At any point, WRQ have in excess of 300 native animals in care. This work is carried out under a Group Rehabilitation Permit and Authorised Care Permit issued by the Queensland Government; and
- has a specialist team trained, inoculated and authorised to handle bats, and works alongside Council officers to assist with bat colony monitoring for heat stress, care and rescue.

WRQ is the second largest wildlife rescue group in Queensland and primarily services the Moreton Bay Region (although has some volunteers in other parts of South-East Queensland). WRQ is the only wildlife rescue group in the Moreton Bay Region licenced to administer drugs for the emergency management of animals, including euthanasia.

Under the provisions of Council's Community Grants Policy (No. 2150-030), Council may provide a Community Operational Support Grant (COSG) to an eligible community organisation for the delivery of services or activities that provide public benefit to residents of the region. COSGs are provided by Council as part of its annual budget or may be approved by resolution of Council.

Council has historically provided some operational funding (via a COSG) to koala care and rescue organisations operating within the region, however, has not historically provided any operational funding support to WRQ. To date, WRQ has been entirely self-funded and exclusively reliant on fundraising and donations to support their operations.

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

Council has received a request (*refer Supporting Information #1*) from WRQ seeking financial support from Council to continue their wildlife rescue, care, rehabilitation and release services in the Moreton Bay Region. As an unfunded service, the organisation has cited financial sustainability concerns and challenges with meeting current and future demands for their services. Recurrent funding in the amount of \$84,000 per annum has been requested for operational costs including animal food, drugs to treat and euthanise injured animals, animal care, vehicle expenses and administrative costs.

An assessment of WRQ's request has been undertaken by Council's Community Grants and Partnerships Unit, with consideration to the provisions of the Community Grants Policy (No. 2150-030). The key findings of the assessment are as follows:

- The applicant (Wildlife Rescue Queensland Inc.) and their activities (wildlife rescue, care, rehabilitation and release services) meet the eligibility requirements for a COSG under the provisions of Council's Community Grants Policy;
- With consideration to the scale and specialist nature of many of WRQ's services, the organisation's activities are considered to be a unique service type within the region; and

*ITEM 2.1 COMMUNITY OPERATIONAL SUPPORT GRANT - WILDLIFE RESCUE QUEENSLAND INCORPORATED - 66890017 (Cont.)*

- As the largest multi-species wildlife rescue, care, rehabilitation and release service operating within the region, WRQ's services are considered to be of strategic importance to the region and will contribute towards the achievement of various Strategic Priorities as detailed in Council's Draft Environment and Sustainability Strategy.

A briefing with Councillors was conducted on 26 April 2023 for the purpose of sharing information with Council and seeking feedback on WRQ's funding request. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***The CEO noted the way forward:***

*A report be prepared for a future Council Meeting for Council's consideration of new Community Operational Support Grants.*

With consideration to the significant community and environmental benefits to the Moreton Bay Region resulting from the operations of WRQ, it is recommended that Council award a two-year COSG to the WRQ towards their wildlife rescue, care, rehabilitation and release service within the Moreton Bay region. Further, it is requested that Council provides direction with regard to the preferred funding amount, up to a maximum of the requested \$84,000 (excl. GST) per annum for the two-year period.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council's Community Grants programs are administered in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular: Our Healthy Environments: 01 Our special natural areas and wildlife habitats are connected, protected and enhanced.

#### 3.3 Policy Implications

The Community Operational Support Grant proposed by this report will be provided in accordance with Council's Community Grants Policy (No. 2150-030).

#### 3.4 Risk Management Implications

The provision of grants to community organisations presents some financial and reputational risks to Council. These risks however are considered by officers to be acceptable and are mitigated by the requirement for all grant recipients to enter into a funding agreement with Council. Funding agreements include various provisions that aim to protect Council's interests and lower Council's overall risk exposure.

#### 3.5 Delegated Authority Implications

As per Recommendation 5 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary, including but not limited to negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

#### 3.6 Financial Implications

This report recommends the provision of a grant up to a maximum of \$84,000 (excl. GST) per annum to Wildlife Rescue Queensland Inc. in the 2023/24 and 2024/25 financial years. In accordance with Recommendation 4 of this report, Council will be required to provide sufficient funds as part of its 2023/24 and 2024/2025 operational budgets to meet the costs associated with this grant.

#### 3.7 Economic Benefit Implications

Nil identified

*ITEM 2.1 COMMUNITY OPERATIONAL SUPPORT GRANT - WILDLIFE RESCUE QUEENSLAND INCORPORATED  
- 66890017 (Cont.)*

3.8 Environmental Implications

The provision of a COSG to WRQ will provide the organisation with operational funding support to improve their financial sustainability and enable their continued provision of key wildlife rescue, care, rehabilitation and release services within the Moreton Bay Region.

3.9 Social Implications

Council's community grant programs, including the COSG program, provide assistance to community organisations in the delivery of various community, cultural, environmental, sport and recreation projects and activities that respond to the needs of the Moreton Bay 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

Mayor and Councillors - Council Briefing 26 April 2023  
Relevant Council departments  
Wildlife Rescue Queensland Inc

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**3 WELL-PLANNED PLACES SESSION (Cr J Shipway (Deputy Mayor) / Cr M Booth)**

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**ITEM 3.1  
AMENDMENT TO THE MORETON BAY REGIONAL COUNCIL LOCAL  
GOVERNMENT INFRASTRUCTURE PLAN**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 66909957 : 4 May 2023  
*Responsible Officer:* EM, Coordinator Strategic Infrastructure Planning (IP Strategic Infrastructure Planning)

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**Executive Summary**

Council carried out a review of its Local Government Infrastructure Plan (LGIP) in 2022 with findings that while the LGIP is generally compliant, numerous improvements were identified which represent an opportunity to make the LGIP more robust and future-proof.

This report seeks Council's decision to commence the process for amending Council's LGIP in accordance with the requirements of the *Planning Act 2016*, the Minister's Guidelines and Rules Version 1.1 effective as at September 2020, for the purpose of responding to matters raised during the review process and bring into effect the most recent refinement to trunk infrastructure network planning for the Moreton Bay Region.

This matter is brought to the attention of Council under the **Well-planned Places Portfolio**, as the LGIP supports the growth and management for Moreton Bay.

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**RESOLUTION**

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Moved by Cr Mick Gillam

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 11/0

1. That in accordance with Section 21 of the *Planning Act 2016* and Chapter 5, Part 3, section 8.1 of the Minister's Guidelines and Rules Version 1.1 effective as at September 2020 (MGR), Council decides to make an amendment to Council's Local Government Infrastructure Plan (Council's LGIP) which forms part of the Moreton Bay Regional Council Planning Scheme 2016 (Version 6, effective 21 December 2021).
2. That in accordance with Chapter 5, Part 3, section 8.2 of the MGR, Council authorises the Chief Executive Officer to do all things reasonable and necessary to give effect to the decision in Officer Recommendation 1, including without limitation to:
  - a) preparing the proposed amendment to Council's LGIP in accordance with Chapter 5, Part 6 of the Minister's Guidelines and Rules Version 1.1 and the LGIP template, which will include but is not limited to:
    - (i) consulting with a relevant state agency to the extent a state agency is responsible for infrastructure or property matters in the area that may be affected by the proposed amendment;
    - (ii) consulting with a distributor-retailer to the extent a distributor-retailer is responsible for providing water and wastewater services for the area that may be affected by the proposed amendment; and
  - b) completing the Review checklist.

*ITEM 3.1 AMENDMENT TO THE MORETON BAY REGIONAL COUNCIL LOCAL GOVERNMENT  
INFRASTRUCTURE PLAN - 66909957 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That in accordance with Section 21 of the *Planning Act 2016* and Chapter 5, Part 3, section 8.1 of the Minister's Guidelines and Rules Version 1.1 effective as at September 2020 (**MGR**), Council decides to make an amendment to Council's Local Government Infrastructure Plan (**Council's LGIP**) which forms part of the Moreton Bay Regional Council Planning Scheme 2016 (Version 6, effective 21 December 2021).
2. That in accordance with Chapter 5, Part 3, section 8.2 of the MGR, Council authorises the Chief Executive Officer to do all things reasonable and necessary to give effect to the decision in Officer Recommendation 1, including without limitation to:
  - a) preparing the proposed amendment to Council's LGIP in accordance with Chapter 5, Part 6 of the Minister's Guidelines and Rules Version 1.1 and the LGIP template, which will include but is not limited to:
    - (i) consulting with a relevant state agency to the extent a state agency is responsible for infrastructure or property matters in the area that may be affected by the proposed amendment;
    - (ii) consulting with a distributor-retailer to the extent a distributor-retailer is responsible for providing water and wastewater services for the area that may be affected by the proposed amendment; and
  - b) completing the Review checklist.

## **REPORT DETAIL**

### **1. Background**

In June 2022, Council considered the findings of the LGIP review (completed in 2022, in accordance with Section 25(3) of the *Planning Act 2016* (PA). The following resolution/s appear on Minute Page 22/1208 of the General Meeting held on 20 July 2022:

Ex. General Meeting held 29 June 2022 (Minute Page 22/1101)

1. That Council has considered the accuracy, currency and relevance of the current LGIP by using the Review Checklist to identify any non-compliance of the current LGIP with the matters under Part 6 of the MGR, the findings of the LGIP review of which is contained in Supporting Information #2 to #4 inclusive (The Review).
2. **That Council decides to, pursuant to Chapter 5, Part 5, section 23.2(a) of the MGR, make a LGIP amendment in accordance with Section 21 of the Planning Act 2016 and Chapter 5, Part 3 of the MGR.**
3. That Council, after making the decision in Recommendation 2 above, authorise the Chief Executive Officer to, within 20 days of completing The Review write to the chief executive of the Department of State Development, Infrastructure, Local Government and Planning advising when The Review was completed, and the decision made under Chapter 5, Part 5, section 23.2(a) of the MGR.

Subsequent to the General Meeting, the Chief Executive Officer advised the Chief Executive of the Department of State Development, Infrastructure, Local Government and Planning of the decision to make an LGIP amendment as a result of the LGIP Review. No formal feedback was received.

*ITEM 3.1 AMENDMENT TO THE MORETON BAY REGIONAL COUNCIL LOCAL GOVERNMENT  
INFRASTRUCTURE PLAN - 66909957 (Cont.)*

A briefing with Councillors was conducted on 15 March 2023 for the purpose of sharing information and providing advice/views to Council regarding the proposed LGIP project. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***The CEO noted the way forward:***

*To commence the amendment process by December 2023.*

## **2. Explanation of Item**

The findings of the LGIP Review, completed and considered by Council in 2022, identified that while the LGIP is generally compliant, numerous improvements were identified which represent an opportunity to make the LGIP more robust and future-proof. These improvements will also enhance the LGIP's currency.

The purpose of this LGIP amendment, is therefore to keep the LGIP aligned with the current adopted planning scheme (MBRC Planning Scheme 2016) and the current South East Queensland Regional Plan (ShapingSEQ).

The scope of this LGIP amendment will include the following:

- (a) an update of the Schedule Of Works (SOW).
- (b) an update of various sections of the LGIP to give effect to refinement in trunk network planning that has occurred.
- (c) rectification of administrative issues identified in the LGIP Review.
- (d) review of the timing of the Narangba East Bypass (LGIP ID: TR-35) as per minute page 22/208.

Council officers recommend to commence the amendment process under the PA and the MGR to modernise Council's LGIP and it is intended that the amendment package will be submitted to Council for its review, consideration and direction once the package has gone through consultation and the Review checklist has been completed.

## **3. Strategic Implications**

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

Council has advised the Minister that it will undertake an LGIP Amendment as a result of the LGIP Review.

### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

*Our Well-planned Places: 06 We have infrastructure that integrates with surrounding land use and supports our growing communities.*

### **3.3 Policy Implications**

This LGIP Amendment project will implement Council's decision on the LGIP Review as well as give effect to refinements in network planning that have occurred since the commencement of the current LGIP in 2021.

### **3.4 Risk Management Implications**

This LGIP Amendment will implement Council's decision on the LGIP Review. These improvements would enhance the LGIP's currency and demonstrate Council's commitment to keep the LGIP current.

### **3.5 Delegated Authority Implications                    Nil identified**

### **3.6 Financial Implications**

Costs to undertake this LGIP amendment will be met through the approved operating budget.



*ITEM 3.1 AMENDMENT TO THE MORETON BAY REGIONAL COUNCIL LOCAL GOVERNMENT  
INFRASTRUCTURE PLAN - 66909957 (Cont.)*

3.7 Economic Benefit Implications

This LGIP amendment will keep the LGIP current and thus provide certainty of infrastructure planning to support development in and investment across Moreton Bay.

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 Council's decision in this circumstance may potentially affect a person's property rights (for example, if it leads to a compulsory acquisition). However, officers consider that any impact on property rights as a result of this decision is considered sound and reasonable, in the interest of the long-term land use and infrastructure planning for the Moreton Bay Region.

3.11 Consultation / Communication

- Strategic Infrastructure Planning
- Strategic Planning and Place Making
- Community Engagement
- Legal Services

A Communication and Engagement Plan (CEP) will be developed and brought to Council for consideration as part of any amendment package. The CEP will describe how Council will engage with the community and key stakeholders during the amendment process as well as complying with the statutory public consultation period, whilst ensuring the requirements of the PA and the MGR are satisfied.

## **ATTENDANCE**

Dan Staley and Amy White attended the meeting for consideration of Item 3.2.

**ITEM 3.2**

**DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507**

**APPLICANT:** The Baptist Union of Queensland  
C/- Murray & Associates (Qld) Pty Ltd

**OWNER:** The Baptist Union of Queensland

Meeting / Session: 3 WELL-PLANNED PLACES  
Reference: 66795099: 17 April 2023 – Refer Supporting Information 66795098; 66865667; 66575240  
Responsible Officer: MR, Planner (Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	The Baptist Union of Queensland C/- Murray & Associates (Qld) Pty Ltd
<b>Lodgement Date:</b>	3 August 2022
<b>Properly Made Date:</b>	3 August 2022
<b>Confirmation Notice Date:</b>	17 August 2022
<b>Information Request Date:</b>	31 August 2022
<b>Info Response Received Date:</b>	28 November 2022
<b>Public Notification Dates:</b>	6 December 2022 - 12 January 2023
<b>No. of Submissions:</b>	Properly Made: Twenty-nine (29) Not Properly Made: Five (5)
<b>Decision Due Date:</b>	14 June 2023
<b>Prelodgement Meeting Held:</b>	Yes (DA/2021/1507)

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	D01
<b>Property Address:</b>	99 First Ave WOORIM Q 4507
<b>RP Description</b>	Lot 89 CG3198
<b>Land Area:</b>	4047 m <sup>2</sup>
<b>Property Owner</b>	The Baptist Union of Queensland

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	MBRC Planning Scheme (Version 6)
<b>Planning Locality / Zone</b>	Rural zone
<b>Level of Assessment:</b>	Impact Assessment - neither consistent nor inconsistent within the zone and may be considered on merit.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a well-planned region.

This application seeks a Development Permit for Material Change of Use - Place of Worship at 99 First Avenue, Woorim.

*ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)*

The proposal consists of a two-storey, multi-purpose church building that will accommodate the activities (weekly church services, bible study, prayer meetings, kids club, youth clubs, craft, and band meetings; and irregular breakfast, movie, and ladies' events) of the Bribie Baptist Church, which has outgrown the current site at 7-9 Cotterill Avenue, Bongaree. Within the structure, an ancillary café, and small book shop are proposed to complement the primary use. A bell tower, hardstand parking and manoeuvring areas, pervious grass-paver parking, sewerage treatment and land application areas, stormwater bio basin, screened bin storage, and deep-rooted landscaping complete the proposal. At the applicant's request, advertising devices are not proposed as part of this application. A separate Operational Works - Advertising devices application will be lodged, where needed.

The following spaces are proposed within the two-level structure (including centralised 200 m<sup>2</sup> mezzanine floor):

### Ground Floor

- Multi-use auditorium including Church Stage, and Sanctuaries with storage (2)
- Activity rooms (5)
- Office (1) and Conference room (1)
- Small Tech Studio
- Ancillary Café and unenclosed Book Shop
- Male and Female amenities, and Mothers' room
- Storage
- Lobby

### First Floor (mezzanine)

- Activity room
- Boardroom
- Office (4)
- Kitchen
- Male and female amenities
- Storage

Site access is to be taken from First Avenue (Council sub-arterial road), which will require upgrades including an Auxiliary Lane Left turn (AUL) treatment for safe vehicle entry approaching from the west (Bongaree), and a combined Basic Right Lane turn (BAR) and Basic Left turn (BAL) treatment for vehicles entering the development site, and the Memorial Gardens site, from the east (Woorim). The existing pedestrian pathway along the southern verge of First Avenue will remain unchanged.

Fifty-eight (58) car parking spaces are proposed (thirty-two (32) hardstand and twenty-six (26) on grass-pavers), in lieu of the seventy-one (71) spaces required by the Planning Scheme. Regular shared travel arrangements, and the church-operated, private, minibus service will ensure sufficient on-site parking is provided. Overflow parking along First Avenue and within the Memorial Gardens carpark (opposite) is not proposed and will be discouraged through signage. On-site parking provision is discussed in more detail later in this report.

The site is located within the Rural zone and within the Coast and Riverlands Place types under the Strategic Framework of the Moreton Bay Regional Council Planning Scheme (MBRC Planning Scheme).

The Place of worship will comply with the Planning Scheme Building height overlay (8.5m building height overlay), and has been assessed as compliant, or able to be conditioned to comply, with all applicable Planning Scheme overlays including Acid sulfate soil; Active transport; Bushfire hazard (High Potential Bushfire Intensity); Environmental area (MSES - Matters of State Environmental Significance); Overland flow; Road hierarchy; and Stormwater catchments.

*ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)*

The application was publicly advertised with thirty-four (34) submissions received, twenty-nine (29) of which were properly made submissions. The matters raised by submitters raise some important considerations, however these are not considered reasons to refuse the application.

As the development is capable of according with the intent of the MBRC Planning Scheme, it is recommended that it be approved, subject to the conditions detailed in this report.

This matter is presented to Council for determination as the Divisional Councillor requested that the development application be decided by Council as an alternative to Council officer delegation. Council is now the authorised entity to decide the application.

## **MOTION MOVED FOR THE PURPOSE OF DEBATE**

**Moved by Cr Brooke Savige for the purpose of debate**

**Seconded by Cr Mick Gillam**

1. That the development application DA/2022/3050 - Material Change of Use - Development Permit for Place of Worship - 99 First Avenue Woorim, **be refused**.
2. That the Chief Executive Officer investigate the purchase of the land located at 99 First Avenue, Woorim.

**The Chief Executive Officer recommended that the two motions be dealt with separately, noting that both items can run concurrently.**

### **Motion 1:**

That the development application DA/2022/3050 - Material Change of Use - Development Permit for Place of Worship - 99 First Avenue Woorim, **be refused**.

### **Motion 2:**

That the Chief Executive Officer investigate the purchase of the land located at 99 First Avenue, Woorim.

During debate, Cr Brooke Savige sought to withdraw Motion 1 to allow consideration of the officer's recommendations to proceed, and sought support of the seconder.

The seconder (Cr Mick Gillam) did not agree and questioned the withdrawal request advising that Motion 1 is an actual consideration by Council of the officer's recommendations - to approve or refuse, and the debate resumed.

Following further debate, Cr Brooke Savige sought to withdraw both Motions 1 and 2, with the support of the seconder - who agreed.

**The motions were withdrawn.**

The Session Chair reintroduced the officer's recommendations for consideration.

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

**MOTION**

Moved by Cr Adam Hain

Seconded by Cr Sandra Ruck

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

**AMENDMENT MOVED**

Cr Brooke Savige moved the following amendment:

*That condition 20 B New Intersection be amended to include right in from the east and left in, left out turn to and from the property.*

Seconded by Cr Sandra Ruck

The amendment was put to the vote and declared **CARRIED 11/0**

**AMENDMENT MOVED**

Cr Brooke Savige moved the following amendment:

*That condition 3 A On-Site Car Spaces be amended to require an increase in the car parking ratio to be in accordance with Schedule 7 of the Planning Scheme.*

Seconded by Cr Sandra Ruck

The amendment was put to the vote and declared **CARRIED 9/2**  
Cr Darren Grimwade and Cr Matt Constance voting against

**AMENDMENT MOVED**

Cr Brooke Savige moved the following amendment:

*That an additional condition be included that the applicant provides offset planting in a local area negotiated with Council officers at a ratio of 3:1.*

Seconded by Cr Cath Tonks

The amendment was put to the vote and declared **LOST 5/6**  
Cr Peter Flannery (Mayor), Cr Mark Booth, Cr Darren Grimwade, Cr Yvonne Barlow, Cr Matt Constance and Cr Jodie Shipway (Deputy Mayor) voting against

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP -  
99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

**THE AMENDMENTS BECOME THE MOTION**, and was put as follows:

**RESOLUTION**

Moved by Cr Adam Hain

Seconded by Cr Sandra Ruck

CARRIED 11/0

That the Officer's Recommendation be adopted as detailed in the report, including the following amendments:

- a) That condition **20 B New Intersection** be amended to include right in from the east and left in, left out turn to and from the property.
- b) That condition **3 A On-Site Car Spaces** be amended to require an increase in the car parking ratio to be in accordance with Schedule 7 of the Planning Scheme.

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (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 Place of worship at 99 First Avenue, Woorim Qld 4507, described as Lot 89 CG 3198, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Transport Impact Assessment	301050262 Rev B	Stantec	10/11/2022
Bushfire Management Plan	Version 2	Equilibrium Ecology	04/07/2022
Waste Management Program	No. 200509 – REVISION A	Murray & Associates	28/07/2022

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Perspective & Location Maps	Job 21011 A00 Amend C	Dovey & Associates Architects	28/11/2022
Proposed Site Plan	Job 21011 A01 Amend D	Dovey & Associates Architects	28/11/2022
Proposed Ground Floor Plan	Job 21011 A02 Amend F	Dovey & Associates Architects	28/11/2022
Proposed First Floor Plan	Job 21011 A03 Amend B	Dovey & Associates Architects	28/11/2022
Proposed Elevations	Job 21011 A04 Amend D	Dovey & Associates Architects	28/11/2022
Proposed Elevations	Job 21011 A05 Amend D	Dovey & Associates Architects	28/11/2022
Proposed GFA Area Plans	Job 21011 A09 Amend C	Dovey & Associates Architects	28/11/2022
Proposed Street Perspectives	Job 21011 A010 Amend B	Dovey & Associates Architects	28/11/2022
Proposed Fence Perspectives	Job 21011 A011 Amend A	Dovey & Associates Architects	29/11/2022
Site Based Stormwater Management Plan	301050262 Rev B	Stantec	24/11/2022
Ecological Assessment Report (including Tree Survey Plan)	Version 2	Equilibrium Ecology	20/10/2022

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

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	At all times.
<b>2</b>	<b>Amended Plans Required</b>	
A	<p>Submit an amended suite of plans including the following amendments:</p> <ol style="list-style-type: none"> <li>1. Remove all signage detail as it does not form part of the assessment as part of this application;</li> <li>2. Elevations/Sections to clearly show natural ground level and include details of proposed earthworks (cut/fill), including all retaining walls;</li> <li>3. Update trees to be retained on-site and along the site frontage based on the recommendations of a qualified arborist which has considered the proposed earthworks and road frontage works. (Note: Council Officers consider the proposed works are unlikely to allow for the retention of any existing on-site vegetation or along the site frontage where the auxiliary left turn lane is proposed);</li> <li>4. Include replacement native street trees along the frontage at a minimum rate of 1 tree per 7.5 m of frontage to replace the mature trees to be lost through frontage works (minimum 14 trees);</li> <li>5. Fencing: <ul style="list-style-type: none"> <li>- Increase the First Avenue front fence recesses from 500mm to 1500mm to accommodate suitable native landscaping to soften the expanse of fencing;</li> <li>-First Avenue front fencing to be reduced in height from 1.8m to 1.5m in height and to be constructed of non-combustible 'timber look' slats;</li> <li>- Increase the height of the colorbond fence to the western, northern and eastern boundaries from 1.8m in height to 2.0m in height. Note: This is to provide greater bushfire mitigation;</li> </ul> </li> <li>6. Clearly dimension the height of the building from natural ground level demonstrating it does not exceed a height of 8.5m. In addition, remove the proposed Bell Tower and associated lighting. Note: This is to assist in limiting the visual impact of the proposal upon the natural surrounds.</li> </ol>	Prior to any approval of Building Works.
B	Submit an amended Tree Survey Plan (original by Equilibrium Ecology). The amendments are to be based upon advice from a qualified arborist which practically considers all trees to be retained having regard to the proposed earthworks and frontage works (auxiliary left turn lane).	Prior to any approval of Building Works.
C	Obtain approval from Council for the amended Site Plan and Architectural plans, and Tree Survey Plan in accordance with (A) and (B) above.	Prior to any approval of Building Works.
D	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval.	Prior to the commencement of the use and to be maintained all times.
<b>3</b>	<b>On-Site Car Spaces</b>	
A	Provide fifty-eight (58) on-site car parking spaces, generally as shown on the approved plans.	Prior to commencement of



## Moreton Bay Regional Council

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*ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)*

		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, unless signed (e.g. Waste collection on collection days).	Prior to commencement of use and to be maintained at all times.
<b>4</b>	<b>Vehicle Encroachment</b>	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to the commencement of the use and to be maintained all times
<b>5</b>	<b>Screening of Loading Facilities / Plant Areas</b>	
	Screen any loading/unloading areas, plant equipment and refuse storage areas on the site from direct view from any adjoining road or public space.	Prior to the commencement of the use and to be maintained all times
<b>6</b>	<b>Operational Limitations</b>	
	Limit the capacity of the Place of Worship to a maximum of one hundred and twenty (120) persons on site at any one time.	At all times.
<b>7</b>	<b>Natural Colours, Materials and Finishes</b>	
	Ensure that colours of predominant building finishes and fencing are in accordance with the provided colour palette. The colours should harmonise with the colours of the adjacent rural / bushland vegetation, and include natural tones of green, grey and brown.	Prior to the commencement of the use and to be maintained all times.
<b>8</b>	<b>Street Numbering and Building Names</b>	
	Ensure street numbers are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
<b>9</b>	<b>Boundary Fencing</b>	
	All boundary fencing is to comprise of non-combustible material in green/grey/brown natural bushland tones.  Construct the following:  <ol style="list-style-type: none"> <li>1. A radiant heat barrier, being a 2.0 m high colorbond fence along the western and northern boundaries;</li> <li>2. A barrier to environmental edge effects, being a 2.0 m high colorbond fence along the eastern boundary;</li> <li>2. A 1.5m 'timber look' non-combustible fence along the First Avenue frontage.</li> </ol>	Prior to the commencement of the use and to be maintained at all times.

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

<b>10</b>	<b>Landscaping</b>	
A	<p>Provide native landscaping on site generally in accordance with Planning Scheme Policy - Integrated Design Appendix D - Landscaping:</p> <p>The landscaping must include the following:</p> <ol style="list-style-type: none"> <li>1. A 1.5 m deep screen buffer within the fence recesses along the southern boundary (First Avenue frontage). Species must have a mature height of no less than 2.0 metres; and</li> <li>2. New / replacement shade &amp; feature trees on site within the car parking area, and along the southern frontage to have a minimum 100 litre pot size.</li> </ol>	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use.
C	Maintain the landscaping.	At all times.
<b>11</b>	<b>Street Trees</b>	
	<p>Provide street trees to the development frontage as follows:</p> <ul style="list-style-type: none"> <li>• A minimum 14 native street trees with a minimum 100 litre pot size. This is to replace the established vegetation that will be lost from the frontage for road treatments; and</li> <li>• Planting and maintenance to be undertaken generally in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.</li> </ul> <p>Note - Tree locations should be considered when planning for the required Operational Works application for Frontage Works.</p>	Prior to commencement of use and maintained at all times.
<b>12</b>	<b>Water</b>	
	<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming:</p> <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to commencement of use.
<b>13</b>	<b>Electricity</b>	
	Provide an underground electricity supply connection to the development from an electricity supply network pole.	Prior to commencement of use.
<b>14</b>	<b>Internal Fire System</b>	
A	External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to commencement of the use.
B	<p>A continuous path of travel having the following characteristics is provided between the vehicle access point to the site and each external fire hydrant and hydrant booster point on the land:</p> <ol style="list-style-type: none"> <li>1. An unobstructed width of no less than 3.5m;</li> </ol>	Prior to commencement of the use.

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

	<p>2. An unobstructed height of no less than 4.8m;</p> <p>3. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance;</p> <p>4. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point.</p>	
C	On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.	At all times.
D	<p>For development that contains on-site fire hydrants external to buildings:</p> <ol style="list-style-type: none"> <li>1. Those external hydrants can be seen from the vehicular entry point to the site; or</li> <li>2. A sign identifying the following is provided at the vehicular entry to the site: <ul style="list-style-type: none"> <li>o The overall layout of the development (to scale);</li> <li>o Internal road names (where used);</li> <li>o All communal facilities (where provided);</li> <li>o The reception area and on-site manager's office (where provided);</li> <li>o External hydrants and hydrant booster points;</li> <li>o Physical constrains within the internal roadway system which would restrict access by firefighting appliances to external hydrants and hydrant booster points; and</li> <li>o Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.</li> </ul> </li> </ol>	Prior to commencement of the use.
E	<p>For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.</p> <p>Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS 2419.1 (2005) – Fire Hydrant Installations or other firefighting facilities which provide equivalent protection.</p>	Prior to commencement of the use.
<b>DEVELOPMENT ENGINEERING</b>		
<b>15</b>	<b>Amended Stormwater Management Plan</b>	
A	<p>Submit and have approved by Council, an amended Stormwater Management Plan (SMP) prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ). The SMP is to demonstrate that stormwater can be managed on/from the subject land in accordance with the MBRC Planning Scheme. The following specific amendments are to be included:</p> <ul style="list-style-type: none"> <li>• The Waste Management Refuse Storage and Collection Area is located within Catchment C6 which is proposed to bypass both Quantity and Quality treatment devices and discharge directly to First Avenue. The proposed stormwater bypass solution is not accepted. Amend the solution so that all run off from these areas are directed to a Quality treatment device.</li> </ul>	Prior to building works approval.

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	<ul style="list-style-type: none"> <li>• Provide an amended Catchment Plan to reflect the actual catchment parameters modelled. i.e. Those parts of C1, C2 &amp; C3 proposed to be discharged towards the North-West.</li> <li>• Table 6 - Catchments - Post Development catchment areas to be updated to reflect the amended catchment plan and incorporate catchment C6.</li> <li>• Provide details on an internal stormwater pit and pipe system capable of servicing a 10% AEP storm event.</li> <li>• Detention tank inlet pit proposed to be above the bioretention basin extended detention 900mm x 900mm dome outlet which discharges directly to the north-east level spreader, bypassing the detention system. Provide detail on the detention tank inlet design.</li> <li>• Demonstrate how the southern section of Catchment C4 behind the proposed structure is to be captured and directed to the proposed porous pavement treatment area and north-west lawful point of discharge. Consideration to the location and imposed constraints of the wastewater treatment system will need to be included.</li> <li>• Bioretention basin filter area and storage area proposed to be 45.0m<sup>2</sup>. The concept design indicates the bioretention basin is retained by vertical wall on all sides. Demonstrate the mitigation measures proposed to avoid water flow bypass of the filter media down the face of the retaining walls.</li> <li>• Updated MUSIC Model to reflect the amended catchment plan.</li> <li>• MUSIC Modelling for porous pavements to be in accordance with MUSIC Modelling Guidelines (2010). Clarification is sought on the following parameters:             <ul style="list-style-type: none"> <li>○ High flow by-pass set to 100m<sup>3</sup>. This setting indicates all overland flow within Catchment C4 is to be treated.</li> </ul> </li> <li>• Demonstrate the catchment as ultimately proposed can direct all surface flows to the porous pavement area for treatment.             <ul style="list-style-type: none"> <li>○ Source node representing the porous pavement area to adopt a 100% impervious fraction.</li> <li>○ Source node to adopt a 100% impervious fraction for the wastewater septic system area.</li> <li>○ Overflow weir to equal the length of the porous pavement system.</li> </ul> </li> <li>• Provide design plans and drawings of the location, and the details of stormwater management measures including sizes/ volumes and cross sections with dimensions, levels, batter slopes, and boundary clearances.</li> </ul>	
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	<p>The drawings are to include:</p> <ul style="list-style-type: none"> <li>○ Proposed development levels related to AHD.</li> <li>○ Longitudinal and cross-sectional details on an internal stormwater pit and pipe system capable of servicing a 10% AEP storm event.</li> <li>○ Longitudinal and cross-sectional details which demonstrate the defined 1% AEP storm event level for the bioretention basin and holding tank.</li> <li>○ Bioretention design surface levels and invert levels, thicknesses of filter media, transition &amp; drainage layers, batter slopes and weir.</li> <li>○ Bioretention sub-soil drainage pipes and gradient profile.</li> <li>○ Bioretention retention and porous pavement weir details.</li> </ul>	
B	Implement and maintain the works identified in the approved Stormwater Management Plan.	Prior to commencement of use and then to be maintained at all times.
C	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Stormwater Management Plan.	Prior to commencement of use.
<b>16</b>	<b>Earthworks Plan Required</b>	
	Submit and have approved by Council, preliminary earthwork plans prepared by a suitably qualified person that demonstrates the proposed extent of cut and fill with the development and any proposed retaining walls. The plans are to include longitudinal and cross-sectional plans, earthworks levels & finished surface levels for the development.	Prior to any approval of Building Works.
<b>17</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
<b>18</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use.
<b>19</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>20</b>	<b>New Intersection</b>	

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A	Ensure the detailed design of any operational works application is in accordance with the approved Transport Impact Assessment (TIA) for determining impacts on the road system including necessary mitigation measures. Any configuration or layouts provided are accepted as demonstrating the conceptual configuration of the works only and are subject to detailed design.	At all times.
B	Submit and have approved by Council, a development application for operational works for the intersection of the new access road and First Avenue.  The design is to include the integration of a minimum 2.0m wide bicycle lane through the combined Basic Left (BAL) / Basic Right (BAR) turn treatment servicing the development and Memorial Gardens and to extend a minimum of 20.0m beyond the turnout treatment.  Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the conceptual intersection configuration in the Council approved Traffic Impact Assessment and the MBRC Planning Scheme current at the time of the operational works application.	Prior to commencement of works associated with this condition.
C	Construct the intersection of the new access road and First Avenue at no cost to Council and in accordance with the approved plans and documents of development.  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use.
<b>21</b>	<b>First Avenue No Parking Zone</b>	
A	Submit and have approved by Council, a development application for operational works for regulatory 'No Parking' signage and line marking along First Avenue.  No Parking restrictions are to extend a minimum of 200.0m east and west along the northern and southern shoulders of First Avenue from the development access.  Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the Queensland Manual of Uniform Traffic Control Devices (MUTCD) current at the time of the operational works application.	Prior to commencement of use.
B	Construct the parking controls along First Avenue at no cost to Council and in accordance with the approved plans and documents of development.  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use.
<b>22</b>	<b>Construction Management Plan</b>	
A	Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following:	Not less than two (2) weeks prior to commencement of works. To be maintained

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	<ol style="list-style-type: none"> <li>1. Material delivery and storage locations</li> <li>2. Waste locations and collection details</li> <li>3. Construction office accommodation</li> <li>4. Contractor / tradesman vehicle parking arrangements</li> <li>5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> </ol> <p>The CMP may include a site layout drawing identifying these areas. The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs)</li> <li>2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable</li> <li>3. Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP</li> <li>4. Materials unloading and loading must occur on-site unless prior written approval is given by Council.</li> <li>5. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.</li> </ol>	current at all times.
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
<b>23</b>	<b>Erosion and Sediment Control</b>	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>24</b>	<b>Acid Sulfate Soils</b>	
A	Prepare an Acid Sulfate Soil Investigation Report and if required an Acid Sulfate Soils Management Plan. The reports and analysis are to be undertaken in accordance with the MBRC Planning Scheme and prepared by a suitably qualified person.	Prior to the commencement of works.
B	Implement the requirements and recommendations of the Acid Sulfate Soil Management Plan. All testing and monitoring is to be undertaken in accordance with the MBRC Planning Scheme.	While site works are occurring.
C	Provide certification from a suitably qualified person that all works have been undertaken in accordance with the Acid Sulfate Soil Management Plan.	Prior to commencement of use.
	<p>Note:</p> <p>Council will only accept a 'suitably qualified person' as being either a Registered Professional Engineer of Queensland (RPEQ) or Environmental/Soil Scientist with current professional membership status</p>	

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	at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) and has obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.	
<b>25</b>	<b>Earth Retaining Structures</b>	
A	Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the building works application and the following: <ol style="list-style-type: none"> <li>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;</li> <li>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;</li> <li>3. Provide temporary safety fencing to all earth retaining structures over 1.0m in height.</li> </ol>	Prior to commencement of works associated with this condition.
B	Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.	Prior to commencement of use.
C	Provide written certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the design, construction and materials comply with this condition.	Prior to commencement of use.
<b>26</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use and to be maintained at all times.
B	Install linear 'No Parking' control signage to restrict the use of car park bays 14 to 21 on waste management collection days to allow for the sweep path of a Heavy Rigid Vehicle (HRV) demonstrated in the Transport Impact Assessment (TIA).  The signage is to identify the waste management collection day or days and times the parking bays are restricted.	Prior to commencement of use and to be maintained at all times.
C	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
<b>27</b>	<b>Unsealed Car Parking</b>	
	Provide an all-weather accessible pavement to the unsealed car parking area in accordance with the approved plans and documents of development. The car parking area is to be constructed and maintained to avoid dust and noise impacts and include drainage and water quality treatment in accordance with the approved Stormwater Management Plan or as amended.	Prior to commencement of use and to be maintained at all times.



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<b>28</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
<b>29</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
<b>30</b>	<b>Waste Management Program</b>	
A	Implement the approved waste management program;  Note: This development will use 2 x 1.1 m3 bins serviced onsite.	Prior to commencement of use.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>ENVIRONMENTAL PLANNING</b>		
<b>31</b>	<b>Bushfire Evacuation Plan</b>	
A	To ensure the proposed development is within a tolerable risk of Bushfire Hazard, submit to Council an Evacuation Plan for the proposed development. The Plan is to be prepared by a suitably qualified person and include details of measures to ensure the safety of persons during a high-risk bushfire hazard forecast.	Prior to commencement of use and to be maintained at all times.
B	Obtain approval from Council for the Evacuation Plan in accordance with (A) above.	Prior to commencement of use.
C	Implement the requirements and recommendations of the approved Evacuation Plan.	To be maintained.
<b>32</b>	<b>Bushfire Management Plan</b>	
	Implement the requirements and recommendations of the approved Bushfire Management Plan ( <i>Equilibrium Ecology, July 2022</i> ).	At all times and to be maintained.
<b>33</b>	<b>Bushfire Hazard Separation Distances</b>	

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	To ensure safe and effective access for emergency services during a bushfire, the site is to maintain: <ul style="list-style-type: none"> <li>(a) an area suitable for a standard firefighting appliance to stand within 3m of a firefighting water supply extraction point; and</li> <li>(b) an access path suitable for use by a standard firefighting appliance having a formed width of at least 4m, a cross-fall of no greater than 5%, and a longitudinal gradient of no greater than 25%: <ul style="list-style-type: none"> <li>i. to, and around, each building and other roofed structure; and</li> <li>ii. to each firefighting water supply extraction point.</li> </ul> </li> </ul>	At all times.
<b>34</b>	<b>Extent of Vegetation Clearing</b>	
	Undertake vegetation clearing in accordance with the approved Tree Survey Plan (prepared by Equilibrium Ecology). No additional clearing is permitted without prior consent from Council.  Note: Vegetation less than 300mm Diameter at Breast Height (DBH) not identified within the approved Tree Retention Plan is approved to be removed as part of this development application.	At all times.
<b>35</b>	<b>Disposal of Cleared Vegetation</b>	
	Chip, shred or tub grind cleared native vegetation and dispose of at an authorised waste facility.  Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property or other location agreed with Council.	At all times.
<b>36</b>	<b>Temporary Exclusion Fencing</b>	
	Delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental damage. Delineation and fencing is to be undertaken in accordance with Australian Standard 4970-2009 Protection of Trees on Development Sites.	While site works are occurring.
<b>37</b>	<b>Management of Wildlife</b>	
	Carry out approved vegetation clearing under the supervision of a Fauna Spotter Catcher holding a valid Rehabilitation Permit from the relevant State Government Agency.	During vegetation clearing.
<b>38</b>	<b>Fauna Sensitive Lighting</b>	
	Outdoor lighting adjacent to vegetated areas on neighbouring properties is to be in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting) and orientated away from the higher value habitats to the west and north to avoid light spill after dusk or in the early mornings.  Lighting design and orientation is to utilise lights with low 'blue light' emissions, e.g. amber LED Luminaire and light curtain/blinker	Prior to commencement of use and to be maintained at all times.

<b>PROPERTY NOTES</b>	
<b>1</b>	<b>Bushfire Management</b>

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	<p>The following property note will be attached to Council’s database:</p> <p><i>“Approved Bushfire Management Measures apply to this lot. Any development on this lot must be in accordance with the conditions of approval related to Bushfire Hazard Mitigation for DA/2022/3050.”</i></p> <p><i>Further details can be found in the development permit creating the lot and the associated Council report (Delegated or Council Meeting) or approval letter. This information is available through the DA Tracker facility on Council’s website <a href="http://www.moretonbay.qld.gov.au">www.moretonbay.qld.gov.au</a>.”</i></p>
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<b>ADVICE</b>	
<b>1</b>	<p><b>Aboriginal Cultural Heritage Act 2003</b></p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.</p>
<b>2</b>	<p><b>Adopted Charges</b></p> <p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 10) dated 5 October 2022 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
<b>3</b>	<p><b>Signage</b></p> <p>Ensure all signage on the site is established on the site either:</p>

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	<ol style="list-style-type: none"> <li>1. In accordance with the Self Assessable Outcomes of the Advertising Devices Code; OR</li> <li>2. In accordance with any Operational Works - Development Permit for an Advertising Device.</li> </ol>
<b>4</b>	<b>Food Premises - Food Business Licence Advice</b>
	<p>In accordance with the Food Act 2006 the following must be submitted to Council prior to the commencement of construction or fit out of any licensable food business:</p> <ol style="list-style-type: none"> <li>1. An application for food business licence.</li> <li>2. Plans and elevations (refer to note below).</li> <li>3. Supporting documentation.</li> <li>4. Relevant fee.</li> </ol> <p>Note: The application is assessed against the provisions of the <i>Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent)</i>.</p>
<b>5</b>	<b>Food Premises - Commercial Exhaust Canopy</b>
	<p>A food business may require a commercial exhaust canopy that would be required to comply with AS 1668.2-2012 The use of ventilation and air conditioning in buildings - Mechanical ventilation in buildings. An exhaust canopy can have an impact on the visual amenity of a building and cause noise and vibration issues that may affect the location and design of a food business.</p>
<b>6</b>	<b>Environmental Protection Act</b>
	<p>It remains the duty of care of the person undertaking an activity not to cause Environmental Harm as defined under the <i>Environmental Protection Act 1994</i>.</p>
<b>7</b>	<b>Nature Conservation (Wildlife Management) Regulation</b>
	<p>In Queensland, the Nature Conservation (Animals) Regulation 2020, legislates that it is an offence to tamper with an animal breeding place that is being used by a protected animal to incubate or rear the animal's offspring. For any proposed activity that will impact on breeding places of protected animals that are classified as extinct, in the wild, endangered, vulnerable, near threatened (EVNT), special least concern, colonial breeder or least concern, a <a href="#">Species Management Plan</a> (or Damage Mitigation Permit if the person removing or tampering holds a DMP for the relevant species) for that species will be required. Animal breeding places include obvious structures such as bird nests and tree hollows, as well as more cryptic places such as amphibian or reptile habitat where breeding takes place.</p>
<b>8</b>	<b>Nature Conservation (Plants) Regulation 2020</b>
	<p>In Queensland, the Nature Conservation (Plants) Regulation 2020, legislates that it is an offence to clear critically endangered, endangered, vulnerable and near threatened plants that are growing in the wild (including areas mapped as Category X). Where clearing of vegetation is located within a mapped high-risk area a suitably qualified person must undertake a flora survey in accordance with the Department of Environment and Science Flora Survey guideline and a protected plant clearing permit is required from the Department of Environment and Science before clearing can commence.</p> <p>Where no conservation significant flora species are identified during the site survey, the applicant is required under the Nature Conservation Act 1992 to submit a Flora Survey Report and Exempt Clearing Notification to DES prior to any vegetation removal within the site.</p>

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	Note that the survey results are only valid for twelve months after the date the survey was undertaken and clearing must be undertaken within this time frame to avoid the need for an additional flora survey.  <a href="https://www.qld.gov.au/environment/plants-animals/plants/protected-plants/clearing">https://www.qld.gov.au/environment/plants-animals/plants/protected-plants/clearing</a>
<b>9</b>	<b>Biosecurity Act 2014</b>
	The Biosecurity Act 2014 commenced on 1 July 2016 and established a framework to regulate and control invasive plants and animals. Under the Biosecurity Act 2014, landowners are responsible for taking all reasonable and practical steps to minimise the risks associated with invasive plants and animals under their control. This obligation is known as the general biosecurity obligation (GBO).
<b>10</b>	<b>EPBC Act (Commonwealth)</b>
	The Act is set to protect and govern matters of National Environmental Significance, this includes flora, fauna, ecological communities and heritage places. All potential impacts are required to be assessed against the EPBC Act. A Protected Matters search has revealed some Matters of National Significance (MNES) that have potential to be found on site It should be noted that a referral under the Act is not mandatory and the ultimate risk of not referring the action when there is potential to impact a matter of National Ecological Significance lies solely with the proponent.

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

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use - Development Permit for Place of worship
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Operational Work - Road works</li> <li>• Operational Work - Stormwater (External)</li> <li>• Building Works - Development Permit</li> </ul>
<b>Codes for Accepted Development</b>	Not applicable

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	Details to Insert
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were twenty-nine (29) properly made submissions about this application.

**REPORT DETAIL**

**1. Background**

On 11 July 1969, Lot 89 was registered with the Land registry / Titles Office.

Mid 1970's - There are no Council records; however, a Dwelling house was constructed on site during this period (QImagery - Queensland Government).

On 19 December 2006, Demolition permit B-2006-2156 was approved for the demolition of Dwelling house and Shed, which was finalised (Final certificate) on 18 January 2008 (Council Ref: BL/12783/2006/DOMBLD). Demolition approval for plumbing was also obtained. The site has been vacant from this time.

On 5 May 2021, a Prelodgement Meeting was held to discuss a Material Change of Use - Development Permit for Place of worship (Council Ref: DA/2021/1507). The proposal, which is generally consistent with that now lodged, was generally supported subject to addressing four main aspects - bushfire hazard, environmental values (native tree protection) and carparking and safe vehicle access to the site.

A Councillors' briefing was conducted on 23 May 2023 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:

***The CEO noted the way forward:***

*A report to be provided for consideration by Council at a future General Meeting.*

**2. Explanation of Item**

This application seeks a Material Change of Use Development Permit for Place of worship. The Place of worship will service the congregation of the existing church at Bongaree which is proposed to relocate. The use is Impact assessable and is policy neutral under the Moreton Bay Regional Council Planning Scheme.

The applicant has demonstrated that establishment of the Place of worship is compatible with the outcomes of the Rural zone code, subject to reasonable and relevant conditions addressing environmental, bushfire and access constraints. On this basis, it is recommended the Place of worship be supported.

**2.1 Description of the Site and Surrounds**

The small, rectangular, Rural zoned lot has a 100 m frontage to First Avenue and is accessed via an unformed driveway crossover. The site was created in 1969 and has been vacant land since 2008 following the removal of a Dwelling house, domestic outbuildings, and on-site sewerage system that were constructed from the mid-1970s onwards.

The surrounding land uses are:

Directions	Planning Scheme Zone	Current Land Use
North	Rural	Vacant crown land
South	Community facilities	Bribie Island Memorial Gardens Utilities - SEQ Water
East	Rural	Vacant crown land

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Directions	Planning Scheme Zone	Current Land Use
West	Environmental management and conservation	National Park

The majority of the site is between 6.00 m AHD to 7.00 m AHD, although it ranges from 8.00 m AHD in the south-western corner to 5.1 m AHD in the north-western corner, and 6.80 m AHD in the south-eastern corner to 5.50 m AHD in the north-eastern corner. Earthworks will be required as part of the development with the potential for some fill and retaining walls. Retaining, predominantly to the north, east and western boundaries, is not anticipated to denigrate the visual amenity of the development, noting that the walls will be screened by the dense, established vegetation on adjacent lots.

The site is entirely mapped as a High Value MSES and High Value MLES. The provided tree survey identifies 28 trees with a diameter greater than 300 mm, but less than 800 mm, so they are not habitat trees under MBRC Planning Scheme Policy - Environmental Areas and Corridors. The species identified include Pink Bloodwood, White cypress pine, Wallum Banksia, Qld Brushbox, and Southern Saltwood (Acacia). All trees are likely to be cleared as the site requires fill for construction and stormwater management. The provided tree retention plan requires amendment accordingly.

Despite the vegetation clearance, the habitat disturbance is not likely to have significant impact upon any species populations listed under the MBRC Planning Scheme as Priority Species, under the Nature Conservation Act, or Under the EPBC Act given the extent of habitat adjacent.

Site access is proposed via First Avenue. Upgrades to First Avenue will be required, including an Auxiliary Lane Left turn (AUL) treatment for safe vehicle entry from the west, and a combined Basic Right Lane turn (BAR) and Basic Left turn (BAL) treatment for vehicles entering the development site and Memorial Gardens Cemetery from the east. Bike paths will also be required in accordance with LGIP for Active Transport.

2.2 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

<b>Applicable Assessment Benchmarks:</b>	<p><u>State Planning Policy</u></p> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <p><u>Regional Plan</u></p> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul> <p><u>From Schedule 10 of the Regulation:</u></p> <ul style="list-style-type: none"> <li>• Part 10: Koala Habitat Area – Schedule 11 of the <i>Planning Regulation 2017</i></li> <li>• Schedule 10, Part 3 - Vegetation Clearing</li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>• Regional Landscape and Rural Production Area</li> </ul>
<b>Koala Habitat Designation:</b>	Nil

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2.2.1 State Planning Policy

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

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
Yes	<p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <ul style="list-style-type: none"> <li>(a) altered stormwater quality and hydrology</li> <li>(b) wastewater</li> <li>(c) the creation or expansion of non-tidal artificial waterways</li> <li>(d) the release and mobilization of nutrients and sediments.</li> </ul>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal.</p> <p>The internal Stormwater Management solution is not subject to Operational Work - Detailed Design assessment, as presumed by the applicant.</p> <p>The Stormwater Management Plan as submitted has not adequately demonstrated the proposed concept design can achieve the stormwater management design objectives outlined in table B (Appendix 2) of the SPP.</p> <p>Council's engineer is satisfied a solution can be achieved that achieves the SPP, however an amended Stormwater Management Plan is required that demonstrates compliance.</p>



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Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Bushfire:</p> <p>(1) Development, 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>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>An assessment of the proposed development has been undertaken, and the proposal has been determined to generally comply.</p> <p>The proposal depicts the proposed church adjacent to the identified hazardous vegetation to the west, north and east of the site.</p> <p>The likelihood of a fire approaching from the north to west is considered likely, given dominant regional fire weather winds are derived from the north-west to west to south-west.</p> <p>The applicant submitted a Bushfire Management Plan (prepared by Equilibrium Ecology) which recommends a 13m separation, managed, low threat Asset Protection Zone (APZ) be provided between the church building and the hazardous vegetation to the north, west and east.</p> <p>Council Officers further engaged a peer review of the applicant's report confirming bushfire benchmarks can be achieved, subject to conditions requiring the installation of a radiant heat barrier being established along the north and west boundaries of the site.</p> <p>To ensure the proposed development complies as a <b>tolerable risk under the SPP2017 Part E - Natural Hazards Risk and Resilience</b>, further measures are to be conditioned so that the development is not within a BAL flame zone, landscaping and vegetation does not increase the risk of a Bushfire Hazard, emergency services are able to safely operate during a bushfire event, and personnel attending the site can be safely evacuated and are limited to exposure to Bushfire Hazard Risk.</p> <p>Conditions recommended include:</p> <ul style="list-style-type: none"> <li>- Compliance with the Bushfire Management Plan which includes a 13.7m Asset Protection zone;</li> </ul>

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		<ul style="list-style-type: none"> <li>- An evacuation plan;</li> <li>- A 2m radiant heat barrier (Colorbond fence) along the north and west boundaries;</li> <li>- vegetation management to a low hazard state;</li> <li>- retain separation distances for emergency services access.</li> </ul>
<b>Assessment benchmarks - Biodiversity</b>		
Applicable to Development	SPP Requirement	Comment
Yes	<p>(1) Development is located in areas to avoid significant impacts on matters of national environmental significance and considers the requirements of the Environment Protection and Biodiversity Conservation Act 1999.</p> <p>(2) Matters of state environmental significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised</p> <p>(3) Matters of local environmental significance are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised</p> <p>(4) Ecological processes and connectivity are maintained or enhanced by avoiding</p>	<p>An assessment of the proposed development has been undertaken, and the proposal has been determined to comply:</p> <p>No Matters of National Environmental Significance (MNES) were identified during the field investigation undertaken within the site.</p> <p>Whilst a fauna survey has not been completed the results of the habitat assessment infers that the threatened fauna species identified in the Protected Matters Search Report have a low potential to occur within the site due to the limited amount of suitable habitat and/or a lack of existing records in the locality.</p> <p>Moreover, the extent of habitat disturbance is unlikely to result in a significant impact to any populations of the EPBC Act listed fauna species, hence a referral to the Commonwealth Government under the EPBC Act is deemed unnecessary.</p> <p>MSES and MLES has appropriately been integrated into the Planning Scheme.</p> <p>As no MLES - Value Offset Areas (<i>waterway buffer area or wetland buffer area</i>) are located within the site, and the applicant's ecological assessment has demonstrated that a significant residual impact for MBRC Priority Species is not likely, the provision of a biodiversity offset is not considered warranted.</p> <p>Koala Habitat has been assessed under the <i>Planning Regulation 2017</i> (see assessment below).</p> <p>The development proposed utilises the majority of the site. The existing semi-</p>

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	<p>fragmentation of matters of environmental significance.</p> <p>Viable koala populations in South East Queensland are protected by conserving and enhancing koala habitat extent and condition.</p>	<p>mature to mature trees, will likely be lost due to earthworks proposed. Some degree of habitat connectivity may be retained through the planting of new trees along the southern site boundary and within the road reserve.</p>
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2.2.2 South East Queensland Regional Plan

The site is located in the Regional Landscape and Rural Production Area designation.

The development proposal is for a community activity in the Regional Landscape and Rural Production Area, and there are no requirements in the State Planning Regulatory Provisions applicable to the development proposal, as Schedule 10 Part 16 s 27 (b) does not apply. In this respect, the proposal is consistent with the SEQ Regional Plan.

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

The subject site is wholly located outside of a Koala Priority Area (KPA) and does not contain mapped Koala Habitat Areas (KHA). Therefore, no further assessment under Schedule 10, Part 10 or Schedule 11 of the Planning Regulations 2017 is required.

2.2.4 Schedule 10, Part 3 of the Regulation – Clearing Native Vegetation

The subject site contains mapped Remnant Category B Least Concern RE12.2.5 vegetation. Clearing of Category B Vegetation on lots less than 5ha are not assessable under the Planning Regulations 2017.

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

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

2.3.1 Strategic Framework

The Strategic Framework sets out the Council’s 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 planning scheme. In this regard, the Strategic Framework sets out the strategy for the future settlement pattern and location of economic activity of the region, the associated infrastructure required to enable development and service communities, and for the protection and enhancement of the region’s environmental values.

In accordance with section 1.7.2 of the planning scheme, Council Officers have assessed the development against the Strategic Outcomes within the Strategic Framework, to the extent that they are relevant. The subject site is identified within the Rural zone and the Coast and Riverlands place type under the Strategic Framework.

The proposal relies upon a higher order assessment against the Strategic Framework to support the development. In particular the proposed development addresses and meets 3.3 Sustainability and resilience, 3.4.4 Regional landscape areas, 3.8.4 Rural planning, 3.13.5.2 Natural environment and landscape, and 3.14.14 Coast and Riverlands place types.

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The proposed Place of worship promotes a sustainable and diverse community enabling community gatherings for worship and related, ancillary activities providing an important community and social benefit to the community.

The site is within the Rural zone, the community activity would not be incompatible with the adjoining National park, nor the adjacent sites to the east that are not likely to be utilised for rural activities / uses. It is appreciated that the proposal will result in clearing of vegetation on site and in the adjacent road reserve, however the environmental impacts (discussed further in the public consultation section of this report) are not considered significant to warrant refusal of the application. The site will remain screened by vegetation along three boundaries, and although High Value vegetation will be removed from site, the impact will not be dissimilar to that of a Dwelling house use (Accepted development), for which 1500 m<sup>2</sup> may be cleared, with additional for fire management. Notably, the existing degraded landscape has been assessed as not possessing significant Matters of National Environmental Significance, Matters of State Environmental Significance, or Matters of Local Environmental Significance. Existing green infrastructure network elements west of the development site will be maintained, with some connectivity maintained by the re-planting of street trees along the development frontage, and internal plantings along the southern boundary and within the carpark. Bushfire resilience is achieved through Asset protection setbacks and a Bushfire Management Plan

Compliance with these aspects of the Strategic Framework, together with demonstrated compliance with Performance Outcomes, and Overall Outcomes, of the Rural zone code, is considered sufficient to warrant approval of the application.

2.3.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
Rural zone code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO1, PO9, PO47, PO48, PO100, PO104, PO112, PO113, and PO140

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

2.3.3 Performance Outcome Assessment

Performance Outcome	Example
<b>Rural zone code</b>	
<b>PO1</b> Development:	No example provided.


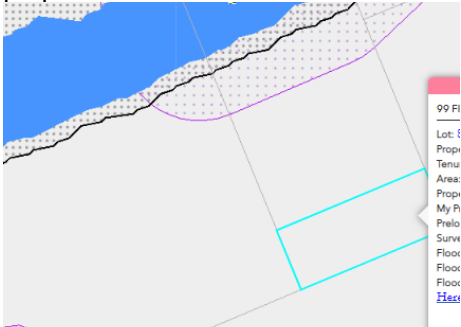
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Performance Outcome	Example
<p>a. adds value to an existing rural activity, the natural environment, or a tourism attraction;</p> <p>b. does not prejudice the ongoing operation of an existing or approved rural activity;</p> <p>c. is adequately serviced with necessary infrastructure to meet on-site needs and requirements;</p> <p>d. ensures adequate on-site stormwater and waste disposal is provided to avoid adverse impacts on water quality;</p> <p>e. is a size and scale that maintains the low density, low intensity and open area landscape character anticipated in the Rural zone;</p> <p>f. is designed, located and operated in a manner that avoids nuisance impacts on sensitive land uses;</p> <p>g. requires minimal filling or excavation. Where this occurs, visual impacts are reduced through screening;</p> <p>h. avoids being obtrusive or visually dominant by achieving low set built form;</p> <p>i. uses natural and non-reflective materials and colours consistent with existing and surrounding rural buildings and rural environment, except where materials such as netting, shade cloth and similar coverings are necessary for agricultural operations;</p> <p>j. is not subject to a development constraint such as, but not limited to, flood, steep slope, waterway setback and significant vegetation; and</p> <p>k. does not result in any instability, erosion or degradation of land, water, soil resource or loss of natural, ecological or biological values.</p>	
<i>Performance Outcome Assessment</i>	
<p><b>a. adds value to an existing rural activity, the natural environment, or a tourism attraction;</b> <u>Comment:</u> The proposal does not add value to an existing rural activity or a tourism attraction. The proposal will impact upon the existing natural environment by removing existing native vegetation and creating increased activity adjacent to a natural area. The proposal is therefore to be assessed against the overall outcomes of the code further below.</p> <p><b>b. does not prejudice the ongoing operation of an existing or approved rural activity;</b> <u>Comment:</u> Not applicable. There is no existing approved rural activity.</p>	

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Performance Outcome	Example
	<p><b><i>c. is adequately serviced with necessary infrastructure to meet on-site needs and requirements;</i></b>  <u>Comment:</u>                      The proposal will be connected to underground electricity and reticulated water supply. The site is not able to be connected to the reticulated sewerage system. The applicant has proposed on-site sewerage disposal. An on-site sewerage disposal report was submitted by the applicant and has been reviewed by Council officers. The report was referred to Council's Plumbing Department for additional review who considered the proposed sewerage treatment acceptable and sufficient to meet relevant standards. The proposed vehicle access to the site will need to be upgraded to include additional turn treatments and these have been recommended as conditions.</p> <p><b><i>d. ensures adequate on-site stormwater and waste disposal is provided to avoid adverse impacts on water quality;</i></b>  <u>Comment:</u>                      The applicant submitted a stormwater management report. The applicant proposes an on-site underground detention tank. In addition, a bioretention basin is proposed in the northeast corner of the site to treat stormwater quality. There are some minor anomalies in relation to basin outlet design and how certain flows will be captured. Council's engineer has advised that these are not insurmountable or fatal to the application and have conditioned an amended stormwater management plan be provided for Council approval. Council Plumbing Officers have reviewed the Taylor Environmental report for on-site wastewater and effluent disposal and found it to be consistent with legislative provision of the Plumbing and Drainage Act 2018 and the Environmental Protection Regulation 2019. The Qld Planning guideline for Water and Sewage supply has also been used for the evaluation. Importantly, the site is not located in flood prone land, and the permanent water table is greater than 0.3 m below the base of the conventional bed (ground water table was not encountered up to a depth of 1.0m).</p> <p>A plumbing application for drainage and on-site sewerage works will need to be lodged with Council, and approved, prior to any building approval or plumbing works commencing. A water balance model for the land application area may be considered at this time. The onus will be on the applicant to demonstrate that the wastewater will be sufficiently treated to prevent pathogens / contaminants being released into the environment.</p> <p><b><i>e. is a size and scale that maintains the low density, low intensity and open area landscape character anticipated in the Rural zone;</i></b>  <u>Comment:</u>                      The proposal is for a two-storey building. It is noted that the Building Heights overlay under the MBRC Scheme is 8.5m for which the proposed building will comply. It is acknowledged that the building is larger in area than would be anticipated for a Dwelling. However, the building will be setback 6.0m from the front boundary in addition to 16.5m from the existing travel lanes on First Avenue (wide road reserve). In addition, the proposed building includes generous side and rear setbacks (13m+) creating an openness around the building. Opportunities exist for landscaping within the site as well as replacement native tree planting in the road reserve. The applicant has responded to Council Officer advice by proposing a building and fencing that utilises natural materials and finishes to assist in integrating the building with its natural surrounds. In this respect the size and scale of the building is considered to be responsive to the character of the Rural zone.</p> <p><b><i>f. is designed, located and operated in a manner that avoids nuisance impacts on sensitive land uses;</i></b>  <u>Comment:</u>                      There are no sensitive land uses in close proximity to the site. It is noted that there is a Memorial Garden and Columbarium opposite the site to the south of First Avenue. It is considered that the proposed land use as a Place of Worship will not detract or result in impacts upon this place.</p>

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Performance Outcome	Example
	<p><b>g. requires minimal filling or excavation. Where this occurs, visual impacts are reduced through screening;</b>  <u>Comment</u>                      The applicant has not provided details of proposed earthworks. It is anticipated that some earthworks will be required to facilitate drainage of the carpark to the bio-retention area in the northeast of the site. Any filling/retaining is anticipated to be minor and towards the rear of the site with limited visibility from the public realm.</p> <p><b>h. avoids being obtrusive or visually dominant by achieving low set built form;</b>  <u>Comment:</u>                      The proposed building, whilst large in scale, has been sensitively setback from all site boundaries and satisfies the Building Heights overlay limit of 8.5m. The applicant has adopted natural materials and finishes that will assist in integrating the building with the natural surrounds. In addition, a condition has been recommended to remove the proposed Bell Tower (with LED lights) to further assist in limiting the building being obtrusive. The applicant has indicated they would be agreeable to such condition.</p> <p><b>i. uses natural and non-reflective materials and colours consistent with existing and surrounding rural buildings and rural environment, except where materials such as netting, shade cloth and similar coverings are necessary for agricultural operations;</b>  <u>Comment:</u>                      The proposal has adopted appropriate materials and finishes which are sympathetic to the natural landscape surrounding the site.</p> <p><b>j. is not subject to a development constraint such as, but not limited to, flood, steep slope, waterway setback and significant vegetation; and</b>  <u>Comment:</u>                      The site is not subject to flooding, however does include a small area of mapped overland flow (see below).</p>  <p>This amount is minimal and it is not expected that the proposal will result in significant off-site flow impacts. The area is highly permeable with sand soils.</p> <p>The site is sufficiently setback (more than 80m) from mapped waterway/riparian corridors and flood areas (see below) where off-site impacts are not expected as a result of the proposal.</p> 

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Performance Outcome	Example
<p>The site is impacted by high potential bushfire impact under Council’s Bushfire Hazard Overlay and the State Planning Policy. However, as previously discussed the applicant has provided a Bushfire Hazard assessment which Council Officers have had peer reviewed by an external expert. Bushfire hazard is considered to be suitably addressed as previously discussed in this report.</p> <p>The site is mapped under Council’s Environmental Areas Overlay as containing matters of State Environmental Significant and Local Environmental Significance. A more detailed discussion of these environmental matters is provided below in addressing PO104.</p> <p><b><i>k. does not result in any instability, erosion or degradation of land, water, soil resource or loss of natural, ecological or biological values.</i></b></p> <p><u>Comment:</u></p> <p>The site is relatively flat and the proposal will not result in instability. Proposed carpark areas will be suitably graded to the on-site bio-retention area to capture and treat on-site stormwater run-off. In terms of environmental impact, please refer to PO104 below for further discussion.</p>	
<p><b>PO9</b></p> <p>On-site car parking associated with an activity provides safe and convenient on-site parking and manoeuvring to meet anticipated parking demand.</p> <p>Note - Refer to Planning scheme policy - Integrated transport assessment for guidance on how to achieve compliance with this outcome.</p>	<p><b>E9</b></p> <p>On-site car parking is provided in accordance Schedule 7 - Car parking.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>An alternative to the Example E9 is proposed, being fifty-eight (58) car parking spaces; in lieu of the seventy-one (71) car parking spaces required by Schedule 7. It is considered that schedule 7 is not always the most appropriate measure of on-site parking demand because it is based upon the gross floor area of a building. Schedule 7 requires 7 car spaces per 100sqm of Gross Floor Area.</p> <p>In order to understand the likely demand created by the Place of Worship, Council Officers requested the applicant provide carpark survey of their existing operation at Cotterill Avenue Bongaree. The applicant surveyed regular attendances and identified that peak attendance is achieved during the contemporary Sunday services (maximum 100 people), with all other on-site activities attracting far fewer attendees (maximum 50). Growth to a maximum 120 people is anticipated with the change of premises. The applicant’s parking survey for activities at the existing church site, over a nine-month period during Covid, established that the vehicle to person ratios were in excess of two persons per vehicle. Furthermore, the church owns and operates a bus service (pick-up and drop off) for their elderly congregation (many who carpool). Combined, these aspects provide sufficient rationale for the applicant’s proposed on-site parking (58 car parks including two staff carparks).</p> <p>Irregular, one-off, on-site events enabling larger attendance has also been considered through the proposition of private shuttle services from pre-organised, satellite car park areas; for example, the RSL, by agreement. Given the irregularity of such an event, this would be an acceptable solution.</p>	



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Performance Outcome	Example
<p>To further ensure that carparking does not result in off-site impacts, a condition is recommended to limit the operational capacity of the Place of Worship to a maximum of 120 persons on site at any one time. In addition, a condition is recommended requiring the applicant to install signage at the entry of the Memorial gardens, and the entry/exit to the development site, and install 'No Parking' signage, and line markings, in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), in lieu of physical barriers along the First Avenue frontage.</p> <p>The proposed parking is considered to be sufficient to provide safe and convenient on-site parking and manoeuvring to meet anticipated parking demand, subject to the conditions outlined above. The Performance Outcome is able to be satisfied.</p>	
<p><b>PO47</b></p> <p>Filling or excavation does not result in</p> <ul style="list-style-type: none"> <li>a. adverse impacts on the hydrological and hydraulic capacity of the waterway or floodway;</li> <li>b. increased flood inundation outside the site;</li> <li>c. any reduction in the flood storage capacity in the floodway;</li> <li>d. any clearing of native vegetation.</li> </ul> <p>Note - To demonstrate compliance with this outcome, Planning Scheme Policy - Stormwater Management provides guidance on the preparation of a site-based stormwater management plan by a suitably qualified professional. Refer to Planning scheme policy - Integrated design for guidance on infrastructure design and modelling requirements.</p>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>Construction and appropriate stormwater management will require some fill within the site. The north-eastern and north-western corners of the lot are mapped at the perimeter of two separate overland flow paths. Although the proposal plans detail weirs being incorporated within these corner areas (for stormwater management), the required retaining walls will likely partially intrude upon the mapped overland path. As the walls will be on the perimeter of the 'pond' shaped overland flow paths, the impacts are not considered to be significant.</p> <p>Nonetheless, because filling the site will result in the clearance of most, if not all, on-site native vegetation, the Performance Outcome will not be met. Impacts are further considered as part of Overall Outcomes assessment.</p>	
<b>PO48</b>	<b>E48</b>

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Performance Outcome	Example
<p>Filling or excavation on the development site is undertaken in a manner which does not create or accentuate problems associated with stormwater flows and drainage systems on land adjoining the site.</p>	<p>Filling and excavation undertaken on the development site are shaped in a manner which does not:</p> <ul style="list-style-type: none"> <li>a. prevent stormwater surface flow which, prior to commencement of the earthworks, passed onto the development site, from entering the land; or</li> <li>b. redirect stormwater surface flow away from existing flow paths; or</li> <li>c. divert stormwater surface flow onto adjacent land, (other than a road), in a manner which:                             <ul style="list-style-type: none"> <li>i. concentrates the flow; or</li> <li>ii. increases the flow rates of stormwater over the affected section of the adjacent land above the situation which existed prior to the diversion; or</li> </ul> </li> </ul> <p>causes actionable nuisance to any person, property or premises.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>An alternative to Example E48 is proposed. Fill / retaining walls are proposed that will prevent stormwater passing onto the development site in the north-eastern and north-western corners which are mapped at the perimeters of overland flow paths; in lieu of not preventing stormwater flow entering the land.</p> <p>The impact of this fill / retaining walls upon the edge of these hydrological flow paths is not considered to be significant as it will not concentrate flow, increase flow rates, or cause actionable nuisance to drainage systems or the usable areas of the adjoining land.</p> <p>The Performance Outcome is able to be satisfied.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p><b>PO100</b></p> <p>Development:</p> <ul style="list-style-type: none"> <li>a. minimises the number of buildings and people working and living on a site exposed to bushfire risk;</li> <li>b. ensures the protection of life during the passage of a fire front;</li> </ul>	<p><b>E100.1</b></p> <p>Buildings and structures are:</p> <ul style="list-style-type: none"> <li>a. not located on a ridgeline;</li> <li>b. not located on land with a slope greater than 15% (see Overlay map - Landslide hazard);</li> </ul> <p>dwellingings are located on east to south facing slopes.</p>

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Performance Outcome	Example
<ul style="list-style-type: none"> <li>c. is located and designed to increase the chance of survival of buildings and structures during a bushfire;</li> <li>d. minimises bushfire risk from build-up of fuels around buildings and structures;</li> <li>e. ensure safe and effective access for emergency services during a bushfire.</li> </ul>	<p><b>E100.2</b></p> <p>Buildings and structures have contained within the site:</p> <ul style="list-style-type: none"> <li>a. a separation from classified vegetation of 20m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or firefighting water supply of no more than 29, whichever is the greater;</li> <li>b. a separation from low threat vegetation of 10m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or firefighting water supply of no more than 29, whichever is the greater;</li> <li>c. a separation of no less than 10m between a firefighting water supply extraction point and any classified vegetation, buildings and other roofed structures;</li> <li>d. an area suitable for a standard firefighting appliance to stand within 3m of a firefighting water supply extraction point; and</li> <li>e. an access path suitable for use by a standard firefighting appliance having a formed width of at least 4m, a cross-fall of no greater than 5%, and a longitudinal gradient of no greater than 25%: <ul style="list-style-type: none"> <li>i. to, and around, each building and other roofed structure; and</li> <li>ii. to each firefighting water supply extraction point.</li> </ul> </li> </ul> <p>Note - The meaning of the terms classified vegetation and low threat vegetation as well as the method of calculating the bushfire attack level are as described in Australian Standard AS 3959</p>
<i>Performance Outcome Assessment</i>	
<p>There is classified vegetation to the west, north and east of the site.</p>	
<p>An alternative to Example E100.2 a. is proposed, being a separation from classified vegetation of 13 m; in lieu of a separation from classified vegetation of 20m (being greater than the 19.7m</p>	

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Performance Outcome	Example
	<p>setback to achieve BAL29 per Bushfire Assessment and Management Report prepared by Equilibrium Ecology).</p> <p>The MBRC Planning Scheme has adopted the policy that a 29kw/m<sup>2</sup> heat flux or less at the building footprint is an 'acceptable' risk to protect people, property, infrastructure (including community infrastructure) and the natural environment. A Bushfire Report peer review by JD Environmental established that using an alternative methodology a 13 m setback with a fire-retardant fence (e.g. Colorbond) along the northern and western boundaries would be sufficient to achieve a BAL29 rating ('acceptable' risk). However, this Example recommends the more conservative 20m setback, which is not met.</p> <p>Assessed against the Performance Outcome, adoption of a 13 m separation will position the building outside of the modelled flame length (BAL40), and will result in a 'tolerable' level of bushfire risk to the building given the construction materials of the building are almost exclusively non-flammable materials. As the building use is for non-habitable purposes, provision of appropriate separation is not considered critical to manage human safety. The site is a place of worship without permanent habitation and any fire with potential to impact the site would trigger an evacuation procedure whereby all occupants are evacuated from the site.</p> <p>However, consideration of State Planning Policy – State Interest Guideline – Natural Hazards, Risk and Resilience (DSDMIP, December 2019, pg. 12) is also required, which refers to 'acceptable risk', 'tolerable risk', and 'intolerable risk' which are defined below.</p> <ul style="list-style-type: none"> <li>• Acceptable risk</li> </ul> <p>A risk that, following an understanding of the likelihood and consequences, is sufficiently low to require no new treatments or actions to reduce risk further. Individuals and society can live with this risk without feeling the necessity to reduce the risks any further.</p> <ul style="list-style-type: none"> <li>• Tolerable risk</li> </ul> <p>A risk that, following an understanding of the likelihood and consequences, is low enough to allow the exposure to continue, and at the same time high enough to require new treatments or actions to reduce risk. Society can live with this risk but believe that as much as is reasonably practical should be done to reduce the risks further.</p> <ul style="list-style-type: none"> <li>• Intolerable risk</li> </ul> <p>A risk that, following an understanding of the likelihood and consequences, is so high that it requires actions to avoid or reduce the risk. Individuals and society will not accept this risk and measures are to be put in place to reduce risks to at least a tolerable level.</p> <p>AS/NZS ISO 31000:2018 defines 'Likelihood' as the chance that something might happen. In this instance, the likelihood of a fire approaching from the north to west is considered likely, given dominant regional fire weather winds are from the north-west to west to south-west.</p> <p>To ensure the development complies with the Performance Outcome, and is considered a 'tolerable' risk under the SPP2017 Part E - Natural Hazards Risk and Resilience, further measures should be conditioned so as the proposed development is not within a BAL flame zone (Radiant Heat Flux &lt;40kw/m<sup>2</sup>), landscaping and vegetation does not increase the risk of a Bushfire Hazard, emergency services are able to safely operate during a bushfire event and personnel attending the site can be safely evacuated and are limited to exposure to Bushfire Hazard Risk. The conditions to be applied include:</p> <ul style="list-style-type: none"> <li>- Provision of a Bushfire Evacuation plan</li> <li>- Construction of a flame retardant, 2 metre Colorbond fence along the northern, and western boundaries (increased protection from 1.2 m recommendation);</li> <li>- Maintenance of vegetation at a low hazard state (clearing contained to on site only); and</li> </ul>

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Performance Outcome	Example
<p>- Establishing separation distances for safe emergency services access, Subject to the abovementioned conditions, the Performance Outcome can be satisfied.</p>	
<p><b>PO104</b></p> <p>Development avoids locating in a High Value Area or a Value Offset Area. Where it is not practicable or reasonable for development to avoid establishing in these areas, development must ensure that:</p> <ol style="list-style-type: none"> <li>a. the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area is maintained and not lost or degraded;</li> <li>b. on-site mitigation measures, mechanisms or processes are in place demonstrating the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area are maintained. For example, this can be achieved through replacement, restoration or rehabilitation planting as part of any proposed covenant, the development of a Vegetation Management Plan, a Fauna Management Plan, and any other on-site mitigation options identified in the Planning scheme policy - Environmental areas*.</li> </ol> <p>* Editor's note - This is not a requirement for an environmental offset under the Environmental Offsets Act 2014.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The site is identified as High Value Area under Council's Environmental Areas Overlay. The site and some vegetation within the road reserve will be cleared of vegetation as a result of the requirement to manage bushfire impacts and to facilitate earthworks for the carpark and drainage.</p> <p>An ecological assessment of the site was submitted with the application. The site contains degraded open eucalypt forest which has been subject to historical disturbances (vegetation clearing, introduced weed species and vehicle impacts).</p> <p>No habitat trees (as defined under the planning scheme) were identified on the site. Given the site is only 4000sqm and noting that the site is already highly degraded and disturbed (due to previous dwelling, weed species and some domestic plantings), the existing habitat value to fauna is not considered to be critical to the survival of any fauna species in the landscape.</p> <p>Although potential habitat exists within the site for 20 of the listed fauna species identified, only 7 of the species have been recorded occurring on Bribie Island in the Wildnet database. Given the small size and highly degraded nature of the site, proximity to the busy First Avenue and extensive areas of adjoining high-quality habitat in proximity to the site, it is not considered</p>	

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Performance Outcome	Example
<p>that the habitat within the site would be critical to the survival of any of the 7 identified species which could possibly use the site.</p> <p>Indirect impacts to fauna species may occur as a result of site intensification, including artificial night time lighting, however given the extensive area of National Park and bushland surrounding the site this is not considered critical. It is noted that this is the only privately owned parcel of land in the immediate area and further cumulative impacts from development are unlikely to occur.</p> <p>As no MLES - Value Offset Areas (<i>waterway buffer area or wetland buffer area</i>) are located within the site, and the applicant's ecological assessment has demonstrated that a significant residual impact for MBRC Priority Species is not likely, the provision of a biodiversity offset is not considered warranted.</p>	
<p><b>PO112</b></p> <p>No example provided. Development retains safe and convenient public access in a manner that does not result in the adverse edge effects or the loss or degradation of biodiversity values within the environment.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Indirect impacts to fauna species may occur as a result of site intensification, including the introduction of artificial night-time lighting spilling to retained vegetation which has the potential to reduce nocturnal foraging suitability for fauna species.</p> <p>It is recommended conditions of approval include:</p> <ul style="list-style-type: none"> <li>• The provision of a solid boundary fence to reduce light and noise pollution;</li> <li>• Lighting adjacent to surrounding vegetation lots is to include fauna sensitive lighting.</li> </ul> <p>Subject to the abovementioned conditions, the Performance Outcome is satisfied.</p>	
<p><b>PO113</b></p> <p>Development minimises potential adverse 'edge effects' on ecological values by:</p> <ol style="list-style-type: none"> <li>a. providing dense planting buffers of native vegetation between a development and environmental areas;</li> <li>b. retaining patches of native vegetation of greatest possible size where located between a development and environmental areas;</li> <li>c. restoring, rehabilitating and increasing the size of existing patches of native vegetation;</li> <li>d. ensuring that buildings and access (public and vehicle) are setback as far as possible from environmental areas and corridors;</li> </ol>	<p>No example provided.</p>

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Performance Outcome	Example
<p>e. landscaping with native plants of local origin.</p> <p>Editor's note - Edge effects are factors of development that go to detrimentally affecting the composition and density of natural populations at the fringe of natural areas. Factors include weed invasion, pets, public and vehicle access, nutrient loads, noise and light pollution, increased fire frequency and changes in the groundwater and surface water flow.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The majority of the site will be required to cleared of native vegetation for fill (stormwater management) and bushfire mitigation. The bushfire mitigation measures do not allow for a suitable buffer of native vegetation from surrounding rural properties and national park to prevent adverse edge effects.</p> <p>The development proposes to provide new deep rooted native trees within the parking areas, along the southern site boundary, and within the road reserve.</p> <p>Some impacts to fauna species may occur as a result of site intensification, as discussed in PO113. Conditions to be applied.</p> <p>Subject to the abovementioned conditions, the Performance Outcome is satisfied.</p>	
<p><b>PO140</b></p> <p>Development:</p> <p>a. maintains the conveyance of overland flow predominantly unimpeded through the premises for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>b. does not concentrate, intensify or divert overland flow onto an upstream, downstream or surrounding property.</p> <p>Note - A report from a suitably qualified Registered Professional Engineer Queensland is required certifying that the development does not increase the potential for significant adverse impacts on an upstream, downstream or surrounding premises.</p> <p>Note - Reporting to be prepared in accordance with Planning scheme policy – Flood hazard, Coastal hazard and Overland flow.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Fill / retaining walls are proposed on site that will partially prevent stormwater passing onto the development site in the north-eastern and north-western corners which are mapped at the perimeters of overland flow paths.</p>	

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Performance Outcome	Example
	The impact of this fill / retaining walls upon the edge of these hydrological flow paths is not considered to be significant as it will not concentrate flow, increase flow rates, or cause actionable nuisance to drainage systems or the usable areas of upstream, downstream, or adjoining land.
	The proposed stormwater solutions will utilise weirs within the site to direct stormwater to sheet flow before entering the adjacent properties.
	The Performance Outcome is able to be satisfied

2.3.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome PO1, PO47, and PO104 of the Rural zone code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code.

The proposal is for a Place of worship, being a non-rural use (community use) on a site that has not previously been used for rural purposes and / or primary production and is heavily compromised in doing so in future due to its small size inhibiting economies of scale; poor quality, nutrient poor, sandy soils; and proximity to conservation, sport & recreation, utilities, and special community use zones. The proposed use is therefore considered to be compatible with the area and will not compromise long term use of land for rural purposes and is complementary to the Memorial Gardens across from the site.

As previously discussed in this report, the proposed use is considered to maintain the open character and scenic amenity, including the low density and dispersed built form which defines the Rural Place type. Whilst the building is large, it is well setback from each boundary and adopts sympathetic materials and finishes. Further, the building is under the anticipated building height of 8.5m set out in the planning scheme. Whilst it is acknowledged that the site currently presents as part of a vegetated corridor along First Avenue, it is also noted that the site is privately owned and could facilitate a large two storey dwelling 'as of right' with associated clearing to achieve bushfire mitigation.

The structure will be sited within a landscape of remnant native vegetation with tree heights to approximately 18 m (averaging 10-12 m). The single, barn style, structure, occupying 26.4 % of the site, will utilise materials in muted, natural colours, and landscaping to soften its presence within the landscape. The structure will be 5.4 m high to the eaves, which run parallel with First Avenue, and have an overall building height of 8.0 m central to the site (less than the average tree height), complying with the Building height overlay (<8.5m high), and indicative of low-scale development. The presence of existing screening vegetation from the east and west, and the planting of replacement street trees and landscape planting along the southern boundary and within the car park, will maintain the scenic amenity of the area.

General works are able to be conditioned to achieve a high standard of service provisions. Earthworks will have minimal impacts on adjoining premises and the streetscape.

The entire site is constrained by Environmental values and Bushfire areas. Though designed for 'least risk' and 'least impact', the proposal will require fill resulting in the clearance of most, if not all, of the High Value MSES and High Value MLES vegetation on site. Despite this, the Ecological Assessment Report has demonstrated that the extent of habitat disturbance is unlikely to result in a significant impact to any populations listed under the MBRC Planning Scheme as Priority Species, or of significance under the Nature Conservation Act or the EPBC Act. Further, as the site does not contain MLES Value Offset areas, a biodiversity offset will not be required. It is also noted that a Dwelling house would have similar impacts to the proposed



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development in terms of clearing (RAD96 Rural zone code - Dwelling house allowed to clear up to 1500 m<sup>2</sup> plus bushfire management as Accepted Development, plus Exempt clearing for fencing maintenance).

There is extensive High value vegetation present within Bribie Island National Park and upon vegetated freehold allotments that adjoin the site. As such, the removal of the majority, or all, of the fauna habitat from within the site will not unacceptably impact overall fauna habitat values within the locality. Some degree of habitat connectivity is proposed through new plantings on site, within the road reserve (street trees), and along the southern site boundary. The construction of a solid fence along the northern, eastern and western boundaries will assist with addressing any potential edge effects resulting from the site clearing, and light pollution from the development.

The proposed Bushfire solution achieves a 'tolerable' risk, in accordance with State Planning Policy, which will minimise the potential risk to people, and property through conditions.

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

#### 2.4 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is not located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 10 commencing on 5 October 2022 (CR).

##### 2.4.1 *Levied Charge*

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

##### 2.4.2 *Levied Charge Credit*

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

Previous lawful use of the land as a Dwelling. Accordingly, the credit available under this option is \$18,648.00.

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

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

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

The credit available under this option is \$18,648.00 based on the proportional split stated in the Table of section 2.3 (b) of the CR.

*2.4.3 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.

*2.4.4 Additional Trunk Infrastructure Costs*

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

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

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

2.5 Recording of particular approvals on the MBRC Planning Scheme

Not applicable in this instance.

2.6 Referrals

*2.6.1 Council Referrals*

**2.6.1.1 Development Engineering**

**Traffic, Access & Parking**

Conditions have been recommended for intersection upgrade works proposed along the site frontage including an Auxiliary Lane Left turn (AUL) treatment for safe vehicle entry approaching from the west (Bongaree), and a combined Basic Right Lane turn (BAR) and Basic Left turn (BAL) treatment for vehicles entering the development site, and the Memorial Gardens site, from the east (Woorim). The existing pedestrian pathway along the southern verge of First Avenue will remain unchanged.

Capital Works project - On road cycle lanes (112389) alignment is not compromised by the intersection upgrade works identified in the Traffic impact Assessment report.

Car parking restrictions along First Avenue for a 200.0m section from the development are recommended as a condition to ensure on-street parking does not occur.

A Heavy Rigid Vehicle (HRV) 12.5m in length can turn on site with conditioning of linear No Parking signage for car park bays 14-21 on collection days, as identified in the Traffic Impact Assessment sweep path analysis.

On-site parking has been considered and assessed by Council's planners, including the submitted parking surveys and determined to be satisfactory as discussed in this report.

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### **Stormwater / Flooding**

A Stormwater Management Plan was submitted with the application. On-site detention tanks are proposed and a bio-retention area is proposed in the northeast corner of the site. The report is not suitable for approval at this stage and some minor amendments are recommended as a condition.

### **Earthworks**

Preliminary earthworks plans were not provided to support the application, with the applicant stating the earthworks design is to be completed at the detailed design (operational works) phase of the project, in conjunction with the external roadworks levels along First Avenue.

Details of necessary earthworks to facilitate the carpark and drainage are required and a condition requiring preliminary earthworks plans to show the proposed extent of cut and fill within the development and any proposed retaining walls is required prior to Building Works approval. This is recommended as a condition.

#### **2.6.1.2 Environmental Health**

### **Noise**

The nearest sensitive receiver is 500m away, and as such, a noise report is not required and amenity impacts to the nearest residents are not anticipated.

### **Waste management**

The provided Waste management program, utilising 1 x 1m<sup>3</sup> bulk bin for general waste serviced once a week, and 1 x 1.1m<sup>3</sup> bulk bin for recyclable waste serviced weekly is accepted subject to conditions.

The development will generate 700L of general waste a week and 700L of recyclable waste a week. Design plans show a bin store suitably screened.

### **Acid sulfate soils**

The lowest area of the site is situated 5.1m AHD, and the entire site on the acid sulfate soils overlay for land above 5m AHD and below 20m AHD. Geotechnical advice will be sought to confirm the presence of PASS and AASS prior to construction (Condition).

#### **2.6.1.3 Environmental Planning**

**The application has been assessed against Planning Regulations 2017 (Vegetation clearing), State Planning Policy (Bushfire and MSES and MNES), SEQRP and the MBRC Planning Scheme (MLES). Environmental Planning have advised from their perspective that the application could be approved subject to conditions.**

**As the advice provided formulates responses to other relevant sections within this report, it has not been duplicated within this 'Referrals' section.**

A further Vegetation Clearing Operational Works Application will not be required for the clearing of vegetation in relation to this development proposal.

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**2.6.1.4 External Specialist - Bushfire (JD Engineering)**

On 31 March 2023, JD Environmental were engaged by Council to provide independent advice regarding the Bushfire Hazard Assessment and Management Plan prepared by Equilibrium Ecology.

The purpose of the review was to identify any non-compliances with bushfire related development assessment benchmarks contained within the Moreton Bay Region Planning Scheme and State Planning Policy 2017; and to determine whether identified bushfire constraints and/or areas of non-compliance with applicable development assessment benchmarks were able to be remedied by way of Conditions of Approval.

On 3 April 2023, JD Environmental provided its completed review. The key findings were:

(a) the submitted Bushfire Report was generally fit for purpose, but does unnecessarily adopt a conservative 1,200K Flame Temperature assumption in the bushfire modelling carried out to inform radiant heat setback requirements;

(b) Adoption of a lesser 1,090 K Flame Temperature, consistent with Section 7.3 of BRC\_2019, reduces the setbacks to achieve BAL 29 kW/m<sup>2</sup> benchmark from 19.7m to 13.7m;

(c) there are options available to amend the proposed plan of development so that it achieves compliance with the 29 kW/m<sup>2</sup> benchmark, and it would be preferable that those amendments be pursued rather than permit the development to proceed in its current form; and

(d) otherwise, the proposed plan of development for the Site is, in its current form, compliant with the Rural Zone Code of the Planning Scheme and current State Planning Policy 2017 (SPP 2017) guidance material.

Council will adopt the report's recommendation to construct a fire-retardant boundary fence along the northern and eastern boundaries to reduce BAL below BAL29. A condition requiring a 2.0 m fence has been recommended.

**2.6.2 Referral Agencies**

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

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

**2.6.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.6.2.3 Third Party Agencies**

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

**2.7 Public Consultation**

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

- (a) Public Notification was served on all adjoining landowners on 5 December 2022.
- (b) The development application was advertised online *Buy, Search, Sell* on 5 December 2022.

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- (c) A notice in the prescribed form was posted on the relevant land on 5 December and maintained for a period of 15 business days until 12 January 2023. (Per section 53 (12) of the Planning Act, the period from 20 December 2022 until 5 January 2023 was not included in business day calculation).

2.7.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax	28	28
	Petition	5	1
Not Properly Made	Letter, Email, Fax	-	5
	Petition		
<b>Total</b>		<b>33</b>	<b>34</b>

The matters raised within the submissions are summarised below:

Assessment of Submissions
<ul style="list-style-type: none"> <li>• <b>Public Notification Timing</b> <ul style="list-style-type: none"> <li>- Planning Act s. 53 (12) - business days.</li> </ul> </li> <li>• <b>Transparency</b> <ul style="list-style-type: none"> <li>- Accessibility to advice to applicants.</li> </ul> </li> <li>• <b>Zoning</b> <ul style="list-style-type: none"> <li>- Perception that zoned Environmental management and conservation.</li> </ul> </li> <li>• <b>Council Land Buy Back</b></li> <li>• <b>MBRC Corporate Plan</b></li> <li>• <b>Planning Scheme Strategic Framework</b> <ul style="list-style-type: none"> <li>- Compliance queried</li> </ul> </li> <li>• <b>Compliance with Rural zone code</b> <ul style="list-style-type: none"> <li>- Compliance queried.</li> </ul> </li> <li>• <b>Easements</b> <ul style="list-style-type: none"> <li>- Access to rear property restricted.</li> </ul> </li> <li>• <b>Built form / Visual amenity</b> <ul style="list-style-type: none"> <li>- Height</li> <li>- Bell tower lighting</li> <li>- Landscaping</li> </ul> </li> <li>• <b>Cultural Heritage</b> <ul style="list-style-type: none"> <li>- Consideration of indigenous heritage.</li> </ul> </li> <li>• <b>Hazardous materials</b></li> <li>• <b>Responsibility for provision of infrastructure</b></li> </ul>
<p><b>Public Notification Timing</b></p> <p>The timing of Public Notification has been labelled 'inappropriate' and 'sneaky' as it occurred during the Christmas-New Year period. In addition, a request on 23 December to extend the Public Notification period by 15 business days due to the Christmas and New Year break was not supported by Council Officers.</p> <p>In accordance with the Development Assessment Rules, the applicant carried out a 15 day Public Notification period that commenced 6 December 2022 and ended 12 January 2023.</p>

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**Assessment of Submissions**

This extended period made allowance for the Christmas / New Year break per section 53 (12) of the Planning Act by not including the period from 20 December 2022 until 5 January 2023 in calculating business days.

The exclusion period effectively enabled submissions to be made to Council for a period of 37 days, which was considered reasonable. A further 15 day extension until 3 February 2023 would be onerous to an applicant who has already fulfilled their legislated obligation.

**Transparency**

It was questioned whether the likelihood of support / approval had been indicated to the applicant prior to land purchase, and if so, evidence of such a bias / predisposition should appear within Council records.

Council records indicate ownership changed to The Baptist Union of Qld 5 July 2021. A Prelodgement meeting had been held with the applicant 5 May 2021 to discuss a Change of Use (Place of Worship) on the site. The matters discussed, as is the case with all Prelodgement meetings, were 'commercial in confidence,' so not made publicly available. Pre-lodgement meetings provide an exchange of information prior to a development application. The advice provided is not a commitment as to whether a subsequent application will be approved with conditions or refused by council. The pre-lodgement advice does not override Council's legislative responsibilities in the assessment of development applications, including considering matters raised by possible submitters and referral agencies or which come to light during the detailed assessment process.

All new applications are made available via Council's DA Tracker upon lodgement. Public Notification is the mechanism by which interested parties are able to engage with a proposed development and participate in the planning process.

**Zoning**

It had been presumed by some submitters that the lot, which adjoins National Park, was also State owned land (National Park).

The lot was created during the 1960s and has been privately owned land since this time. The site is zoned Rural and has been vacant land since 2006 following the removal of the small Dwelling house and domestic outbuilding that previously occupied the site since the early 1970s.

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**Assessment of Submissions**



(QImagery - QAP5371 - 31/08/1995, Queensland Government 2023)

As the site was previously developed, it stands reasonable that further development of the site may be considered, on merit, where site constraints can adequately be addressed.

Where this cannot occur, any delivery of land to National Park, as has been suggested, would be at the discretion of the owner, and will require State government engagement.

**Council Land Buyback**

It was suggested that Council should purchase the land for environmental values under the Land Buyback for Environmental purposes Policy.

The site is not identified on Council's adopted Priority Acquisition List, and although the site can be defined as an 'emergent site', given the site is not 'on the market', in accordance with Section 'Key Steps - Assessing Emergent Sites / Properties' of the operational directive (2180-2184), "the property is not considered an acquisition priority".

**MBRC Corporate Plan**

Compliance with aspects of the Corporate Plan 2022-2027 have been questioned in relation to environmental priorities, including:

- Our vibrant communities  
(Approval disrespects community's connection to Bribie Island as a place of beauty and biodiversity to be preserved).
- Our healthy environment  
(Special natural areas and wildlife habitats are connected, protected and enhanced)
- Our well planned places  
(Clear urban growth boundary that protects our unique landscapes and environmental values).

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

**Assessment of Submissions**

- Our progressive economy  
(Approval will set a precedent)
- Our engaged Council  
(Does not act in interest of community and erodes trust)

Although the Corporate Plan is an important aspirational document for shaping the future direction of the region, it is not an assessment benchmark to be considered under the Planning Act 2016. The abovementioned aspects are however currently incorporated within the MBRC Planning Scheme 2016 and are addressed as part of the Strategic Framework Outcomes assessment.

**Planning Scheme Strategic Framework**

See section 2.3.1 of this report.

**Compliance with Rural zone code**

See section 2.3.3 and 2.3.4 of this report.

**Easements**

Concern was raised that a landlocked rural lot to the north-west (Lot 52 CG 3290) may be purchased and cleared for carparking / expansion - so access to this site should be addressed as part of this application. The lot to the north is not part of this development application. This lot is vacant crown land and is therefore unlikely to be developed.

**Built form / Visual amenity**

The structure's Building height (above natural ground level) is not proposed to exceed 8.5m and therefore satisfies Council's Building Heights overlay under the planning scheme. A condition is recommended to delete the Bell Tower and associated lighting to further limit the visual impact of the proposal.

Landscaping, using native vegetation, will seek to integrate the gable-roofed, shed-style structure, which fronts the street with a 5.4m wall height. It will be surrounded by the existing natural landscape on three boundaries (north, east and west), helping to integrate the development into the landscape.

Additional native species, landscape planting has been conditioned along the front property boundary, together with substantial verge, street tree planting.

Materials and finishes proposed are sympathetic to the surrounding natural environment.

**Cultural Heritage**

The *Aboriginal Cultural Heritage Act 2003* commenced in Queensland in 2004 and 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.

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 *likely* to harm Aboriginal cultural heritage. This may require involvement from the



ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

**Assessment of Submissions**

relevant Aboriginal cultural heritage party. 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.

Council will not typically require an applicant to carry out a Cultural Heritage Management Plan in advance of obtaining development approval unless there is evidence to suggest archaeological and historical significance on a site. In this instance it is noted that the site is privately owned, and has previously contained a dwelling house, which has subsequently been demolished. Council Officers are not aware of any evidence to suggest cultural heritage on this particular site.

Under the Aboriginal Cultural Heritage Act 2003, 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. Council will provide an Advice to the applicant strongly advising that before undertaking the land use activity, they 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.

The issue raised is not a reason for refusal.

**Hazardous Materials**

The site had previously been developed by a Dwelling house and domestic outbuildings, which have since been demolished. Concern was raised regarding hazardous materials on site (e.g. asbestos sheeting, chemicals etc.).

The demolition of structures was to be undertaken in accordance with Demolition approvals issued in 2006 (BL/12783/2006/DOMBLD, BL/9044/2006/EAA and PL/4219/2006/DOMSEW). The removal of on-site waste material, including friable asbestos, was required to be undertaken in accordance with these approvals, and all relevant Environmental Protection / Building Act requirements.

**Responsibility for Infrastructure**

A submitter is concerned Council would be paying for road upgrades and the provision of services to the development. The applicant, not Council, is responsible for all infrastructure.

**Environmental**

- **Impact upon Fauna and Flora**
  - Reports and methodology
  - MSES
  - Tree Protection
  - Edge effects / wildlife corridor
  - Aquifers - Pollutants / sediment
  - Movement / green infrastructure (crossings)
- **Soils**
  - Sandy soils
  - High water table
  - Acid sulfate
  - Stormwater runoff
- **Bushfire**
  - Risk of Bushfire and limits to manage risk

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

**Assessment of Submissions**

***Impact on Flora and Fauna***

Council Officers have reviewed supporting Environmental reports, including Ecological Assessment Report (Equilibrium Ecology); Vegetation Retention Plan (Equilibrium Ecology); and Bushfire Hazard Assessment & Management Plan (Equilibrium Ecology). The Bushfire Hazard Assessment & Management Plan has been further reviewed by JD Environmental (Peer review). The submitted Ecological Report has been undertaken in accordance with Council's Planning Scheme Policy and accepted by Council. It contains detailed information on significant flora species under the EPBC Act and found no conservation significant fauna species upon site investigation. It is not reasonable to require consideration of migratory species over an extended timeframe as the small 4047 m<sup>2</sup> lot is on the edge of significant undisturbed National Park, and not considered critical to species existence.

The site and some vegetation within the road reserve will be cleared of vegetation as a result of the requirement to manage bushfire impacts and to facilitate earthworks for the building, carpark and drainage. Recommended conditions include the requirement for a fauna spotter at all times during works.

The site currently contains degraded open eucalypt forest which has been subject to historical disturbances (vegetation clearing, introduced weed species and vehicle impacts).

The site is identified as High Value Area under Council's Environmental Areas Overlay. No habitat trees (as defined under the planning scheme) were identified on the site. Given the site is only 4000sqm and noting that the site is already highly degraded and disturbed (due to previous dwelling, weed species and some domestic plantings), the existing habitat value to fauna is not considered to be critical to the survival of any fauna species in the landscape.

Although potential habitat exists within the site for 20 of the listed fauna species identified, only 7 of the species have been recorded occurring on Bribie Island in the Wildnet database. Given the small size and highly degraded nature of the site, proximity to the busy First Avenue and extensive areas of adjoining high-quality habitat in proximity to the site, it is not considered that the habitat within the site would be critical to the survival of any of the 7 identified species which could possibly use the site.

Indirect impacts to fauna species may occur as a result of site intensification, including artificial night-time lighting, however given the extensive area of National Park and bushland surrounding the site this is not considered critical. It is noted that this is the only privately owned parcel of land in the immediate area and further cumulative impacts from development are unlikely to occur.

As no MLES - Value Offset Areas (*waterway buffer area or wetland buffer area*) are located within the site, and the applicant's ecological assessment has demonstrated that a significant residual impact for MBRC Priority Species is not likely, the provision of a biodiversity offset is not considered warranted.

No Matters of National Environmental Significance (MNES) were identified during the field investigation undertaken within the site. Whilst a fauna survey has not been completed the results of the habitat assessment infers that the threatened fauna species identified in the Protected Matters Search Report have a low potential to occur within the site due to the limited amount of suitable habitat and/or a lack of existing records in the locality (There is no suitable habitat for the Wallum froglet identified on site). Moreover, the extent of habitat disturbance is unlikely to result in a significant impact to any populations of the EPBC Act listed fauna species hence a referral to the Commonwealth government under the EPBC Act is deemed unnecessary. MSES and MLES has appropriately been integrated into the Planning Scheme.

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**Assessment of Submissions**

The majority of the site will be cleared for bushfire and infrastructure purposes, so the ability to provide a buffer to manage adverse edge effects is limited. Indirect impacts to fauna species are possible including noise and lighting (artificial) that reduces nocturnal foraging suitability. To manage these impacts, a solid fence along the western, eastern and northern boundaries will assist address light pollution and bin storage areas will be screened and managed in accordance with a waste management plan.

The proposal will not impact upon Council's commitment to Green infrastructure projects, and investments. The development of the site will not impact upon existing fauna crossings west of the site that provide access across First Avenue to the National Park.

**Soils**

The applicant submitted a waste water treatment report for the on-site treatment of sewerage. This has been reviewed by council officers. The Taylor Environmental report for on-site wastewater and effluent disposal is consistent with legislative provision of the Plumbing and Drainage Act 2018 and the Environmental Protection Regulation 2019. The Qld Planning guideline for Water and Sewage supply has also been used in the evaluation.

A water balance model for the land application area could be considered to accompany the plumbing application when lodged. Importantly, the site is not located in flood prone land. Importantly, the permanent water table is greater than 0.3 m below the base of the conventional bed and the report demonstrates that the ground water table was not encountered up to a depth of 1.0m.

Effluent wastewater will need to be sufficiently treated so that pathogens / contaminants are not released into the environment. The onus will be on the applicant to demonstrate this, with further assessment undertaken as part of a subsequent plumbing application.

The entire site is mapped within Council's Acid sulfate soils overlay. The applicant will be required to conduct Acid sulfate soils investigation (with laboratory testing) and submit an Acid Sulfate Management Plan in accordance with Planning Scheme requirements, prior to the commencement of any works.

The applicant submitted a Stormwater Management Plan with the application. Council's engineers are recommending some minor updates to that as a condition, however all stormwater will be required to be appropriately captured on site and treated.

In addition, a condition is also recommended in relation to managing erosion and sediment control during construction.

**Bushfire**

There is hazardous vegetation to the west, north and east of the site. The likelihood of a fire approaching from the north to west is likely as the dominant regional fire weather winds are derived from the north-west to west to south-west.

The provided Bushfire Hazard Management Plan (prepared by Equilibrium Ecology) recommends a 13 metre Asset Protection Zone (APZ) between the church building and hazardous vegetation to the north, west and east. This recommendation falls short of PO100 requirements, which require 20 m (greater of 20 m or BAL29 (19.7 m)), however it does place the church building outside of the modelled flame length (BAL > 40Kw/m2).

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

**Assessment of Submissions**

Council commissioned JD Environmental to peer review the applicant's Bushfire Hazard Management Plan (Equilibrium Ecology's) on 20 March 2013, to evaluate its veracity in terms of methodologies utilised, and overall compliance with assessment guidelines. The review found that:

- a) The report generally fit for purpose, but that it unnecessarily adopts a conservative 1,200K Flame Temperature assumption in the bushfire modelling carried out to inform radiant heat setback requirements;
- b) Applying a 1,090 K Flame Temperature (Methodology 2), consistent with Section 7.3 of Bushfire Resilient Communities - Technical Reference Guide for the State Planning Policy State Interest 'Natural Hazards, Risk and Resilience - Bushfire', October 2019 (BRC\_2019), the required building setback to achieve BAL29 benchmark is reduced considerably from 19.7m to 13.7m.
- c) there are a number of options available to amend the proposed plan of development so that it achieves compliance with the 29 kW/m2 benchmark, and it would be preferable that those amendments be pursued rather than permit the development to proceed in its current form; and
- d) otherwise, the proposed plan of development for the Site is, in its current form, compliant with the Rural Zone Code of the Planning Scheme and current State Planning Policy 2017 (SPP 2017) guidance material

JD Environmental nominated the inclusion of a colorbond fence along the northern and western boundaries to achieve a BAL29 and comply with Performance Outcomes PO100. For increased building protection, and to protect from edge effects, Council Officers recommends a 2 metre Colorbond fence to the north, west and eastern boundaries.

The proposal will comply with the Performance Outcome, Overall Outcome 3.s, and be considered a 'tolerable risk' under the SPP2017 Part E - Natural Hazards Risk and Resilience with the imposition of conditions, including:

- preparation of a Bushfire Evacuation plan;
- erection of a 2 metre Colorbond fence along the northern, and western boundaries;
- maintenance of vegetation at a low hazard state (clearing contained to on site only); and
- establishing separation distances for safe emergency services access.

**Engineering**

- **Traffic**
  - Safety and congestion in 80km zone.
  - Emergency services access
  - Conflict with Memorial gardens access opposite.
- **Parking**
  - MBRC minimum requirement (71) based on GFA. Reduced parking proposed where there is no overflow parking, on-street parking availability, public transport, or pedestrian infrastructure.
  - TIA parking analysis has existing peak demand for services (100 people) with no congregation growth or material change in peak demand. However, capacity of church is 120 people to provide for future growth, and there are more than 300 seats in the church.
  - Council sub-arterial road is not designed for on-street parking.
  - Signage should be installed to make clear Memorial gardens parking is not to be utilised as overflow parking.
  - No pedestrian access - Bus stop 600m away.
  - Bollards should be installed to prevent off-site parking

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

**Assessment of Submissions**

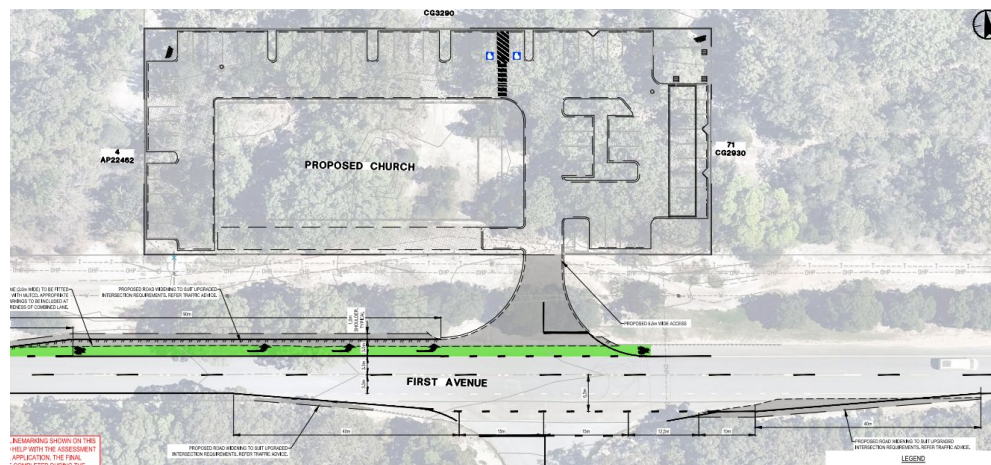
- Nominated inappropriate use of satellite parking with Bribie Island Baptist Church bus pick-up demonstrates lack of parking.
- **Water reticulation**
  - Ability to connect to water supply
  - Water for firefighting

**Discussion**

**Traffic and Access**

The applicant will be required to provide the following road reserve upgrades and treatments at the developer's expense.

- An Auxiliary Lane Left Turn (AUL) treatment for the provision of vehicles entering the site from the west.
- A combined Basic Right Lane Turn (BAR) & Basic Left Turn (BAL) treatment for vehicles entering the development site and Memorial Gardens Cemetery from the east.



The upgrade treatments will allow for the safe standing and manoeuvring of vehicles entering the Memorial Gardens from the east with vehicles being able to utilise the AUL to pass the standing vehicle. This is an upgrade to the existing situation whereby vehicles are required to wait until the turning vehicle has exited the travel lane.

Submissions have raised concerns about turning right exiting the Place of Worship in the 80km/hr speed environment and whether this is safe. This matter has been discussed with Council's engineer who considers no additional upgrades are required in this regard. Whilst it is acknowledged that First Avenue is busy at times, particularly on weekends, there are typically sufficient breaks in the traffic to be able to exit the site and turn right. If there was for some reason extended queuing it would be back into the site and not onto a public road. There is also the opportunity for cars to turn left, travel 650m to the east and utilize the first Woorim round-a-bout. This concern is not substantiated to warrant refusal of the application or to condition a treatment which is not preferred (round-a-bout or signals).

**Parking**

See section 2.3.3, Performance Outcome 9.

ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (Cont.)

<b>Assessment of Submissions</b>
<p><b><i>Water reticulation</i></b></p> <p>The development site is located within a Unitywater connection area. The development is required to be connected to the reticulated water supply in accordance with South East Queensland Water Supply and Sewerage Design &amp; Construction Code and the relevant Water Service Association of Australia (WSAA) codes &amp; standard. Onus is on the applicant to engage with the distributor regarding connection.</p>

**2.7.3 Notice of Compliance**

The Notice of Compliance was received by Council on 17 January 2023. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

**2.8 Other Matters**

None identified.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

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

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

**Our Well-planned Places:**

01 We have a clear urban growth boundary that protects our unique landscapes and environmental values.

02 We have a preferred sequence of growth that supports complete, sustainable and connected communities.

**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.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

*ITEM 3.2 DA/2022/3050 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP - 99 FIRST AVENUE WOORIM QLD 4507 - 66795099 (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 2.7.

## **ATTENDANCE**

Amy White left the meeting at 12.10PM following consideration of Item 3.2, and Marco Alberti attended at this time for consideration of Item 3.3.

**ITEM 3.3 - DECLARATION OF INTEREST**

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

Cr Darren Grimwade referred to his previously declared prescribed conflict of interest (General Meeting 21 July 2021 Page 21/970) in relation to Telstra Corporation Limited, as well as the development application the subject of Item 3.3 (General Meeting 25 January 2023 Page 23/4).

In line with that declaration, Cr Darren Grimwade retired from the meeting at 12:13 PM

**ITEM 3.3**

**DA/2022/5074 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY - ANDY WILLIAMS PARK CEDAR CREEK ROAD CEDAR CREEK**

**APPLICANT: Telstra Corporation c/- BMM Group (Ben McDonnell)**

**OWNER: Moreton Bay Regional Council**

Meeting / Session: 3 WELL-PLANNED PLACES  
Reference: 66821320: 20 April 2023 – Refer Supporting Information 66821319; 66997067; 66621200  
Responsible Officer: CB, Senior Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Telstra Corporation c/- BMM Group (Ben McDonnell)
<b>Lodgement Date:</b>	14 December 2022
<b>Properly Made Date:</b>	14 December 2022
<b>Confirmation Notice Date:</b>	22 December 2022
<b>Information Request Date:</b>	13 January 2023
<b>Info Response Received Date:</b>	3 February 2023
<b>Public Notification Dates:</b>	6 February 2023 - 6 March 2023
<b>No. of Submissions:</b>	Properly Made: 127 Not Properly Made: 5
<b>Decision Due Date:</b>	14 June 2023
<b>Prelodgement Meeting Held:</b>	Yes (DA/2022/2894)

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	11
<b>Property Address:</b>	Andy Williams Park
<b>RP Description</b>	6 RP 136488
<b>Land Area:</b>	29,800.00m <sup>2</sup>
<b>Property Owner</b>	Moreton Bay Regional Council

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	Recreation and Open Space Zone
<b>Level of Assessment:</b>	Impact (Consistent)



*ITEM 3.3 DA/2022/5074 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY - ANDY WILLIAMS PARK CEDAR CREEK ROAD CEDAR CREEK - 66821320 (Cont.)*

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a well-planned region.

This application seeks a Material change of use - Development Permit for a Telecommunications facility at Andy Williams Park, Cedar Creek, formally described as Lot 6 RP 136488.

The subject site is located within the Recreation and open space zone of the Moreton Bay Regional Council (MBRC) Planning Scheme. The subject site adjoins Cedar Creek and is improved by park amenities such as covered picnic areas, amenities block etc. and an associated carpark.

The applicant has advised that the proposal is to improve existing levels of coverage within the network as part of the Mobile Black Spot Program (MBSP). The surrounding area has historically had limited availability for connection to telecommunication networks in that the closest existing tower is located approximately 3 kilometres away at Mount Glorious.

The Telecommunications facility is proposed to include:

- 85m<sup>2</sup> lease area;
- One (1) 30 metre concrete monopole;
- Telstra circular headframe mounted at 30m;
- Four (4) Telstra panel antennas mounted on the headframe with a maximum overall height of 31.3m;
- The monopole and equipment to be coloured eucalyptus green;
- One (1) Telstra fire rated equipment shelter;
- One (1) GPS antenna mounted on the equipment shelter;
- Security compound fencing (2.4m high);
- koala exclusion fencing in accordance with the Koala Sensitive Design Guideline.
- Underground power supply from Cedar Creek Road; and
- Access to the facility via an existing driveway off Cedar Creek Road.

The application was publicly advertised with 132 (127 properly made) submissions received (85 opposed, 47 in support). It is noted that within the direct vicinity of the subject site a total of 22 submissions were received in support and 18 opposed.

The proposed development is considered to accord with the intent of the Moreton Bay Regional Council Planning Scheme, and is recommended to be approved, subject to conditions.

This matter is presented to the Council for decision as the proposal has raised significant community interest 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 Mick Gillam**

**Seconded by Cr Matt Constance**

**CARRIED 10/0**

*Cr Darren Grimwade had declared a conflict of interest and had left the meeting*

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

ITEM 3.3 DA/2022/5074 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY - ANDY WILLIAMS PARK CEDAR CREEK ROAD CEDAR CREEK - 66821320 (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 Telecommunications Facility at Andy Williams Park, described as 6 RP 136488, subject to the following plans/documents and conditions:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Locality Plan	Drawing No. QXXXXXX, Sheet No. 1, Rev No. B	BMM Group	30/11/2022
Site Layout	Drawing No. QXXXXXX, Sheet No. 1-1, Rev No. B	BMM Group	30/11/2022
Antenna Layout	Drawing No. QXXXXXX, Sheet No. 1-2, Rev No. B	BMM Group	30/11/2022
South Elevation	Drawing No. QXXXXXX, Sheet No. 3, Rev No. B	BMM Group	30/11/2022

**Conditions**

<b>CONDITION</b>	<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
<b>1. Approved Plans and/or Documents</b>	
Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2. Amenity of the Area</b>	
Carry out the use so that there is no detrimental effect on the amenity of any person or property, resulting from the emission of noise, vibration, odour, air pollutants, glare, waste water, waste products, grit, oil or otherwise.	At all times.
<b>3. Colour of Telecommunication Facility</b>	
Ensure that the telecommunication facility and associated equipment shelter is painted with a colour that blends with the adjacent bushland vegetation and complies with the colour range detailed as follows unless otherwise approved by Council in writing: (i) Registered Colourbond 'Pale Eucalypt' non-reflective paint; or (ii) Acceptable colours from Australian Standard AS2700s - 1996 or equivalent that are appropriate for highly visible surfaces as they are harmonious with the natural landscape colours listed below. (a) G52 - Eucalyptus (b) G53 - Banksia (c) N45 - Koala Gray (d) N32 - Green Gray (e) G54 - Mist Green (f) Y63 - Khaki (g) N35 - Light Grey	Prior to commencement of use and to be maintained at all times.

ITEM 3.3 DA/2022/5074 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY - ANDY WILLIAMS PARK CEDAR CREEK ROAD CEDAR CREEK - 66821320 (Cont.)

	(h) G56 - Sage Green (i) G55 - Lichen	
<b>4.</b>	<b>Landscaping</b>	
A	Provide landscaping on site generally in accordance with Planning Scheme Policy - Integrated Design Appendix D - Landscaping. Specifically: (i) Plant species to provide dense vegetation to offer screening of the compound; (ii) Pot size detailed in Section 4.2; (iii) Plant selection and species detailed in Section 4.4.	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	
C	Maintain the landscaping.	At all times.
<b>5.</b>	<b>Warning Sign</b>	
	Provide a warning information sign at the entrance to the lease area to prevent unauthorised entry.	To be maintained at all times after the commencement of use.
<b>6.</b>	<b>Security Fencing</b>	
	Erect a black, chain wire mesh, security fence without barbed wire, with a maximum height of 2.4m, along all sides of the lease area, unless otherwise approved by Council in writing.	Prior to commencement of the use and to be maintained at all times.
<b>7.</b>	<b>Acoustic amenity</b>	
	Ensure air conditioning equipment and plant must be located, designed, installed and maintained to achieve a component noise level of 0dB(A) above background noise level when measured at an affected building for a noise sensitive use.  Notes: <ul style="list-style-type: none"> <li>The component noise level for the equipment is to be measured as an LA90, T.</li> <li>'Background Noise Level' means LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes using fast response.</li> </ul>	Prior to commencement of the use and to be maintained at all times.
<b>DEVELOPMENT ENGINEERING</b>		
<b>8.</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use
<b>9.</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use
<b>10.</b>	<b>Stormwater</b>	

ITEM 3.3 DA/2022/5074 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY - ANDY WILLIAMS PARK CEDAR CREEK ROAD CEDAR CREEK - 66821320 (Cont.)

	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>11.</b>	<b>Erosion and Sediment Control</b>	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>12.</b>	<b>Driveway Crossover</b>	
	Construct a driveway crossover to the proposed lot in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-056.	Prior to commencement of use
<b>ENVIRONMENTAL PLANNING</b>		
<b>13.</b>	<b>Construction and Environmental Management Plan</b>	
A	Submit to and obtain approval from Council for a Construction and Environmental Management Plan.  The plan must be prepared in accordance with AS4970-2009 - Protection of Trees on Development Sites and include scaled plans and supporting documentation that provides for, but is not limited to, the following:  <ul style="list-style-type: none"> <li>- Identification of all vegetation and tree protection zones within and adjacent to the development site that may be impacted by the development</li> <li>- A suitably qualified arborist is to supervise construction where risk of damage to retain vegetation is a possibility</li> <li>- Measures to ensure that wildlife are not injured during construction</li> <li>- Weed control and maintenance</li> <li>- Erosion and sediment control measures</li> </ul> Ongoing vegetation management to reduce bushfire fuel loads	Prior to any site works occurring
B	Carry out works in accordance with the approved Construction and Environmental Management Plan.	At all times
<b>14.</b>	<b>Extent of Vegetation Clearing</b>	
A	Native vegetation clearing is not permitted without prior consent from Council	At all times
B	Clearing of native vegetation must not occur within or impact on the tree protection zone of vegetation within adjoining premises.	At all times
<b>15.</b>	<b>Temporary Exclusion Fencing</b>	
	Delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental damage. Delineation and fencing is to be undertaken in accordance with	While site works are occurring

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	Australian Standard 4970-2009 Protection of Trees on Development Sites.	
<b>16.</b>	<b>Permanent Exclusion Fencing</b>	
	Provide a fauna exclusion fence surrounding the facilities. Fencing is to be designed and maintained in accordance with the Koala-sensitive Design Guideline (Department of Environment and Science, 2019).	During construction and to be maintained

<b>ADVICES</b>	
	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care. Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.</p>
<b>2.</b>	<b>Adopted Charges</b>
	In accordance with section 1.5 and Schedule 1 of the Infrastructure Charges Resolution (No.10) dated 5 October 2022 or as amended, there is no Adopted Charge applicable for Council's Trunk Infrastructure Networks.

- 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
<b>Application Type</b>	(a) Material Change of Use Development Permit for Telecommunications Facility
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable

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	Details to Insert
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Building Works – Development Permit</li> </ul>
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were 127 properly made submissions about this application.

**REPORT DETAIL**

**1. Background**

The Federal Communications Commission identified Cedar Creek as a ‘Mobile Black Spot’, granting Telstra funding to build a mobile tower under the Mobile Black Spot Program in April 2019.

Telstra conducted a network assessment of a number of private properties within the area; however, none could be progressed due to either being an unsuitable location or opposition from the respective landowners.

The applicant then entered discussions with Council to utilise the subject site; however, it was determined that the lease price (based on a land valuation) would make the proposal unviable. It was noted that to lease the land at a lower price requires the State Minister for State Development, Infrastructure, Local Government and Planning to grant an exemption to regulations.

On 24 May 2022 the Deputy Premier approved an exemption under section 236(1)(f) of the Regulation for Moreton Bay Regional Council to lease part of Lot 6 on RP136488 to Telstra subject to;

- I. The lease is to Telstra for a term of 10 years; and
- II. Annual rental under the least will be at least \$5,000 (plus CPI after a period of five years).

A Councillors’ briefing was conducted on 23 May 2023 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:

***The CEO noted the way forward:***

*A report to be provided for consideration by Council at a future General Meeting.*

**2. Explanation of Item**

**2.1 Description of the Site and Surrounds**

The subject site has a total area of 29,800m<sup>2</sup> and is currently improved by park amenities such as covered picnic areas, amenities block etc. and an associated carpark. Access to the site location is via an existing crossover off Cedar Creek Road and an existing internal driveway. Large residential lots are located to the north of the site with Cedar Creek adjoining the site to the south.

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

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

These Assessment Benchmarks are prescribed as being contained in:

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

<b>Applicable Assessment Benchmarks:</b>	<p><u>State Planning Policy</u></p> <ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul> <p><u>Regional Plan</u></p> <ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul> <p><u>From Schedule 10 of the Regulation:</u></p> <ul style="list-style-type: none"> <li>• Part 10: Koala Habitat Area – Schedule 11 of the <i>Planning Regulation 2017</i></li> <li>• Part 16: Development outside SEQ Urban Footprint – Schedule 10</li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>• Regional Landscape and Rural Production Area</li> </ul>
<b>Koala Habitat Designation:</b>	<ul style="list-style-type: none"> <li>• Koala Assessable Development Area</li> <li>• Priority Koala Assessable Development Area</li> </ul>

2.2.1 State Planning Policy

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

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		

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Applicable to Development	SPP Requirement	Comment
Yes	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(6) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(7) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(8) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(9) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(10) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply &lt;if proposal does not comply with one or more requirements, discuss further here or at the end of this table&gt;</p>
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.2.2 South East Queensland Regional Plan

The site is located in the Regional Landscape and Rural Production Area.

The development proposal is for a Material Change of Use in the Regional Landscape and Rural Production Area. An assessment against the applicable assessment criteria of the SEQRP has been undertaken, and the proposal is consistent.

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

Discuss where necessary.

Koala Habitat Area



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

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

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

2.3.1 *Strategic Framework*

An assessment against the Strategic Framework is not required by the development proposal given its consistency with the purposes of the applicable Planning Scheme Code.

2.3.2 *Assessment of Applicable Codes*

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone</b>		
Recreation and Open Space Zone Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	I. PO1 II. PO66 III. PO114
<b>Development Code</b>		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	I. N/A

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

2.3.3 *Performance Outcome Assessment*

Performance Outcome	Example
<b>Recreation and Open Space Zone Code</b>	
<b>PO1</b>  Development will: <ul style="list-style-type: none"> <li>a. maintain the open and unbuilt character of a site, uncluttered by building and maintaining the availability of a site for unobstructed outdoor recreational use, except where in the Sports and recreation</li> </ul>	<b>E1.1</b>  Site cover does not exceed 10%, except in the Sport and recreation precinct where site cover does not exceed 40%.  <b>E1.2</b>

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Performance Outcome	Example
<p>precinct where a higher density of built form is anticipated;</p> <ul style="list-style-type: none"> <li>b. ensure that buildings and structures are not overbearing, visually dominant or out of character with the surrounding built environment nor detract from the amenity of adjoining land;</li> <li>c. ensure buildings and structures do not result in overlooking of private areas when adjoining residential areas, or block or impinge upon the receipt of natural sunlight and outlook;</li> <li>d. be designed in accordance with the principles of Crime Prevention Through Environment Design (CPTED) to achieve a high level of safety, surveillance and security;</li> <li>e. incorporate appropriate design response, relative to size and function of buildings, which acknowledge and reflect the region's sub-tropical climate;</li> <li>f. reduce the visual appearance of building bulk through:               <ul style="list-style-type: none"> <li>i. design measures such as the provision of meaningful recesses and projections through the horizontal and vertical plane;</li> <li>ii. use of a variety of building materials and colours;</li> <li>iii. use of landscaping and screening.</li> </ul> </li> <li>g. maintain the open space character as a visual contrast to urban development, except where in the Sports and recreation precinct where a higher density of built form is anticipated;</li> <li>h. achieves the design principles outlined in Planning scheme policy - Integrated design.</li> </ul>	<p>Building and structures are set back 10m from all boundaries.</p> <p><b>E1.3</b></p> <p>Building height does not exceed the maximum height identified on Overlay map - Building heights.</p>
<b>Performance Outcome Assessment</b>	
<p>The subject site is located within the building heights overlay mapping where a maximum building height of 8.5m is nominated. However, Example 62.2 of the Recreation and Open Space zone code nominates instead that for Telecommunications facility uses, a maximum height of 35m is permitted.</p> <p>The proposed height of the facility is 31.3m which complies with E62.2. It is a common planning principle that when two provisions in an assessment benchmark are in conflict that the provision more specific to the issue or matter takes precedence over a more general provision. In this instance, PO62 is specific to the proposed land use and therefore prevails over PO1.</p> <p>Accordingly, the proposed development complies with the Performance Outcome.</p>	

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Performance Outcome	Example
<p><b>PO66</b></p> <ul style="list-style-type: none"> <li>a. Development:</li> <li>b. minimises the number of buildings and people working and living on a site exposed to bushfire risk;</li> <li>c. ensures the protection of life during the passage of a fire front;</li> <li>d. is located and designed to increase the chance of survival of buildings and structures during a bushfire;</li> <li>e. minimises bushfire risk from build up of fuels around buildings and structures;</li> <li>f. ensure safe and effective access for emergency services during a bushfire.</li> </ul>	<p><b>E66.1</b></p> <ul style="list-style-type: none"> <li>a. Buildings and structures are:</li> <li>b. not located on a ridgeline;</li> <li>c. not located on land with a slope greater than 15% (see Overlay map - Landslide hazard);</li> <li>d. dwellings are located on east to south facing slopes.</li> </ul> <p><b>E66.2</b></p> <ul style="list-style-type: none"> <li>a. Buildings and structures have contained within the site:</li> <li>b. a separation from classified vegetation of 20m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or firefighting water supply of no more than 29, whichever is the greater;</li> <li>c. a separation from low threat vegetation of 10m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or firefighting water supply of no more than 29, whichever is the greater;</li> <li>d. a separation of no less than 10m between a firefighting water supply extraction point and any classified vegetation, buildings and other roofed structures;</li> <li>e. an area suitable for a standard firefighting appliance to stand within 3m of a firefighting water supply extraction point; and</li> <li>f. an access path suitable for use by a standard firefighting appliance having a formed width of at least 4m, a cross-fall of no greater than 5%, and a longitudinal gradient of no greater than 25%:               <ul style="list-style-type: none"> <li>i. to, and around, each building and other roofed structure; and</li> <li>ii. to each firefighting water supply extraction point.</li> </ul> </li> </ul>
<p>The proposed development does not contain an area suitable for a standard firefighting appliance to stand within 3 m of a firefighting water supply extraction point. Notwithstanding,</p>	

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Performance Outcome	Example
<p>the proposal is an unmanned structure wherein a range of engineering solutions have been provided to mitigate bushfire, being;</p> <ul style="list-style-type: none"> <li>I. A fire-resistant ICS equipment shelter (BAL 40) which includes steel frame roof and walls, with a 2 hour fire rated door;</li> <li>II. Underground conduits which run internally within the concrete pole; - Underground conduits to protect the power supply to the site;</li> <li>III. The monopole has been located to maximise its setback from the nearest vegetation (10 metres);</li> <li>IV. Battery backup will be available to the facility should the external supply be damaged, or an outage occurs; and</li> <li>V. Fire suppression measures within the proposed compound area including weed mats and regular maintenance around the perimeter of the facility.</li> </ul> <p>Accordingly, the proposal complies with the Performance Outcome.</p>	
<p><b>PO114</b></p> <ul style="list-style-type: none"> <li>a. Development provides and maintains a suitable setback from waterways and wetlands that protects natural and environmental values. This is achieved by recognising and responding to the following matters: <ul style="list-style-type: none"> <li>b. impact on fauna habitats;</li> <li>c. impact on wildlife corridors and connectivity;</li> <li>d. impact on stream integrity;</li> <li>e. impact of opportunities for revegetation and rehabilitation planting;</li> <li>f. edge effects.</li> </ul> </li> </ul>	<p><b>E10</b></p> <p>On-site car parking is provided at a rate identified Schedule 7 - Car parking.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development is entirely located within the Riparian and Wetland Setback and within close proximity to or potentially within a mapped wetland. PO114 of the Zone Code recommends development maintains a distance of 50m to wetlands and 20m to a W3 Waterway.</p> <p>The intent of the above performance outcome is to allow for the natural movement of the waterway overtime without causing damage, such as erosion to infrastructure and to reduce adverse edge effects.</p> <p>As the development cannot reasonably be located outside of the Riparian setback it is recommended that a condition of approval be included requiring that an Ecological Assessment Report in accordance with Planning scheme policy – Environmental Areas will be required to demonstrate compliance with the performance criteria, including impacts of the development from edge effects.</p> <p>Accordingly, the proposal complies with the Performance Outcome.</p>	

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## 2.4 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is 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. 10 commencing on 5 October 2022 (CR).

### 2.4.1 *Levied Charge*

The Telecommunications facility use falls within the Minor Uses Adopted Charges Category which attracts a nil charge.

### 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:

- (e) Payment of previous charges or contributions

As no charge is applicable to the development, no credit will be applied.

### 2.4.3 *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.

### 2.4.4 *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:

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

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

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

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

Not applicable in this instance.

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2.6 Referrals

2.6.1 *Council Referrals*

**2.6.1.1 Development Engineering**

**Traffic, Access & Parking**

1. Site access is proposed off the existing entry/exit points for Andy Williams Park. The driveway is unsealed and in reasonable condition. The applicant states that once developed, the expected occasional access vehicle will be one passenger vehicle, approximately 3 times a year. It is considered that the existing driveway is suitable for the use and no condition for further roadworks is required

**Stormwater / Flooding**

1. The proposal is to maintain the existing ground levels for the foundation of the Telecommunications facility and no further information is required to demonstrate compliance with the flood hazard overlay code. It is recommended the standard Stormwater condition is applied

**2.6.1.2 Environmental Planning**

The environmental factors of the proposed development are considered compliant with the purpose statement, (l) of the overall outcomes and generally compliant with the assessment benchmarks set out in Part B, Table 6.2.9.2 of the - Recreation and Open Space Zone Code.

2.6.2 *Referral Agencies*

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

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

**2.6.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.6.2.3 Third Party Agencies**

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

2.7 Public Consultation

2.7.1 *Public Notification Requirements under the Development Assessment Rules*

- (a) The development application was advertised in the BuySearchSell (Online) on 9 February 2023.
- (b) A notice in the prescribed form was posted on the relevant land on 12 February 2023 and maintained for a period of 15 business days until 3 March 2023.

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		127
	Petition		
Not Properly Made	Letter, Email, Fax		5
	Petition		
<b>Total</b>			132

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

<b><u>Assessment of submissions - Against</u></b>
<b><u>Issue - Bushfire</u></b>
<b>Concern that the device will not provide service in an emergency</b>
<p><b><u>Discussion</u></b></p> <p>The submitter raises concern that the facility will fail in the event of a bushfire emergency.</p> <p>It is noted that subject suite was in part chosen due to the fact that the site has been cleared, allowing for a reasonable setback to established vegetation.</p> <p>Notwithstanding, a Bushfire Attack Level (BAL) assessment was undertaken to determine the severity of a building's potential exposure to ember attack, radiant heat, and direct flames contact. As the proposal cannot involve the removal of or impact on any vegetation a range of engineering solutions have been provided to mitigate bushfire, being;</p> <ul style="list-style-type: none"> <li>VI. A fire-resistant ICS equipment shelter (BAL 40) which includes steel frame roof and walls, with a 2 hour fire rated door;</li> <li>VII. Underground conduits which run internally within the concrete pole; - Underground conduits to protect the power supply to the site;</li> <li>VIII. The monopole has been located to maximise its setback from the nearest vegetation (10 metres);</li> <li>IX. Battery backup will be available to the facility should the external supply be damaged, or an outage occurs; and</li> <li>X. Fire suppression measures within the proposed compound area including weed matts and regular maintenance around the perimeter of the facility.</li> </ul> <p>The applicant concludes that the facility is designed to withstand up to two hours of fire exposure and would likely survive a bushfire event, providing an opportunity for local residents to utilise the network in the advent of a bushfire emergency.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<b><u>Issue - Benefit</u></b>
<b>Concern that a 'line of sight' device will provide limited benefit</b>
<p><b><u>Discussion</u></b></p>

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The submitter raises concern that there will be limited benefit to the area as the proposed tower provides connection only to areas that have a 'line of sight'.

The location of the base station is determined by a number of factors, including topography and other physical constraints such as trees and buildings. Antennas need to be located clear of obstructions like trees and significant changes in grade, in order to provide a clear line of uninterrupted sight and ensure good signal quality.

The applicant has undertaken an in-depth site selection process and determined that the subject site meets the required RF coverage metrics and suitably demonstrated that the antennas are located above the tree line.

This is not sufficient grounds for refusal of the application.

**Issue - Health Impacts**

**Concern regarding long term accumulative effects of exposure**

**Discussion**

The submitter raises concern that there will be negative impact of emissions and radiation from the telecommunication facility on the health of the community. This application was accompanied by an Environmental Electromagnetic Energy (EME) Report to demonstrate the estimated maximum EME levels within 500m of the tower. The estimates were based on the procedures developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). The report concludes that:

- I. The minimum cumulative EME level will be approximately 0.04% of allowable public exposure limits within a 500 metres radius of the tower; and
- II. The maximum cumulative EME level will be approximately 0.32% of the allowable public exposure limit at approximately 164 metres from the tower.

Further, the Australian Communications and Media Authority (ACMA) is the regulatory body responsibility for the protection, health and safety of persons exposed to EME from radiocommunications transmitters. In order to fulfil this regulatory responsibility, the ACMA has adopted the ARPANSA Standard. As a result, the proposed facility will operate within the safe levels to ensure community wellbeing is maintained.

This is not sufficient grounds for refusal of the application.

**Issue - Use/Visual Amenity**

- Will be out of character for the area;
- Located too close to Cedar Creek / surrounding homes
- Should be located elsewhere/inconsistent with zoning;

**Discussion**

A Telecommunication facility use is an anticipated use within the Recreation and Open Space Zone. Council officers have considered the concerns raised, however, are of the view that the use is appropriately located on the site. This is attributed to the proposal being;

- I. Setback 25.00 metres from the Cedar Creek Road frontage;
- II. Setback 20.00 metres from Cedar Creek;
- III. Located 3.00 metres below the Cedar Creek Road Level;
- IV. Substantially screened from all residences by the existing mature vegetation; and



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V. To be painted eucalyptus green/similar.

The following images have been prepared by the applicant to demonstrate how the proposal will integrate into the site/area:



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The application material has sufficiently demonstrated that the setback, screening, colour and design of the facility serves to integrate the proposal within the subject site and preserve the natural environmental and rural setting characteristics of the surrounding area.

This is not sufficient grounds for refusal of the application.

**Submissions - For**

**Discussion**

The submitter raises the following topics with regard to support of the proposal.

- I. Improved telecommunications capabilities will allow phone calls to be made in cases of emergencies including but not limited to car crashes, medical episodes and bushfires;
- II. Improved telecommunications capabilities will allow residents to study and/or work from home; and
- III. Improved telecommunications capabilities will negate the need to use more expensive alternatives for internet connection.

2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 7 March 2023. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.8 Other Matters

None identified.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

**Our Well-planned Places:**

06 We have infrastructure that integrates with surrounding land use and supports our growing communities.

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.

*ITEM 3.3 DA/2022/5074 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY - ANDY WILLIAMS PARK CEDAR CREEK ROAD CEDAR CREEK - 66821320 (Cont.)*

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 section 2.7

## **ADJOURNMENT**

The meeting adjourned at 12:17 PM for morning tea/lunch.

The meeting resumed at 1:09 PM.

## **ATTENDANCE**

Cr Darren Grimwade (having left the meeting in line with a conflict of interest declared for Item 3.3) returned to the meeting and was present when the meeting resumed after the adjournment.

David Hood attended the meeting following the adjournment for consideration of Item 3.4.

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## **ITEM 3.4 - DECLARATION OF INTEREST**

### **Prescribed Conflict of Interest - Cr Mark Booth**

Cr Mark Booth referred to his previously declared prescribed conflict of interest (General Meeting 16 February 2022 Page 22/73) in relation to, and including, any strategic planning activities undertaken by Council within the precinct that lies within the Narangba East Planning Investigation.

**In line with that declaration, Cr Mark Booth retired from the meeting at 1:10 PM**

The Mayor assumed the Session Chairperson role for this item.

## **ITEM 3.4 PROPOSED NARANGBA EAST PLANNING INVESTIGATION**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 67060715 : 1 June 2023 - **Refer Supporting Information 67135548**  
*Responsible Officer:* CT, Coordinator Growth Areas (PL Strategic Planning & Place Making)

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### **Executive Summary**

Officers have been working with stakeholders to prepare a multi-phased approach to advance planning in Narangba East that investigates unlocking the underutilised urban footprint land. The proposed strategy outlines a pathway for Narangba East planning investigations through three (3) key project phases outline in this report and establishes a transparent pathway for community engagement throughout the phases of this integrated planning process.

At a Briefing with Councillors on 23 May 2023, Council officers highlighted the need to progress planning investigations in the Narangba East area. The proposed study area (refer SUPPINFO1) includes land in the Emerging Community (Interim Precinct) and areas in the Rural Residential zone, identified as the Rural residential investigation area.

In light of the area's strategic location and in response to regional land use needs for employment land, the potential suitability of this area to provide land supply for jobs in the region was identified for further investigation. The outcomes of the investigations have the potential to unlock underutilised urban footprint land and improve economic and community outcomes in managing growth and change within the area and across the region. In response, a multi-phased approach to integrated land use and infrastructure planning has been proposed for Narangba East.

The purpose of this report is to outline the proposed approach to progress planning investigations for Narangba East including high-level programming scope of works and community engagement throughout the planning process and outline indicative timings. This report recommends Council commence Phase 1: Preliminary land use and environmental planning directions in the first quarter of the 2023/24 financial year.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as this pillar aims for the Moreton Bay Region to have a network of well-planned places and spaces, enhancing lifestyle, accessibility and employment choices by 2033.

ITEM 3.4 PROPOSED NARANGBA EAST PLANNING INVESTIGATION - 67060715 (Cont.)

**RESOLUTION**

Moved by Cr Jodie Shipway (Deputy Mayor)

Seconded by Cr Yvonne Barlow

**CARRIED 10/0**

*Cr Mark Booth had declared a conflict of interest and had left the meeting*

1. That Council approve the commencement of the Narangba East Planning Investigation under the Reshaping our Region's Planning Portfolio. The project includes a three (3) phased approach to advance planning for the area comprised of:
  - a) Phase 1 establishing preliminary land use and environmental planning directions;
  - b) Phase 2 undertaking integrated land use and infrastructure planning; and
  - c) Phase 3 undertaking statutory planning scheme amendments.
2. That Phase 1 includes investigating and preparing preliminary land use planning directions to formulate a long-term plan for the Rural Residential investigation area (RRIA) and preparing a detailed precinct plan to guide growth and development in the Emerging community (Interim precinct) area.
3. That Phase 1 will also consider and seek to confirm the RRIA's strategic location and ability to support a regionally significant new employment/ industrial precinct/s (all or in part) in response to emerging land supply pressures, and in consideration of surrounding land uses, community feedback, available or planned infrastructure, site-based environmental values and other constraints.

ITEM 3.4 PROPOSED NARANGBA EAST PLANNING INVESTIGATION - 67060715 (Cont.)

## OFFICER'S RECOMMENDATION

1. That Council approve the commencement of the Narangba East Planning Investigation under the Reshaping our Region's Planning Portfolio. The project includes a three (3) phased approach to advance planning for the area comprised of:
  - a) Phase 1 establishing preliminary land use and environmental planning directions;
  - b) Phase 2 undertaking integrated land use and infrastructure planning; and
  - c) Phase 3 undertaking statutory planning scheme amendments.
2. That Phase 1 includes investigating and preparing preliminary land use planning directions to formulate a long-term plan for the Rural Residential investigation area (RRIA) and preparing a detailed precinct plan to guide growth and development in the Emerging community (Interim precinct) area.
3. That Phase 1 will also consider and seek to confirm the RRIA's strategic location and ability to support a regionally significant new employment/ industrial precinct/s (all or in part) in response to emerging land supply pressures, and in consideration of surrounding land uses, community feedback, available or planned infrastructure, site-based environmental values and other constraints.

## **REPORT DETAIL**

### **1. Background**

On 20 November 2012 Council endorsed the Narangba East Strategy 2031 (NES) which included a Structure Plan that was used to inform the zoning in the study area for the 2016 MBRC Planning Scheme.

Two key matters not resolved through the NES included:

- Identifying a land use intent for the 'Trigger for Investigation Area' (currently zoned Rural Residential); and
- Detailed planning for the area south of Boscoe Road around the Narangba Station, currently zoned Emerging community (Interim precinct).

Large areas of rural residential land within the eastern extent of the study area were identified in the NES as a 'Trigger for Investigation' in response to the need for further investigations to be undertaken to assess the environmental health impacts of the proximate Narangba Innovation Precinct. Furthermore, the MBRC Planning Scheme identified this part of the study area as an Investigation Area and states:

- Council will "*undertake further investigations in this area to allocate additional land for low impact enterprise and employment activities at this location on land with frontage to Old Gympie Road and to review the separation distances contained within State Planning Policy*". Section 3.13.3.4 (14); and
- that Rural Residential land '*be protected from fragmentation*' and '*development does not pre-empt or compromise the potential development of rural residential areas for urban purposes beyond the life of the planning scheme*' Section 3.14.7.4 (3&4).

Council is currently undertaking environmental health investigations to understand potential impacts from existing industry activities and separation distances to sensitive uses associated with the Narangba Innovation Precinct (both east and west of the Bruce Highway). The outcomes from these investigations, once complete will inform the planning process for Narangba East.

ITEM 3.4 PROPOSED NARANGBA EAST PLANNING INVESTIGATION - 67060715 (Cont.)

Council also has an obligation under the *South East Queensland Region Plan* (ShapingSEQ) to review non-urban land in the Urban Footprint and undertake further planning for underutilised land. ShapingSEQ states that:

*'The Urban Footprint also includes some areas designated or already developed for rural and rural residential purposes that are located near urban services and facilities. Local governments must investigate these areas for urban redevelopment opportunities as part of their planning scheme reviews (ShapingSEQ p.101).*

At its General Meeting of 20 April 2022 (Minute Page 22/595), Council noted the 'Urban Areas Employment Lands Investigation Report (2021)' (UAELI) by Ethos Urban as the region's most contemporary assessment of industrial and urban employment land supply and demand. As summarised in that report and below, the key findings from the UAELI include:

- Council's planning for its existing zoned 'Industrial' land and 'Mixed Industry and Business Areas' (MIBA) currently meets the State benchmark to ensure an "effective supply" of a minimum of 15-years of industry zoned land that is able to be serviced, for the current planning scheme (to 2031).
- If growth monitoring shows that the remaining "effective supply" of industry zoned land continues to be used at higher than average historic rates, as has been trending in the last few years, or used for alternative uses, Council may fall below the required 15-years "effective supply" benchmark during the life of the current planning scheme.
- Within the "effective supply" framework, Elimbah East and North East Business Park are the only greenfield locations that could support new large-scale industrial estates for General Industry (GI) and MIBA respectively. The current reliance on these two areas is a 'eggs in one basket' risk and Council should commence a process to identify potential additional GI and MIBA supply options.
- Notwithstanding the above, to meet the State benchmark, Council will need to identify additional GI (and likely also MIBA) supply options as part of its new planning scheme. The timing and amount of land required will be related to the future rates at which the "effective supply" of industrial land is developed, and how this land is used.

Council officers and the Deputy Mayor have also met with a number of landowners from the Rural residential investigation area (refer SUPPINFO1) who have expressed their frustrations around the lack of further planning since the NES and a desire to see certainty regarding the land use direction (and timing) for potential urban development in the area.

A Councillors' Briefing Session was conducted on 23 May 2023 for the purpose of informing Councillors of the strategy, resources and indicative timings required to advance planning investigations to formulate a long-term plan for Narangba East. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***The CEO noted the way forward:***

*A report to be provided for consideration by Council at a future General Meeting, seeking to undertake a planning investigation exercise.*

## 2. Explanation of Item

### Proposed Strategy and Approach

Officers have been working with stakeholders to prepare a multi-phased approach to advance planning in Narangba East that seeks to:

- unlock underutilised urban footprint land surrounded by major road and rail infrastructure including the Bruce Highway (and interchanges), the North Coast rail line and future Moreton Motorway;
- investigate the suitability of new industry land (GI and MIBA) in response to regional land use needs for employment land as identified in Council's UAELI report;
- build upon existing land use and infrastructure planning associated with the Narangba East Strategy, on-going environmental health investigations associated with the Narangba Innovation Precinct and recent development approvals in the area; and



ITEM 3.4 PROPOSED NARANGBA EAST PLANNING INVESTIGATION - 67060715 (Cont.)

- facilitate an integrated land use, environmental and infrastructure planning process built on robust technical investigations and community/ stakeholder engagement at key milestones.

Based on analysis of resourcing and funding matters, the proposed strategy and approach outlines a pathway for Narangba East planning investigations through three (3) key project phases described below. The proposed strategy and approach seeks to establish a transparent pathway for community engagement throughout the phases of this integrated planning process.

Opportunity exists for Council to prioritise investigations for land use and environmental planning directions and commence Phase 1 from July 2023. This approach enables Council to investigate and respond to emerging employment/ industry land supply pressures (including MIBA and GI) and prepare strategic land use directions for the Rural residential investigation area (refer SUPPINFO1) to be included in the New Planning Scheme. This approach does not assume all land within the Rural residential investigation area will be suitable for urban uses whether residential or employment/ industrial uses. This will be established throughout the process and in consideration of surrounding land uses, regional land supply needs and community feedback, available or planned infrastructure, site-based environmental values and other constraints etc.

**Phase 1: Preliminary land use and environmental planning directions**

*Timing: Q1 23/24 - Q2 24/25 (Financial Year)*

This includes localised technical studies focused on land use options and feasibility (e.g. for potential employment/ industry land) in the Rural residential investigation area and environmental values assessment. It also includes a high-level assessment of critical infrastructure matters, a review of the Emerging community zone (Interim precinct) and preparation of a precinct plan for the area that encapsulates the Narangba rail station and immediate surrounds (refer SUPPINFO1).

Community touchpoints in Phase 1 will involve preparing key messages to update existing public facing material (website) including a high-level project timeline with proposed community engagement touchpoint/s earmarked through the planning process. There will also be community engagement on draft land use directions and the precinct plan for the Emerging community zone (Interim precinct) area.

The outcomes of Phase 1 will inform a future land use direction for the area to be included in the New Planning Scheme and form the basis for Phase 2 work.

Phase 1 is indicatively a 1-1.5 year process.

**Phase 2: Integrated land use and infrastructure planning**

*Timing: following completion of Phase 1*

This includes detailed land use and infrastructure planning work which is necessary to prepare a detailed structure plan for the broader area (including the Rural residential investigation area - (refer SUPPINFO1). Proposed funding, resourcing and programming for the infrastructure work (including engagement with Unitywater and the State Government) will be further detailed at the completion of Phase 1.

Subject to the outcomes of Phase 1, a structure planning process will integrate this infrastructure work with land use, environmental and communications & engagement inputs in formulating a long-term plan and development provisions to guide growth in the area. The work undertaken in Phase 2 is indicatively a 2-2.5 year process.

**Phase 3: Statutory planning scheme amendment**

*Timing: tba*

Phase 3 involves the plan making process for the Phase 2 structure plan to be included as an amendment to the New Planning Scheme. The plan making process is indicatively a 1-1.5 year



ITEM 3.4 PROPOSED NARANGBA EAST PLANNING INVESTIGATION - 67060715 (Cont.)

timeframe in accordance with the *Planning Act 2016* with the approach and program to be detailed following Phase 2.

Community Engagement

A high-level Communications & Engagement Plan (CEP) will support the integrated planning process with engagement and communications at relevant project milestones across the key project phases. Further information on the nature of communications and engagement will be provided for each of the identified phases of the project.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

The proposed planning process, including commencing Phase 1 will prepare draft planning scheme responses to support the New Planning Scheme. This would follow the plan making process under the *Planning Act 2016* which is a statutory process to guide the making and amending of planning schemes in Queensland. This process includes important steps such as State interest review, public consultation, and ultimately ministerial approval.

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

- Our Well-planned Places: 02 We have a preferred sequence of growth that supports complete, sustainable and connected communities.
- Our Well-planned Places: 03 Our communities have access to safe, affordable and diverse living choices.
- Our Well-planned Places: 05 We have well-planned centres and precincts that support our progressive local economy and identity.

3.3 Policy Implications

Phase 1 seeks to investigate and prepare preliminary land use planning directions for the Rural residential investigation area and a precinct plan for the Emerging community zone (Interim precinct) area. These investigations will inform new policy directions for the New Planning Scheme. Council will work closely with the relevant state agencies and Unitywater to ensure that state interests and other matters are appropriately considered.

3.4 Risk Management Implications

The proposed strategy and approach seeks to manage the following risks:

- Program alignment & prioritisation of this project within existing Council portfolio & program commitments.
- Coordination of funding and resourcing across relevant departments of Council.
- Managing community expectations and development pressures throughout the entirety of the planning process.
- External stakeholder/ agency timeframes and implementation.
- Further technical studies or pieces of work identified throughout the planning process.
- Alignment of inputs to support the New Planning Scheme.

3.5 Delegated Authority Implications

Nil identified

ITEM 3.4 PROPOSED NARANGBA EAST PLANNING INVESTIGATION - 67060715 (Cont.)

3.6 Financial Implications

Planning for Narangba East is a significant undertaking extending across multiple years and will have impact on programming, resourcing, and budget allocations across all relevant areas of Council. This needs to be considered in the context of priorities and the delivery of committed projects across the organisation relevant to Strategic Planning and Place Making, Environment and Sustainability Policy and Planning, Strategic Infrastructure Planning and the Community Engagement Team.

Costs for the Phase 1 scope of works will be met from the 2023/24 operating budget. Further project phases will be considered as part of Council's budgetary processes.

3.7 Economic Benefit Implications

In light of the area's strategic location and in response to regional land use needs for employment land, the potential suitability of this area to provide land supply for jobs in the region will be investigated. The outcomes of this project will have the potential to unlock underutilised urban footprint land and improve economic and community outcomes in managing growth and change within the area and across the region.

3.8 Environmental Implications

The Narangba East Planning Investigation project seeks to integrate environmental and natural hazard matters through all phases of the project. An environmental values assessment will be undertaken in Phase 1.

3.9 Social Implications

Advancing the Narangba East Planning Investigation provides a pathway to respond to the community and stakeholders on a long-term plan for the Narangba East area.

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 high-level Communications and Engagement Plan will be prepared to facilitate community engagement throughout the phases of the planning process. Public consultation will also be required in accordance with the *Planning Act 2016* as part of any future planning scheme amendment response.

## **ATTENDANCE**

Cr Mark Booth returned to the meeting at 1:16 PM following consideration of Item 3.4 and resumed as Session Chairperson.

David Hood left the meeting at this time.

Marco Alberti attended the meeting for consideration of Item 3.5, and Dan Staley attended for Items 3.5 to 3.7 inclusive.

**ITEM 3.5**

**DA/2022/3139 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE AND INDOOR SPORT AND RECREATION (SWIM SCHOOL) - 10-16 REGENT STREET JOYNER QLD 4500**

**APPLICANT: KDL Property Group C/- Saunders Havill Group**

**OWNER: Oxford Dev 4 Pty Ltd**

Meeting / Session: 3 WELL-PLANNED PLACES  
Reference: 66797854 : 17 April 2023 – Refer Supporting Information 66797853; 67081140; 67081150; 67155473; 65980934  
Responsible Officer: WM, Principal Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	KDL Property Group C/- Saunders Havill Group
<b>Lodgement Date:</b>	11 August 2022
<b>Properly Made Date:</b>	31 August 2022
<b>Confirmation Notice Date:</b>	6 September 2022
<b>Information Request Date:</b>	20 September 2022
<b>Info Response Received Date:</b>	3 November 2022
<b>Public Notification Dates:</b>	9 November 2022 to 1 December 2022
<b>No. of Submissions:</b>	Properly Made: One (1)
<b>Decision Due Date:</b>	14 June 2023
<b>Prelodgement Meeting Held:</b>	DA/2022/1821

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	9
<b>Property Address:</b>	10-16 Regent Street, Joyner
<b>RP Description</b>	Lot 1 RP 87599
<b>Land Area:</b>	9,677m <sup>2</sup>
<b>Property Owner</b>	Oxford Dev 4 Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	MBRC Planning Scheme
<b>Planning Locality / Zone</b>	Next Generation Neighborhood Place Type, Emerging Community Zone, Transition Precinct
<b>Level of Assessment:</b>	Impact

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a well-planned region.

This application seeks a Development Permit for a Material change of use for a Child Care Centre (up to 90 enrolments) and an Indoor Sport and Recreation (Swim School) situated at the abovementioned property.

The application was publicly advertised from 9 November 2022 to 1 December 2022 with one (1) submission received. The proposed development is consistent with the intent of the MBRC Planning Scheme and is recommended to be approved subject to conditions.

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*ITEM 3.5 DA/2022/3139 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE AND INDOOR SPORT AND RECREATION (SWIM SCHOOL) - 10-16 REGENT STREET JOYNER QLD 4500 - 66797854 (Cont.)*

This matter is 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.

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## **RESOLUTION**

**Moved by Cr Adam Hain**

**Seconded by Cr Matt Constance**

*Cr Cath Tonks voted against the motion*

**CARRIED 10/1**

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

ITEM 3.5 DA/2022/3139 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE AND INDOOR SPORT AND RECREATION (SWIM SCHOOL) - 10-16 REGENT STREET JOYNER QLD 4500 - 66797854 (Cont.)

**OFFICER'S RECOMMENDATION**

- A. That Council approve entering into an Infrastructure Agreement with the applicant obligating the applicant to deliver infrastructure, including development infrastructure as stated in the list of Schedules of the Infrastructure Agreement attached to this report, and for the Chief Executive Officer to exercise powers under section 236 of the *Local Government Act 2009* to execute the Infrastructure Agreement in relation to that infrastructure and other related matters.
- B. 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 and Indoor Sport and Recreation (Swim School) at 10-16 Regent Street, Joyner, described as Lot 1 RP 87599, subject to the following plans/documents and conditions:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Environmental Noise Impact Report	22097 Rev 1.	CRG Acoustics	21/10/2022
Waste Management Plan	22E-0017	RMA Engineers	05/08/2022
Context and Locality Plans	A-DA-00.01 Rev. J	Elevation Architecture	2/11/2022
GFA	A-DA-03.02 Rev. K	Elevation Architecture	2/11/2022
Roof Plan	A-DA-04.01 Rev. I	Elevation Architecture	2/11/2022
Elevations	A-DA-09.02 Rev. I	Elevation Architecture	2/11/2022
Elevations (Fencing)	A-DA-09.02 Rev. I	Elevation Architecture	2/11/2022
Sections 1	A-DA-10.02 Rev. I	Elevation Architecture	2/11/2022
Sections 2	A-DA-10.02 Rev. I	Elevation Architecture	2/11/2022
Renders (Sheet 1)	A-DA-22.02 Rev. K	Elevation Architecture	2/11/2022
Renders (Sheet 2)	A-DA-22.02 Rev. K	Elevation Architecture	2/11/2022

<b>Plans to be Amended</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Site Plan	A-DA-01.01 Rev. J	Elevation Architecture	2/11/2022
Proposed Site Plan	A-DA-01.02 Rev. J	Elevation Architecture	2/11/2022
Floor Plan - Ground	A-DA-03.01 Rev. K	Elevation Architecture	2/11/2022
Joyner Childcare Facility Landscape Concept	11224 ISSUE A	Saunders Havill Group	July 2022

ITEM 3.5 DA/2022/3139 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE AND INDOOR SPORT AND RECREATION (SWIM SCHOOL) - 10-16 REGENT STREET JOYNER QLD 4500 - 66797854 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1.</b>	<b>Approved Plans and/or Documents</b>	
A	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
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.  Note: Refer to <a href="https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Lodgement/3D-Model-Submission">https://www.moretonbay.qld.gov.au/Services/Building-Development/DA-Lodgement/3D-Model-Submission</a> for more details.	
<b>2.</b>	<b>Amended Plans Required</b>	
A	Submit to the Council for its approval; (i) an amended Site Plan, Proposed Site Plan and Floor Plan - Ground that provides a dedication of land as road reserve measuring a minimum width of 1.8 metres along the frontage of the site to Oxford Street. (ii) an amended Joyner Childcare Facility Landscape Concept updating it to reflect the Approved Plans.	Prior to commencement of use and to be maintained at all times.
B	Obtain approval from Council for the amended Site Plan, Proposed Site Plan, Floor Plan - Ground and Landscape Concept Plan in accordance with (A) above.	
C	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval.	
<b>3.</b>	<b>Infrastructure Agreement</b>	
	Comply with the "Oxford Street Child Care and Swim School Infrastructure Agreement" between Moreton Bay Regional Council and KDL Property Group Pty Ltd, or as amended.	At all times.
<b>4.</b>	<b>Plan of Subdivision</b>	
	Demonstrate the plan of subdivision (i.e. survey plan) creating the lot (proposed lot 7000) in development approval DA/2022/1263 (as amended) has been registered with the Land Titles Office and all conditions and obligations associated with the creation of that lot in that development approval, as amended, have been satisfied.	Prior to any approval of Building Works by a Building Certifier or commencement of the use, whichever occurs first.
<b>5.</b>	<b>Approved Use - Indoor Sport and Recreation (Swim School)</b>	
	Limit the Indoor Sport and Recreation use to that of a Swim School at all times (e.g. the Swim School is not to be converted to a Gymnasium).	At all times.
<b>6.</b>	<b>Premises Hours of Operation</b>	

ITEM 3.5 DA/2022/3139 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE AND INDOOR SPORT AND RECREATION (SWIM SCHOOL) - 10-16 REGENT STREET JOYNER QLD 4500 - 66797854 (Cont.)

	Limit the hours of operation of the development as follows: (i) Child Care Centre - 6.30am to 6.30pm Monday through Friday with the outdoor play areas limited to only being used between 7am and 6pm; and (ii) Indoor Sport and Recreation (Swim School) - between 7:00am and 7:00pm Monday through Friday (excluding public holidays) and between 7:00am and 5:00pm Saturday, Sunday and on public holidays.	At all times.
<b>7.</b>	<b>Operating Capacity</b>	
A	Ensure the capacity of the Child Care Centre is limited to a maximum of 90 children on site at any one time. To remove any doubt children attending the Swim School at the same time that the Child Care Centre is operating are not included in this limit.	At all times.
B	Ensure the capacity of the Indoor Sport and Recreation is limited to a maximum of 55 children on site at any one time. To remove any doubt children attending the Child Care Centre at the same time that the Swim School is operating are not included in this limit.	
<b>8.</b>	<b>On-Site Car Spaces</b>	
A	Provide vehicle spaces on the site in accordance with the approved plans.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	
<b>9.</b>	<b>Bicycle Parking Facilities</b>	
	Install 8 secure bicycle parking facilities in accordance with the approved plans.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to commencement of use and to be maintained at all times.
<b>10.</b>	<b>Bicycle End of Trip Facilities</b>	
	Unless otherwise agreed to in writing by Council, (i) Provide four (4) storage lockers which have the minimum dimensions of 900mm (height) x 300mm (width) x 450mm (depth). (ii) Provide one (1) shower in a toilet facility on the site with a minimum 3-star Water Efficiency Labelling and Standard (WELS) rating shower head.	Prior to commencement of the use and to be maintained at all times.
<b>11.</b>	<b>Vehicle Encroachment</b>	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use and to be maintained at all times.
<b>12.</b>	<b>Pedestrian Pathway</b>	
	Provide a pedestrian pathway through the car parking area to the Secure Entry. 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>13.</b>	<b>Colours, Materials and Finishes</b>	

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	Unless otherwise agreed to in writing by Council, implement the colours, materials and finishes as generally shown on the approved plans.	Prior to commencement of use and to be maintained at all times.
<b>14.</b>	<b>Landscaping and Street Trees</b>	
A	Provide landscaping in accordance with the Joyner Childcare Facility Landscape Concept to be amended as part of this approval 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	Install street trees along the frontage of the site in accordance with Council's Planning Scheme Policy - Integrated Design Appendix D - Landscaping.	
C	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) and (B) above.	
D	Maintain the landscaping on site.	At all times
<b>15.</b>	<b>Fencing</b>	
	Ensure fence 'FEN-5' as shown on Approved Plan - Elevations (A-DA-09.02) is constructed on a retaining wall (as opposed to a batter or the like) in accordance with the Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the building works application	Prior to commencement of use and to be maintained at all times.
<b>16.</b>	<b>Street Numbering and Building Names</b>	
	Install street numbering conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
<b>17.</b>	<b>Screening of Loading Facilities / Plant Areas</b>	
	Screen Plant Areas, Refuse Storage and Other Outdoor Storage Facilities on the site from direct view from adjoining neighbours and any adjoining road or public space.	Prior to commencement of use and to be maintained at all times.
<b>18.</b>	<b>Active Frontage</b>	
A	Provide transparent panels of glazing or other materials as shown on the approved plans (specifically the Renders) that provides visibility into and out of both the Swim School and the play areas to the Child Care Centre.	Prior to the commencement of the use and to be maintained at all times.
B	Ensure windows in the Swim School building orientated to address Regent Street or Oxford Street contain transparent glazing between 1.0 metre and 2.0 metres above the finished ground level of the building.  The minimum area of transparent glazing must not be covered or blocked by signage, stickers, frosting, curtains, blinds, internal fixtures / furniture and the like, unless otherwise approved by Council in writing.	



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<b>19.</b>	<b>On Site Services</b>	
	Ensure rainwater tanks, hot water tanks, gas bottles and air conditioners are, unless otherwise agreed to in writing by Council: (i) Located in the rear setback; or (ii) Located in the side boundaries and screened (e.g. fencing or landscaping) from view of adjoining neighbours or any road frontage; or (iii) Entirely underground where located in the front setback.	Prior to commencement of use and to be maintained.
<b>20.</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: (i) a reticulated water supply network connection is available to the land; and (ii) a sewerage network connection is available to the land; and (iii) all the requirements of Unitywater have been satisfied.	Prior to commencement of use.
<b>21.</b>	<b>Fibre Ready Telecommunications – Single</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: (i) Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and (ii) 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.	
<b>22.</b>	<b>Telecommunications Internal Wiring</b>	
A	Install internal wiring (Category 6 or better) within the building from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide 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.	

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<b>23.</b>	<b>Electricity</b>	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an underground electricity supply network has or will be constructed to the site.	Prior to commencement of use.
B	Provide an underground electricity supply connection to the development.	
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.	
D	Install conduits along the frontage of the site on the standard alignment (post dedication of land) easily capable of accommodating the future undergrounding of Low Voltage powerlines along the frontage of the site.	
<b>24.</b>	<b>Electrical Transformer</b>	
	<p>Ensure any PAD Mount transformer visible from a public road is painted or has a film applied to it with a mural on all sides that integrates the infrastructure into the location of being adjacent to community activities. Concepts for the mural are to be approved by the Council in writing and align with the use of the land as child caring, child education, community uses or the like e.g. children playing, children learning, people congregating / moving, or the like. Examples are shown in the images below:</p> <div style="display: flex; justify-content: space-around;">   </div>	Prior to commencement of use.
<b>25.</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
<b>26.</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.

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<b>27.</b>	<b>Acoustic Attenuation Measures</b>	
A	Provide all of the recommended acoustic treatments as specified in section 6.0 of the Approved Environmental Noise Impact Report by CRG and on the Approved Plans unless otherwise stated in the conditions of approval.	Prior to the commencement of the use and to be maintained at all times.
B	<p>The Acoustic Barrier required along the Regent Street frontage is, unless otherwise agreed to in writing by the Council, to include visually permeable (i.e. clear/transparent) material panels in the locations as shown on the approved plans.</p> <p>In addition, any Acoustic Barrier extending over 2.0m in height is to have the portion of the fence above 2.0m in height constructed using a visually permeable (i.e. clear / transparent) material.</p> <p>Note: the visually permeable materials are to meet acoustic standards in accordance with the Environmental Noise Impact Report.</p>	
C	Provide certification from a suitably qualified person that the above conditions have been complied with and the required measures have been installed/implemented in accordance with the specifications of the approved Environmental Noise Impact Report. Certification is to include outcomes of attended monitoring of noise levels from mechanical plant, air conditioning and pool pumps.	Prior to the commencement of the use.
<b>28.</b>	<b>Waste Management Plan</b>	
A	Implement the waste management arrangements identified on the approved Waste Management Plan.  Note: This development will use 1.1m <sup>3</sup> bins.	Prior to commencement of use and to be maintained at all times.
B	Manage waste in accordance with SC 6.21 Planning Scheme Policy - Waste.	
C	Provide a bin wash down facility connected to sewer as per SC 6.21 Planning Scheme Policy - Waste.	
<b>DEVELOPMENT ENGINEERING</b>		
<b>29.</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
<b>30.</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use.

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<b>31.</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>32.</b>	<b>Stormwater Management</b>	
A	<p>Implement and maintain the works identified in the Engineering Services Report.</p> <p>Submit and have approved by Council, a development application for operational works for stormwater infrastructure to service the development.</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.</p>	Prior to commencement of works associated with this condition.
B	<p>Construct external stormwater infrastructure to service the development at no cost to Council and in accordance with the approved plans and documents of development.</p> <p>This condition has been imposed under section 145 of the <i>Planning Act 2016</i>.</p>	Prior to commencement of use.
C	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the internal private works have been built in accordance with the approved Stormwater Management Plan.	
<b>33.</b>	<b>Pathways</b>	
A	<p>Construct, at no cost to Council, a 2.5 metre-wide reinforced concrete footpath extension along the full frontage of Regent Street and a 2.5 metre wide reinforced concrete footpath extension along the full frontage of Oxford Street.</p> <p>This condition has been imposed under section 145 of the <i>Planning Act 2016</i>.</p>	Prior to commencement of use.
<b>34.</b>	<b>Council Roads</b>	
A	<p>Submit and have approved by Council, a development application for operational works for all frontage roads, intersections and associated works. The frontage works are as follows:</p> <ul style="list-style-type: none"> <li>(i) Oxford Street - – to be constructed in accordance with the associated Infrastructure Agreement</li> <li>(ii) Regent Street - – to be constructed in accordance with the associated Infrastructure Agreement</li> <li>(iii) Regent Street/Oxford Street Intersection – to be constructed in accordance with the associated Infrastructure Agreement</li> </ul> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of</p>	Prior to commencement of works associated with this condition.

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	development and the MBRC Planning Scheme current at the time of the operational works application.	
B	Construct, at no cost to Council and in accordance with the approved plans and documents of development the following: (i) All new roads and associated works (ii) All frontage roads and associated works (iii) All external roads and associated works.  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use.
C	Dedicate to Council any additional Road Reserve required to facilitate the Oxford Street/Regent Street intersection following detailed design.	Prior to commencement of works associated with this condition.
<b>35.</b>	<b>New Intersection</b>	
A	Submit and have approved by Council, a development application for operational works for the intersection (BAR/BAL) of the new access driveway and Oxford Street.  Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the conceptual intersection configuration in the Council approved ITA and the MBRC Planning Scheme current at the time of the operational works application.	Prior to commencement of works associated with this condition.
B	Construct the intersection of the new access road and Oxford Street at no cost to Council and in accordance with the approved plans and documents of development.  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use.
<b>36.</b>	<b>Earth Retaining Structures</b>	
A	Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the building works application and the following: (i) 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 (ii) 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. (iii) Ensure any retaining wall on the edge of the required land to be dedicated as road reserve is isolated and detached from any other retaining structure.	Prior to commencement of works associated with this condition.
B	Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.	Prior to commencement of use.

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C	Provide written certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the design, construction and materials comply with this condition.	
<b>37.</b>	<b>Driveway Crossover</b>	
A	Construct a driveway crossover (General Wide) to the site in accordance with the approved plans and documents of development and IPWEA 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.	
<b>38.</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, MUTCD, Australian Standard (AS2890) and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.

<b>ADVICES</b>	
<b>1.</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The Aboriginal Cultural Heritage Act 2003 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 likely 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>
<b>2.</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 10) dated 5 October 2022 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>

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	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.
<b>3.</b>	<b>Food Premises - Food Business Licence Advice</b>
	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: <ul style="list-style-type: none"> <li>• An application for food business licence.</li> <li>• Plans and elevations (refer to note below).</li> <li>• Supporting documentation.</li> <li>• Relevant fee.</li> </ul> <p>Note: The application is assessed against the provisions of the <i>Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent)</i>.</p>

C. 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*.

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

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use Development Permit- for Child Care Centre and Indoor Sport and Recreation (Swim School)
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	Operational Work - Roads work Operational Work - Stormwater Operational Work - Drainage work Operational Work - Landscaping Operational Work - Electrical and Street Lighting
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There was one (1) properly made submission about this application.

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## REPORT DETAIL

### 1. Background

#### 1.1 Joyner Emerging Community Area

Under the version of the Moreton Bay Regional Council (**MBRC**) Planning Scheme in effect at the time the development application was properly made, the subject site is relevantly located:

- a. outside the Priority Infrastructure Area under the Local Government Infrastructure Plan;
- b. in the Emerging Community Zone (Transition Precinct); and
- c. in the Joyner growth area under the Strategic Framework (see Strategic Framework Map 3.6.1 – Settlement Pattern).

In assessing the application, Council officers have had regard to the Strategic Framework of the MBRC Planning Scheme to the extent relevant. The strategic framework sets out the Council's 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 planning scheme. In this regard the strategic framework sets out the strategy for the future settlement pattern and location of economic activity of the region, the associated infrastructure required to enable development and service communities, and for the protection and enhancement of the region's environmental values.

As stated, the subject site is located within the Joyner area which has been identified as an emerging community. The strategic framework makes it clear that urban development of these emerging community areas like Joyner will only proceed following the Council undertaking further investigation and planning of these areas and implementing a coordinated and integrated land use and infrastructure strategy to resolve infrastructure and constraint issues. Indeed, due to the current estimated servicing costs of this area, wholesale development of the entire area is not envisaged within the life of the planning scheme.

Despite the strategic framework stating that the development of the entire Joyner area is not to proceed until a coordinated and integrated land use and infrastructure strategy to resolve infrastructure and constraint issues for the area is implemented, Council officers are of the view that supporting a recommendation of this Proposed Development will not compromise the strategic framework to the extent relevant for the following reasons:

- a. infrastructure and constraint issues have been resolved over the subject site and there will be no adverse impacts over the area more broadly;
- b. the subject site is able to be included in the urban corridor on the basis that the applicant has acknowledged a need to provide development infrastructure in the form of non-trunk infrastructure.

The infrastructure issues and the financial contributions have been secured through an Infrastructure Agreement ( to be entered into Subject to Officer Recommendation Part A, refer section 2.9 of this Report), to provide certainty to the applicant and Council in terms of their delivery.

#### 1.2 Existing Approvals

On 17 April 2023, Councils Delegate approved a:

- a. Development Permit for a Reconfiguring a Lot for Subdivision (11 Lots into 163 Lots - DA/2022/1262) on various surrounding sites in Joyner (Figure 1); and



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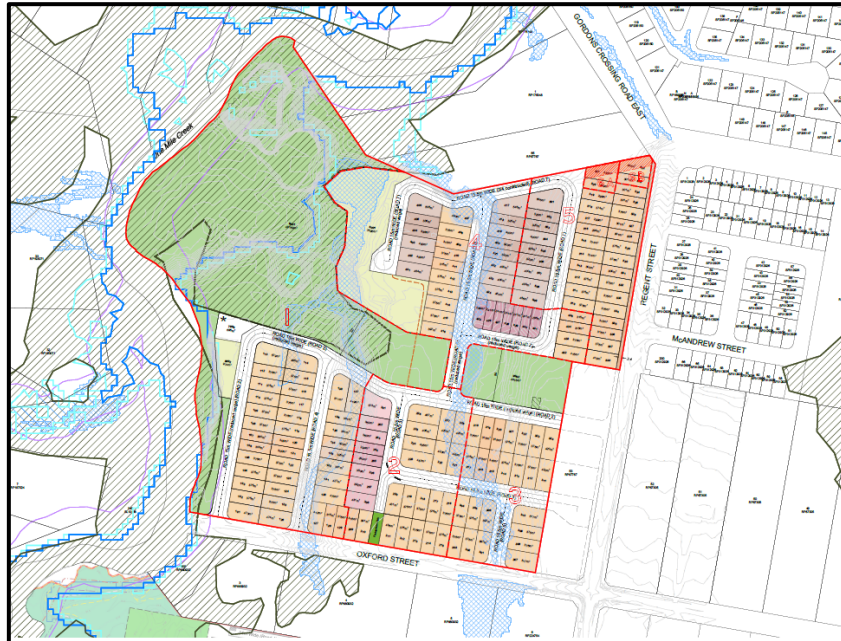


Figure 1: Approved Plan - DA/2022/1262

- b. Development Permit for Reconfiguring a Lot for Subdivision (3 Lot into 45 Lots - DA/2022/1263) on the subject site and surrounding sites (Figure 2) (Existing Approvals).

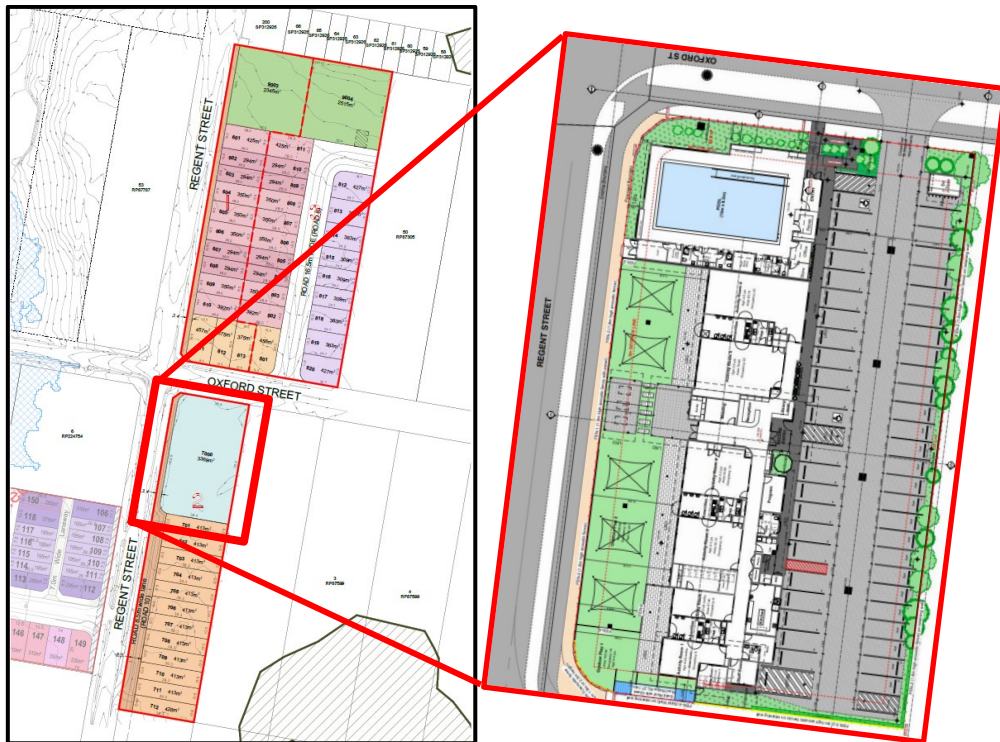


Figure 2: Approval Plan - DA/2022/1263 with inset of proposal in red

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DA/2022/1263 will create the lot on which this development application sits. If this current application is approved, a recommended condition of approval requires demonstration that the plan of subdivision creating the proposed lot has been registered with the Land Titles Office and all conditions and obligations associated with the creation of that lot in that development approval, as amended, have been satisfied.

As part of the Existing Approvals, the applicant and the Council entered into an Infrastructure Agreement whereby the items outlined in section 2.9 of this report will be provided.

1.3 Proposal

The proposal is for a Child Care Centre with a maximum of 90 children and 14 staff and including 6 activity rooms and 2 outdoor play areas. In addition, an Indoor Sport and Recreation centre (Swim School) is proposed with a 16m x 8.5m pool (Figures 3 and 4).

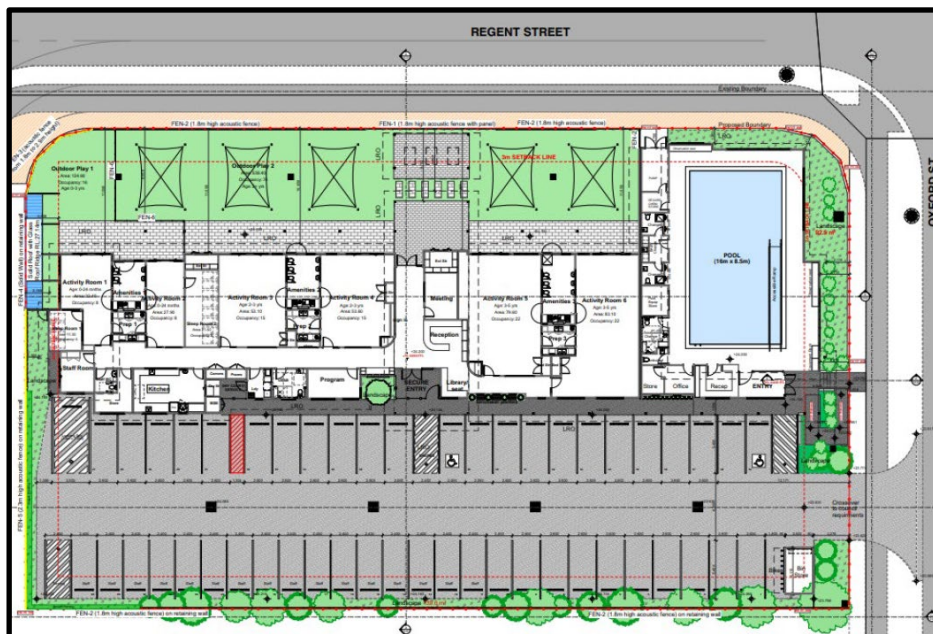


Figure 3: Site Plan





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Figure 4: Perspectives

A Councillors' briefing was conducted on 25 May 2023 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:

***The CEO noted the way forward:***

*A report to be provided for consideration by Council at a future General Meeting.*

## 2. Explanation of Item

### 2.1 Description of the Site and Surrounds

There are several development applications approved and under assessment in the direct vicinity of this proposal. Figure 5 shows the proposal plans of all approved and applications currently under assessment in the site's direct vicinity.

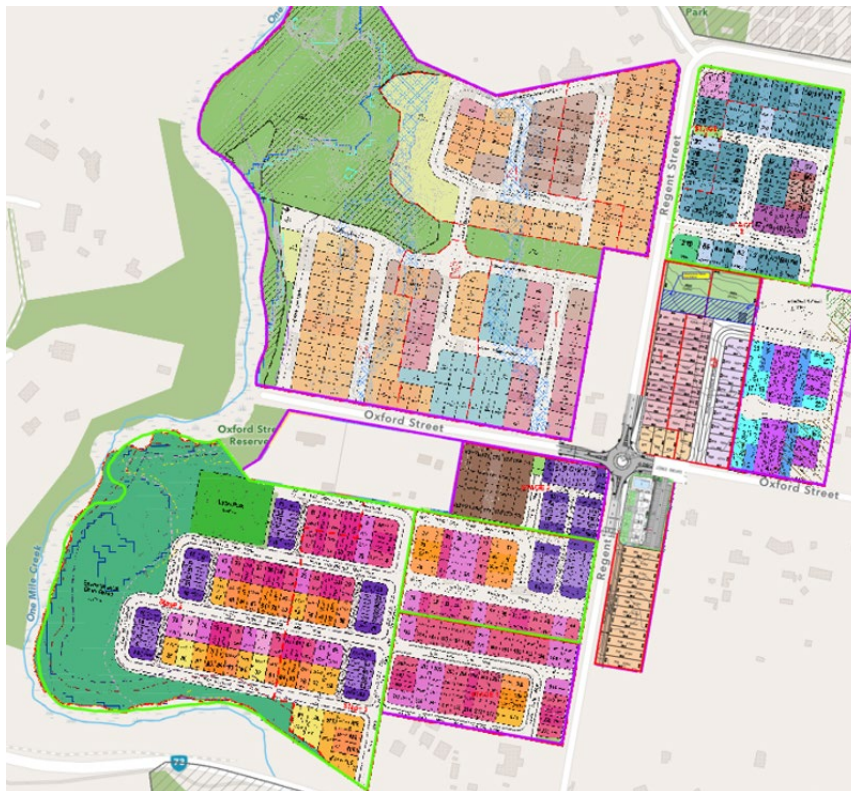


Figure 5: Joyner West Approved and Current Applications

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Directions	Planning Scheme Zone	Current Land Use
North	Emerging Community	Currently - Rural residential style detached dwellings Approved - General Residential zone, Next Generation Neighbourhood precinct style dwellings
South	Emerging Community	Rural residential style detached dwellings
East	Emerging Community	Rural residential style detached dwellings
West	Emerging Community	Rural residential style detached dwellings, application for Next Generation Neighbourhood precinct style dwellings currently under assessment.

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, which are additional or alternative to the Assessment Benchmarks contained in Council's Planning Scheme.

State Planning Policy

- *State Planning Policy 2017*, Part E

Regional Plan

- *South East Queensland Regional Plan 2017 (ShapingSEQ)*

Schedule 10 of the Regulation

- Part 10: Koala Habitat – Schedule 11 of the *Planning Regulation 2017*

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

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

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<b>Assessment benchmarks - water quality</b>	
Applicable to Development	SPP requirement
Yes	(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from (b) altered stormwater quality and hydrology (c) waste water (d) the creation or expansion of non-tidal artificial waterways (e) the release and mobilization of nutrients and sediments. (2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (Appendix 2) (3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.
<u>Comment</u> An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.	
<b>Assessment benchmarks - natural hazards, risk and resilience</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	

2.2.1 South East Queensland Regional Plan 2017 (ShapingSEQ)

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

2.2.2 Schedule 10, Part 10 of the Regulation - Koala Habitat Area

The site is located in a Koala Priority Area with no portions of the site identified as Koala Habitat Area - Core Koala Habitat Area. An assessment as to how the development satisfies the provisions in the Regulation has been undertaken and the proposal is consistent.

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

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

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2.4 Assessment of Applicable Codes

2.4.1 Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
Emerging community zone code, Transition precinct (Developed Lot)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO1, PO14, PO15, PO16, PO20, PO77

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 2.4.2.

2.4.2 Performance Outcome Assessment

9.4.1.3.2.2 - Emerging community zone, Transition precinct	
Where on a developable lot or creating developable lots	
Performance Outcome	Example
<b>PO1</b> The site is a developed lot that is serviced with all local government networks including water and sewer.	No acceptable outcome provided.
<i>Performance Outcome Assessment</i>	
Pursuant to Schedule 1 of the MBRC Planning Scheme a Developed Lot is defined as "A lot that is provided with infrastructure and services (including reticulated water and sewer, stormwater, dedicated roads and electricity) of a standard and capacity required for the proposed development".  Typically, all land within the Transition precinct of the Emerging community zone is considered to be a developable lot. Once the land has been reconfigured and all necessary local government infrastructure networks are provided to each lot, it is then considered to be a developed lot.  In this instance, the subject site is identified as a developed lot as the site has been reconfigured and all the necessary local government infrastructure networks are to be provided as part of the Existing Approvals. Accordingly, the proposal is required to be assessed against the assessment benchmarks contained within the Emerging Community Zone Code - Transition precinct (developed lot).	
<b>PO14</b>	No example provided.

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<p>The amenity of the area and adjacent sensitive land uses are protected from the impacts of dust, odour, noise, light, chemicals and other environmental nuisances.</p>	
<p><b>PO15</b> Noise generating uses do not adversely affect existing or potential noise sensitive uses.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The acoustic assessment submitted as part of the application evaluated relevant noise sources from the use including internal vehicle movements, slamming of car doors, children outdoor play, rubbish collection, indoor play and music activity and mechanical plant including pool pumps.</p> <p>The report recommended noise attenuation including :</p> <ol style="list-style-type: none"> <li>a. acoustic barriers to outdoor play areas and the car park;</li> <li>b. limiting outdoor play and pool use to between 7am and 6pm;</li> <li>c. plant intended to be installed required to meet established noise limits; and</li> <li>d. operational restrictions and building treatments.</li> </ol> <p>A proposed condition of approval requires the applicant to implement all of the recommended acoustic treatments in section 6 of the acoustic assessment submitted as part of the application.</p> <p>On balance, the proposal meets the requirements of PO14 and PO15.</p>	
<p><b>PO16</b> Sensitive land uses are provided with an appropriate acoustic environment within designated external private outdoor living spaces and internal areas while:</p> <ol style="list-style-type: none"> <li>a. contributing to safe and usable public spaces, through maintaining high levels of surveillance of parks, streets and roads that serve active transport purposes (e.g. existing or future pedestrian paths or cycle lanes etc);</li> <li>b. maintaining the amenity of the streetscape.</li> </ol>	<p><b>E16.1</b> Development is designed to meet the criteria outlined in the Planning Scheme Policy – Noise.</p> <p><b>E16.2</b> Noise attenuation structures (e.g. walls, barriers or fences):</p> <ol style="list-style-type: none"> <li>a. are not visible from an adjoining road or public area unless:             <ol style="list-style-type: none"> <li>i. adjoining a motorway or rail line; or</li> <li>ii. adjoining part of an arterial road that does not serve an existing or future active transport purpose (e.g. pedestrian paths or cycle lanes) or where attenuation through building location and materials is not possible.</li> </ol> </li> <li>b. do not remove existing or prevent future active transport routes or connections to the street network;</li> <li>c. are located, constructed and landscaped in accordance with Planning scheme policy - Integrated design.</li> </ol>
<p><i>Performance Outcome Assessment</i></p>	

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A condition of approval on the Existing Approval DA/2022/1263 requires the applicant to register a covenant over proposed Lot 701 (being the proposed lot directly south of the Child Care Centre) under s97A of the *Land Title Act 1994* requiring any future building construction on the lot to be limited to a Building Height of 4.5m.

OR

Register a light and air easement over proposed Lot 701 in favour of proposed Lot 7000 (subject site) restricted in height to commence 4.5m above the finished ground level of the lot and to extend to a height of 12m above the finished ground level of the lot.

In addition, the applicant has proposed the cantilevered acoustic wall (Figure 6) which further improves the acoustic environment for the neighbouring site to the south.



Figure 6: Proposed cantilevered design

On balance, the proposal complies with the requirements of PO16.

**PO20**  
The layout of the development does not compromise:

- the development of the road network in the area;
- the function or safety of the road network;
- the capacity of the road network.

**E20.3**  
The development does not compromise future road widening of frontage roads in accordance with the relevant standard and Council's road planning.

*Performance Outcome Assessment*

A condition of approval requires the dedication of land along the frontage to Oxford Street to facilitate the future upgrade to a District Collector typology.

The proposal complies with the requirements of PO20 subject to conditions of approval.



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<p><b>PO77</b> The safety and efficiency of pedestrian movement is prioritised in the design of car parking areas through providing pedestrian paths in car parking areas that are:</p> <ol style="list-style-type: none"> <li>located along the most direct route between building entrances, car parks and adjoining uses;</li> <li>protected from vehicle intrusion through the use of physical and visual separation (e.g. wheel stops, trees etc);</li> <li>are of a width to allow safe and efficient access for prams and wheelchairs.</li> </ol>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>If approved, a recommended condition of approval requires a pedestrian pathway through the car parking area to the Secure Entry. The pathway must be differentiated in colour and/or texture from the driveway surface.</p> <p>The proposal complies with the requirements of PO77</p>	
<p><b>PO78</b> The number of car parking spaces is managed to:</p> <ol style="list-style-type: none"> <li>avoid significant impacts on the safety and efficiency of the road network;</li> <li>avoid an oversupply of car parking spaces;</li> <li>avoid the visual impact of large areas of open car parking from road frontages and public areas;</li> <li>promote active and public transport options;</li> <li>promote innovative solutions, including on-street parking and shared parking areas.</li> </ol>	<p><b>E78.1</b> Car parking is provided in accordance with Table 6.2.3.2.2.7 'Car parking spaces'.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposal provides 49 car spaces. Table 6.2.3.2.2.7 Car parking spaces stipulates that a non-residential land use outside of the 800m walking distance of a higher order centre is required to provide a maximum of 1 space per 20m<sup>2</sup> GFA and a minimum of 1 space per 30m<sup>2</sup> GFA. The combined GFA of the proposal is 1036.8m<sup>2</sup> equating to a requirement of between 35 and 52 car spaces and is therefore compliant.</p> <p>The proposal complies with the requirements of PO78.</p>	

**2.4.3 Overall Outcome Assessment**

The development proposal does not comply with all of the Performance Outcomes of the Emerging Community Zone, Transition Precinct (Developed Lot). Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
<p>1. The purpose of the Emerging community zone code is to:</p> <ul style="list-style-type: none"> <li>a. identify land that is suitable for urban purposes and conserve land that may be suitable for urban development in the future;</li> <li>b. manage the timely conversion of non-urban land to urban purposes;</li> <li>c. prevent or discourage development that is likely to compromise appropriate longer term land use.</li> </ul>	Yes	<p>Under Specific Outcome 3.13.4.4.6(d) the Joyner growth area is identified for development in the future; however, infrastructure and constraint issues are to be resolved before this area is included in the urban corridor. Development of these areas prior to their inclusion in the urban corridor would be subject to bring forward cost and would not be subject to any infrastructure offsets.</p> <p>The development proposal is located in the western portion of the Joyner growth area which supports serviced urban land and is a planned and orderly extension of the existing urban development to the north and west. As such, the subject site and development proposal do not represent the intrusion of a greenfield urban development into a rural residential area which does not provide serviced urban land.</p>
<p>2. The Emerging community zone has 2 precincts which have the following purpose;</p> <ul style="list-style-type: none"> <li>a. The Transition precinct is to: <ul style="list-style-type: none"> <li>i. identify and conserve land that may be suitable for urban development in the future, allowing interim uses that will not compromise the best longer term use of the land;</li> <li>ii. provide mechanisms to promote and implement an appropriate mix of dwelling types, consistent with a next generation neighbourhood across the transition</li> </ul> </li> </ul>	Yes	<p>Whilst the subject site is located outside of the Priority Infrastructure Area under the Local Government Infrastructure Plan, the subject site is located within the western portion of the Joyner growth area supporting serviced urban land and is a planned and orderly extension of the existing urban development directly west and north. As such, the subject site and development proposal are provided with access to adequate urban services from existing networks including roads, telecommunications, reticulated electricity, water and sewerage. Accordingly, the subject site and development proposal do not represent the intrusion of a greenfield urban development into a rural residential area which does not provide serviced urban land.</p>

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
<p>precinct once this land is developed and serviced with all local government networks including water and sewer and is suitable for urban development.</p> <p>Once serviced by all local government networks, including water and sewer the Transition precinct is to provide a mix of dwelling types to support densities that are moderately higher than traditional suburban areas. Housing forms include predominantly detached dwellings on a variety of lot sizes with a greater range of attached dwellings and low to medium rise apartment buildings. These areas will have convenient access to centres, community facilities and higher frequency public transport.</p>		
<p>3. The Emerging Community zone seeks to implement the policy direction set in Part 3, Strategic Framework.</p>	Yes	<p>Under the Strategic Framework, the rural residential area at Joyner is identified as a potential future urban growth front (see section 3.13.4.4.6(b) of the Strategic Framework and Strategic Framework Map 3.6.1 – Settlement Pattern). However, the Strategic Framework relevantly identifies that the Joyner growth area is identified for development in the future however, infrastructure and constraint issues are to be resolved before this area is included in the urban corridor. Development of these</p>

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
		<p>areas prior to their inclusion in the urban corridor would be subject to bring forward cost and would not be subject to any infrastructure offsets (see section 3.13.4.4.6(b) of the Strategic Framework).</p> <p>The subject site and development proposal do not represent the intrusion of a greenfield urban development into a rural residential area which does not provide serviced urban land.</p>

6.2.3.2.2.1 Purpose – Emerging community zone, Transition precinct, Developed lot		
Overall Outcomes	Complies Y/N	Comments
<i>Note: Only the applicable Overall Outcomes have been provided for assessment.</i>		
f. Non-residential uses in the Transition precinct on a developed lot take the form of community activities, corner stores, neighbourhood hubs and local centres.	Yes	Schedule 1.1.1.2 of the MBRC Planning Scheme identifies a Child Care Centre and Educational Establishment as a Community Use. The proposed swim school has been defined as an Indoor Sport and Recreation however the use being specific to a Swim School could also be argued as being an Educational Establishment. For this reason, both of the proposed land uses are consistent with the Overall Outcome on the basis of being regarded as Community Activities.
g. Community activities: <ul style="list-style-type: none"> <li>i. establish in a location that may be serviced by public transport;</li> <li>ii. do not negatively impact adjoining residents or the streetscape;</li> <li>iii. do not undermine the viability of existing or future centres</li> </ul>	Yes	<p>The proposal is established in a location that may be serviced by public transport. Currently there are bus stops along Samsonvale Road approximately 600m walking distance from the site with an additional (unused) bus stop 300m from the use south along Regent Street.</p> <p>The proposal does not negatively impact on adjoining residents through the appropriate use of acoustic measures and presents in a positive manner to the streetscape.</p>

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6.2.3.2.2.1 Purpose – Emerging community zone, Transition precinct, Developed lot		
Overall Outcomes	Complies Y/N	Comments
		The proposal does not undermine the viability of future centres. The proposal is for a Child Care Centre and Indoor Sport and Recreation (Swim School) and is appropriately distanced from existing centres servicing a developing catchment.
<p>m. The design, siting and construction of non-residential uses:</p> <ul style="list-style-type: none"> <li>i. maintains a human scale, through appropriate building heights and form;</li> <li>ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces (excluding Service stations);</li> <li>iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</li> <li>iv. promotes active transport options and ensures an oversupply of car parking is not provided;</li> <li>v. locates car parking so as not to dominate the street;</li> <li>vi. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.</li> </ul>	Yes	<p>The proposal maintains human scale through its single storey design and provides an attractive frontage that maximises pedestrian activity.</p> <p>The proposal provides for active and passive surveillance by way of clear panelling in the fencing along the Regent Street frontage where appropriate given the use and does not provide an oversupply of car parking. Car parking is located in the rear of the site.</p>

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6.2.3.2.2.1 Purpose – Emerging community zone, Transition precinct, Developed lot		
Overall Outcomes	Complies Y/N	Comments
r. 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.	Yes	<p>The acoustic assessment submitted as part of the application evaluated relevant noise sources from the use including internal vehicle movements, slamming of car doors, children outdoor play, rubbish collection, indoor play and music activity and mechanical plant including pool pumps.</p> <p>The report recommended noise attenuation including :</p> <ul style="list-style-type: none"> <li>a. acoustic barriers to outdoor play areas and the car park;</li> <li>b. limiting outdoor play and pool use;</li> <li>c. plant intended to be installed required to meet established noise limits; and</li> <li>d. operational restrictions and building treatments.</li> </ul> <p>A proposed condition of approval requires the applicant to implement all of the recommended acoustic treatments in section 6 of the acoustic assessment submitted as part of the application.</p>

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 not located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance with the Council's Charges Resolution No. 10 the commenced 5 October 2022.

### 2.5.1 *Levied Charge*

In accordance with the CR, a Levied Charge is applicable to the development proposal and has been captured within the Infrastructure Agreement to be entered into between the applicant and Council (Subject to Officer Recommendation - Part A). The purposes of entering into the Infrastructure Agreement was to apply infrastructure contributions to the development instead of Infrastructure Charges under an ICN, allowing the contributions to be used for infrastructure upgrades in the Emerging Community area rather than the Priority Infrastructure Area.

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### 2.5.2 Levied Charge Credit

In accordance with Section 3.2 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 payment for a previous charge or contribution having been made in relation to the land in accordance with the CR. Accordingly, the credit available under this option is \$0.00.

(b) Lawful use of land

An assessment of existing and previous lawful uses of the land has determined that no credit is available under this option as this lot will be vacant at the time of development and any credit from the existing House has been given already in the calculation of Infrastructure Charges associated with the subdivision of the land required to occur in advance.

(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.

### 2.5.3 Levied Charge Offset or Refund

As the site is located outside of the PIA, it is not affected by a Trunk Infrastructure requirement available to receive an offset and therefore there is no offset or refund applicable to the development proposal.

### 2.5.4 Extra 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
  - (a) requires new trunk infrastructure earlier than when identified in the LGIP; or
  - (b) 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.

An Infrastructure Agreement is ready to be entered into between the applicant and Council addressing all relevant infrastructure items and accommodates any Extra Trunk Infrastructure Costs.

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

Not applicable in this instance.

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2.7 Referrals

2.7.1 Council Referrals

**2.7.1.1 Development Engineering**

**Traffic, Access & Parking**

The development proposes to cater for 90 students and a swim school. The site shall access Oxford Street near the Regent/Oxford Intersection via a new driveway crossover. A Traffic Impact Assessment Report was submitted in support of the application.

This report identifies that Regent/Oxford St intersection is subject to a future upgrade and includes conceptual intersection layout and resulting land dedication on the subject site. A roundabout intersection design has been supported by Council as part of subdivision approvals DA/2022/1262 and DA/2022/1263 along with road frontage roadworks on Oxford and Regent Streets. Recommended conditions include the same required frontage works for this development to ensure the frontage works are completed prior to the use commencing. Conceptual plans of the proposed driveway access configuration from Oxford Street and interaction with the proposed roundabout at Regent and Oxford Streets have not been provided. Condition is recommended that the access from Oxford Street be constructed with BAR and BAL.

The proposed driveway access, internal aisle and car parking layout satisfies MBRC and Australian Standard requirements.

**Stormwater / Flooding**

A Preliminary Engineering Assessment Report was submitted in support of the application. The report references the Concept Stormwater Management Plan submitted as part of the parent DA/2022/1263 application. It is proposed that all drainage infrastructure to service the Child Care Centre site is provided through the parent subdivision application. As such the CCC may proceed following finalisation of the parent subdivision.

**Earthworks**

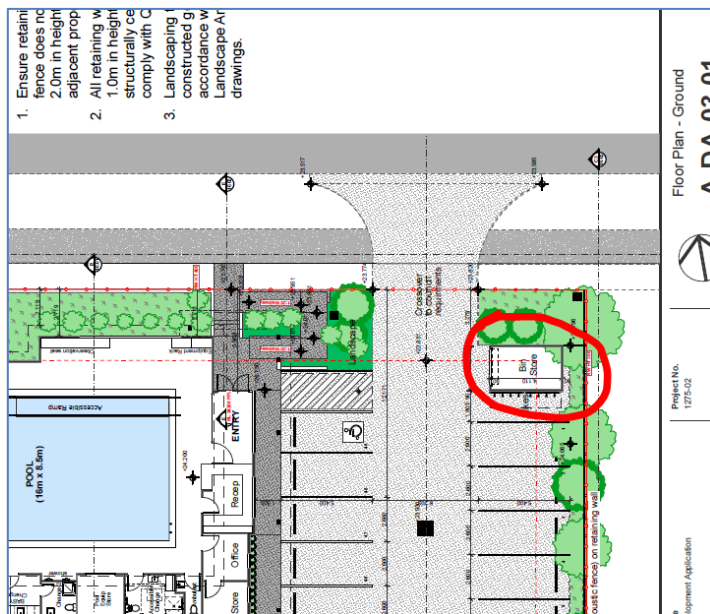
Retaining walls and associated filling up to 700mm in height are proposed as part of the development. It does not appear that retaining walls will divert or block surface flows from adjoining properties, and surface flows of future lots south of the child care centre shall be addressed as part of the parent subdivision application(s).



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**2.7.1.2 Environmental Health**

**Waste management - Refuse enclosure**



A waste management plan has been provided and is acceptable for the proposed use. This development will use bulk bins stored near the driveway entrance. The plan proposes that the refuse collection vehicle will enter the site to service bins however it is noted the truck could also pull up at the kerb of the street near the driveway and wheel bins to the truck for servicing. An enclosure will be provided for bins. The council engineer will consider whether suitable provisions for the refuse vehicle including manoeuvring has been provided.

**Acoustic amenity**

A Noise Assessment Report by CRG Acoustics has been submitted in support of the development application. The acoustic assessment evaluated relevant noise sources from the use including internal vehicle movements, slamming of car doors, children outdoor play, rubbish collection, indoor play and music activity and mechanical plant including pool pumps. It was determined amelioration measures were required to mitigate the determined impacts.

The report recommended noise attenuation including acoustic barriers to outdoor play areas and the car park, limiting outdoor play and pool use, plant to be installed to meet established noise limits, operational restrictions and building treatments. The acoustic assessment and recommendations are accepted and reflective conditions to be applied.

**Lighting**

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

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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

- (d) Public Notification was served on all adjoining landowners on 8 November 2022.
- (e) The development application was advertised in the Courier Mail on 8 November 2022.
- (f) A notice in the prescribed form was posted on the relevant land on 8 November 2022 and maintained for a period of 17 business days until 2 December 2022.

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		1
	Petition	0	0
Not Properly Made	Letter, Email, Fax		0
	Petition	0	0
<b>Total</b>			1

The matters raised within the submission are outlined below:

Assessment of Submissions
<p><b>Issue - Traffic, Access and Resumptions</b></p> <ul style="list-style-type: none"> <li>• This proposal will increase traffic in the area.</li> <li>• The proposed car park entrance from Oxford Street is too close to the intersection of Regent Street, it is expected that this will cause further congestion.</li> <li>• Regent Street has a drain running along its western boundary opposite to the site with no ability to park along this section. Any widening required is caused by the developers and therefore their responsibility.</li> <li>• There is an 8.5m wide lane in front of the proposed houses to the south of the proposed centre. This lane does not extend along the Regent St frontage of the proposed centre.</li> <li>• The possibility of private property resumptions for infrastructure to support development in the area is a concern to residents. Road widening must not be at the future expense of nearby acreage residents.</li> </ul>
<b>Discussion</b>

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**Assessment of Submissions**

The development proposes to cater for 90 students and a swim school approximating to an additional traffic generation of 4-10 vehicles in the peak hour for the swim school and to 63-72 vehicles in the peak hour from the childcare. The traffic generation peak periods are different for the two uses - the swim school is predominantly weekend based, whilst the childcare centre will generate its peak traffic during the week with limited traffic on the weekend. Council officers note the submitters concern regarding additional traffic on the roads; however, additional traffic is acceptable provided the proposal meets the requirements of Austroads and Council Policy.

Council officers note the applicants concern regarding the car park entrance in relation to the Oxford / Regent Street intersection. Council engineers have reviewed the intersection spacing and are comfortable that it meets the requirements of Austroads and Council Policy.

Council is currently assessing a development application adjacent to the property on the western side of Regent Street as referenced by the submitter. The proposal shows a 3.4m dedication of land for the purpose of bringing Regent Street to a District Collector typology standard as prescribed by the Planning Scheme and as required by the Emerging Community Zone code. In addition, if approved, a condition of approval on the adjacent development will be imposed requiring the developer to undertake frontage works at their cost, bringing the road to a District Collector typology standard.

Although not part of this development application, the 8.5m wide lane to the south will provide lot access to the residential lots fronting Regent Street. The same outcome was utilised on the development at the corner of Gordons Crossing Road and Regent Street to the north of this site.

To meet the District Collector Typology (26.8m), dedications of 3.4m are required from both sides of Regent Street (Regent Street is currently 20.0m). This is being achieved on an application-by-application basis when each lot is developed. In this case, the submitter at 42 Oxford Street, Joyner will not be required to dedicate land as a result of the conditions of approval for this development application.

This is not sufficient grounds for refusal of the application

**Issue - Noise, Need**

- Noise generation will be continuous and 7 days per week.
- Recommendations put forward to deal with noise are simply recommendations and are not enforced - concern they will not be implemented.
- The uses will have a negative impact on surrounding sites due to noise.
- Joyner, Warner, Cashmere and Bray Park are already serviced by sufficient Child Care Centres and Swim Schools - Regent Street / Joyner is not an appropriate location.

**Discussion**

The acoustic assessment submitted as part of the application evaluated relevant noise sources from the use including internal vehicle movements, slamming of car doors, children outdoor play, rubbish collection, indoor play and music activity and mechanical plant including pool pumps.

The report recommended noise attenuation including acoustic barriers to outdoor play areas and the car park, limiting outdoor play and pool use, plant intended to be installed required to meet established noise limits, operational restrictions and building treatments.

ITEM 3.5 DA/2022/3139 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE AND INDOOR SPORT AND RECREATION (SWIM SCHOOL) - 10-16 REGENT STREET JOYNER QLD 4500 - 66797854 (Cont.)

**Assessment of Submissions**

The acoustic assessment and recommendations have been reviewed by Councils Environmental Health Officers and determined to meet the required standards of the Planning Scheme and Policy. A proposed condition of approval requires the applicant to implement all of the recommended acoustic treatments in section 6 of the acoustic assessment submitted as part of the application.

Council officers note the submitters perception that Bray Park, Warner and Cashmere areas are currently sufficiently serviced by Childcare Centres. As part of the development application, the applicant provided a Need Assessment for a Childcare Centre and Swim School specifically in the growth area of Joyner. The Needs Assessment found that the population in Joyner is anticipated to increase from 2,445 to 6,090 by 2031. The report also concluded that there is a current demand for approximately 95 daily childcare spaces in the Joyner area. In addition, there are 206 new or recently approved residential lots within the Joyner Emerging Community area with an additional 361 currently under assessment. Given the house and land package price point in Joyner (e.g., Mayfair), a reasonable conclusion is that a number of the new residential properties will be purchased by young families. On balance, there is a need for a Childcare Centre and Swim School in this location.

This is not sufficient grounds for refusal of the application.

**Issue - Flooding / Stormwater / Retaining**

- Stormwater and flooding concern for the properties surrounding this site. Suggestion that the low lying areas should be dedicated as parkland.
- Height of retaining wall along the boundary of the site and 39 Oxford Street, Joyner.

**Discussion**

The site is not mapped as being affected by any flooding as per Council's Flood Hazard overlay.

Council officers note the submitters concern from a stormwater quality and quantity perspective. Regarding the stormwater external to the site, the applicant currently has two separate reconfiguring a lot approvals, one of which creates the lot on which this development application sits. It follows therefore that this application cannot commence use until such time as the lot has been created by the ROL Applications. As part of the ROL Applications, the portion of Oxford Street and Regent Street fronting the site will be upgraded to meet Austroads and Council's Policy standards, in addition to an upgrade to the intersection of Oxford Street and Regent Street. This will significantly improve the stormwater situation from what is currently an uncontrolled emerging community / rural residential type standard.

In relation to the stormwater internal to the site, as part of any approval the applicant is required to demonstrate that there will be non-worsening from a stormwater quality and quantity perspective meaning that as a result of the development, both the quality of the stormwater and the quantity of the stormwater will be the same if not improved. This has been demonstrated by the applicant.

The site is materially flat ranging between 23m AHD and 24m AHD. Accordingly, the retaining walls proposed along the boundary to the submitters property is at a maximum 700mm which meets the requirements of the Emerging Community Zone code.

This is not sufficient grounds for refusal of the application.

ITEM 3.5 DA/2022/3139 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE AND INDOOR SPORT AND RECREATION (SWIM SCHOOL) - 10-16 REGENT STREET JOYNER QLD 4500 - 66797854 (Cont.)

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 1 December 2022. 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

2.9.1 Existing Infrastructure Agreement

Schedule 2 – Development Obligations of the Infrastructure Agreement relating to the subdivision of the land (that therefore applies to the land), in summary, provides the following.

2.9.1.1 Park Infrastructure – Land

Land Contribution for Local park infrastructure is indicatively identified as Infrastructure Offset Area on Figure 7 below being to the immediate north of the subject site. The infrastructure is to be provided before or concurrently with the plan of subdivision for the relevant stage, or at a later time specified by the Council in an approval. The party responsible for the infrastructure is the Proponent.

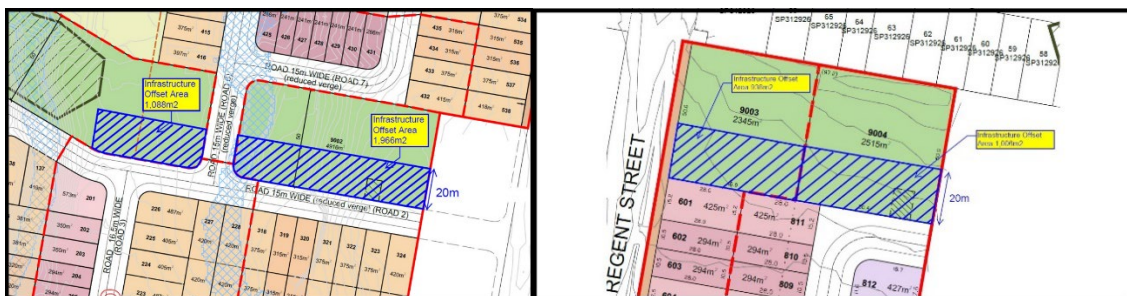


Figure 7 - Infrastructure Offset Area

2.9.1.2 Environmental Network - Land

Land Contribution for Environmental Open Space along One Mile creek having an area of approximately 4.9 hectares is required to be delivered (refer Figure 1). The infrastructure is to be provided before or concurrently with the plan of subdivision for the relevant stage, or at a later time specified by the Council in an approval. The party responsible for the infrastructure is the Proponent.

2.9.1.3 Transport Network - Work

Work Contributions for Oxford Street and Regent Street along the frontage of the site as well as along the frontage of other sites along Oxford and Regent Street that are the subject of the previous subdivision approvals given by the Council.

Work Contribution for the construction of a roundabout at the intersection of Oxford Street and Regent Street.

All infrastructure is to be provided before or concurrently with the plan of subdivision for the relevant stage, or at a later time specified by the Council in an approval. The party responsible for the infrastructure is the Proponent.

ITEM 3.5 DA/2022/3139 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE AND INDOOR SPORT AND RECREATION (SWIM SCHOOL) - 10-16 REGENT STREET JOYNER QLD 4500 - 66797854 (Cont.)

**2.9.1.4 Transport Network - Land**

Land Contribution for the development frontage to Regent Street. The infrastructure is to be provided before or concurrently with the plan of subdivision for the relevant stage, or at a later time specified by the Council in an approval. The party responsible for the infrastructure is the Proponent.

**2.9.1.5 Transport Network - Financial**

Financial Contribution (\$1201.92 per Developed Lot) for future works on the transport road network including the intersection of Samsonvale Road and other connecting roads. The financial contribution is to be provided on a per lot basis before or concurrently with the plan of subdivision for the relevant stage, or at a later time specified by the Council in an approval. The party responsible for the payment is the Proponent.

**2.9.1.6 Stormwater Network - Work and Land**

Work Contribution for two (2) bioretention basins / drainage areas that will also service the subject site. The infrastructure is to be provided before or concurrently with the plan of subdivision for the relevant stage, or at a later time specified by the Council in an approval. The party responsible for the infrastructure is the Proponent.

**2.9.1.7 Financial Infrastructure Contribution**

In lieu of applying an adopted charge under the Council's Charges Resolution for each of the proposed lots, a charge as an Infrastructure Contribution was applied to each of the proposed additional lots in the amount of \$13,625.62 per lot.

**2.9.2 New Infrastructure Agreement**

Subject to approval of Officers Recommendation Part A, the applicant and Council will enter into a separate Infrastructure Agreement specific to this development proposal wherein the Infrastructure Charges (equal to the capped charge in the Council's Charges Resolution), an additional Financial Contribution for the Transport Network and a Land Dedication along the Oxford Street frontage will be provided by the proponent.

**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 linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

**Our Well-planned Places:**

02 We have a preferred sequence of growth that supports complete, sustainable and connected communities.

05 We have well-planned centres and precincts that support our progressive local economy and identity.

**3.3 Policy Implications**

The proposal, subject to the application of the recommended conditions of approval and the proponent meeting obligations in Infrastructure Agreements is consistent with the existing Moreton Bay Region planning provisions and relevant policies.

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*ITEM 3.5 DA/2022/3139 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE AND INDOOR SPORT AND RECREATION (SWIM SCHOOL) - 10-16 REGENT STREET JOYNER QLD 4500 - 66797854 (Cont.)*

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             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.

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region.

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 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 2.7 and 2.8.

## **ATTENDANCE**

Marco Alberti left the meeting at 1.36pm following consideration of Item 3.5.

**ITEM 3.6 - DECLARATION OF INTEREST**

**Declarable Conflict of Interest - Cr Brooke Savige**

Pursuant to s150EQ of the *Local Government Act 2009*, Cr Brooke Savige informed the meeting of a declarable conflict of interest in Item 3.6 development application DA/37202/2018/V2L located at 530 & 597 Pumicestone Road, and 6 Blatchford Road, and 45 & 124-190 Rutters Road, Elimbah, as the proposed Infrastructure Agreement referred to in Recommendation A, includes an upgrade of the St Michael’s College entry driveway to incorporate a left turn lane.

Cr Savige is a Director and Chair of the Board of St Michaels College, Caboolture.

**However, Cr Brooke Savige has considered her position and is firmly of the opinion that she could participate in the decision including discussion, debate and voting on the matter in the public interest.**

**Councillor seeking to participate in the decision - eligible Councillors must decide**

**RESOLUTION**

Moved by Cr Matt Constance for the purpose of debate

Seconded by Cr Adam Hain

**CARRIED 10/0**

**That in accordance with s150ES of the *Local Government Act 2009*, and having considered the Councillor’s conflict of interest as described, it is decided that Cr Brooke Savige may participate in the decision including discussion, debate and voting on the matter as it is considered that this is in the public interest.**

<p><u>FOR:</u> Cr Peter Flannery (Mayor) (Chairperson) Cr Mark Booth Cr Adam Hain Cr Jodie Shipway (Deputy Mayor) Cr Sandra Ruck Cr Yvonne Barlow Cr Mick Gillam Cr Cath Tonks Cr Matt Constance Cr Darren Grimwade</p>	<p><u>AGAINST:</u> Nil</p>
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*Cr Brooke Savige having declared a conflict of interest was not eligible to vote*

**Cr Brooke Savige remained in the meeting.**



**ITEM 3.6**

**DA/37202/2018/V2L - A PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE THAT INCLUDES A VARIATION REQUEST TO VARY THE EFFECT OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO INCLUDE THE LAND WITHIN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATION NEIGHBOURHOOD PRECINCT, INDUSTRY ZONE - MIXED INDUSTRY AND BUSINESS PRECINCT, ENVIRONMENTAL MANAGEMENT AND CONSERVATION ZONE AND RECREATION AND OPEN SPACE ZONE WITH VARIATIONS ALSO TO CODES AND OVERLAYS - 530 & 597 PUMICESTONE ROAD, AND 6 BLATCHFORD ROAD, AND 45 & 124-190 RUTTERS ROAD, ELIMBAH**

**APPLICANT:** Indigo (Caboolture) Developer Pty Ltd and Pumicestone Land Owner Pty Ltd C/- RPS Australia East

**OWNER:** Robert Willi Trost, Linda May Trost, Julie Margaret Lewis, Christine Denise Blatchford, Lance Gordon Blatchford, Goldfields MB Pty Ltd, Ronald Walter French, Robyn Norma French, Alan James French,

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 66964747: 11 May 2023 – Refer Supporting Information 66964739; 66964732; 66964726; 66964718; 66964706; 66964689  
*Responsible Officer:* DS, Manager (PL Development Services)

**Executive Summary**

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a Well-planned region.

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

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Indigo (Caboolture) Developer Pty Ltd and Pumicestone Land Owner Pty Ltd C/- RPS Australia East
<b>Lodgement Date:</b>	24 October 2018
<b>Properly Made Date:</b>	26 October 2018
<b>Confirmation Notice Date:</b>	7 November 2018
<b>Amended Confirmation Notice Date:</b>	8 November 2018
<b>Information Request Date:</b>	7 December 2018
<b>Info Response Received Date:</b>	27 August 2019
<b>Public Notification Dates:</b>	30 August - 15 October 2019
<b>No. of Submissions:</b>	Properly Made: 4 Not Properly Made: 2
<b>Decision Due Date:</b>	15 June 2023
<b>Prelodgement Meeting Held:</b>	Yes

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 1
<b>Property Address:</b>	530 and 597 Pumicestone Road, Elimbah 6 Blatchford Road, Elimbah 45 & 124-190 Rutters Road, Elimbah

ITEM 3.6 DA/37202/2018/V2L - A PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE THAT INCLUDES A VARIATION REQUEST TO VARY THE EFFECT OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO INCLUDE THE LAND WITHIN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATION NEIGHBO - 66964747 (Cont.)

<b>RP Description</b>	Lot 2 SP 255134 Lot 3 & 4 SP 255127 Lot 9 SP255124 Lot 1 RP 862224 Lot 2 SP266783 Lot 1 RP 166505
<b>Land Area:</b>	232.1981 hectares
<b>Property Owner</b>	Goldfields MB Pty Ltd Mr Alan J French and Mr Ronald W French and Ms Robyn N French Mrs Christine D Blatchford and Mr Lance Blatchford Tte Mrs Julie M Lewis and Mr L G Blatchford Tte Mrs Julie M Lewis Mr Robert W Trost and Mrs Linda M Trost

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016 or Sustainable Planning Act 2009</i>
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	Industry Zone - General Industry Precinct Limited Development Zone
<b>Level of Assessment:</b>	Impact and Inconsistent
<b>Referral Agencies</b>	The Department of State Development, Infrastructure, Local Government and Planning

The subject land is currently designated for industrial uses both under the Moreton Bay Regional Council (MBRC) Planning Scheme and ShapingSEQ (the SEQ Regional Plan 2017). The site contains an area of approximately 232.20 hectares. Under the MBRC Planning Scheme, the site comprises 229.239Ha of Industry Zone (General Industry Precinct) land and 2.961Ha of Limited Development Zone land. The subject land is described in the Southeast Queensland Regional Plan - ShapingSEQ as the Elimbah East Major Enterprise and Industrial Area (MEIA) - Elimbah East M35 (Refer to **Attachment A** for copy of Locality Plans).

The development application seeks to vary the existing zoning of the site from Industry Zone - General Industry Precinct to Industry Zone - MIBA Precinct in part, General Residential Zone - Next Generation Neighbourhood Precinct in part, Open Space and Recreation Zone in part and Environmental Management and Conservation zone in part. Specifically, the proposal comprises of the following:

- 73.14 hectares of the site area is proposed to be retained within the Industry Zone, General Industry Precinct;
- 25.58 hectares of the site area is proposed to be converted from Industry Zone - General Industry Precinct to Industry Zone - Mixed Industry and Business Precinct;
- 76.10 hectares of the site area is proposed to be converted from Industry Zone - General Industry Precinct to General Residential zone - Next Generation Neighbourhood Precinct;
- 50.33 hectares of the site area is proposed to be delivered as environmental areas and linear open space (11.41 hectares as Recreation and Open Space Zone and 38.92 hectares as Environmental Management and Conservation zone); and
- 3.06 hectares of the site area is proposed to be retained as Limited Development Zone.

**Attachments A and B** provide a geographic representation of the existing zoning and the proposed zoning.

*ITEM 3.6 DA/37202/2018/V2L - A PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE THAT INCLUDES A VARIATION REQUEST TO VARY THE EFFECT OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO INCLUDE THE LAND WITHIN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATION NEIGHBO - 66964747 (Cont.)*

The application is subject to impact assessment and was publicly advertised from 30 August 2019 to 15 October 2019 with six (6) submissions received including four (4) properly made submissions and two (2) not properly made submissions. All six (6) submissions were in objection to the proposal (Refer to **Attachment C** for copy of submissions).

Having assessed the development application and considered submissions (refer to **Attachment D**) made in respect to the development application, it is the recommendation of Council officers to approve the development application subject to conditions.

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**RESOLUTION**

**Moved by Cr Brooke Savige**

**Seconded by Cr Adam Hain**

**CARRIED 11/0**

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

## OFFICER'S RECOMMENDATION

- A. That Council, approve entering into an Infrastructure Agreement with the applicant obligating the applicant to provide Land Contributions, Work Contributions and Financial Contributions as stated in Schedule 2 of the Infrastructure Agreement (**Attachment F** - Infrastructure Agreement) to this report, and for the Chief Executive Officer to exercise powers under section 236 of the *Local Government Act 2009* to execute the Infrastructure Agreement in relation to that infrastructure and other related matters.
- B. That Council approve the development application for a Preliminary Approval for a Material Change of Use for Agricultural Supplies Store, Bulk Landscape Supplies, Caretaker's Accommodation, Car Wash, Child Care Centre, Club, Community Care Centre, Community Residence, Community Use, Dual Occupancy, Dwelling House, Dwelling Unit, Educational Establishment, Emergency Services, Food and Drink Outlet, Hardware and Trade Supplies, Health Care Services, Home Based Business, Indoor Sport and Recreation, Low Impact Industry, Major Electricity Infrastructure, Medium Impact Industry, Multiple Dwelling, Office, Outdoor Sales, Park, Place of Worship, Relocatable Home Park, Research and Technology Industry, Residential Care Facility, Retirement Facility, Sales Office, Service Industry, Service Station, Shop, Shopping Centre, Showroom, Substation, Telecommunications Facility, Transport Depot, Utility Installation, Veterinary Services and Warehouse on land located at 530 Pumicestone Road, and 6 Blatchford Road, and 45 & 124-190 Rutters Road, Elimbah, subject to the Conditions contained in **Attachment E** to this report.
- C. That Council approves the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in **Attachment E** to this report.
- D. That Council approves under section 3.6 of the MBRC Planning Scheme Policy - Flood Hazard, Coastal Hazard and Overland Flow, a Drainage Masterplan for land specifically described as Lot 9 SP255124 being more specifically the Drainage Master Plan - Drainage Investigation Area contained in **Attachment B** to this report.
- E. That a Decision Notice be given to the applicant about the decisions made under Items A - D and to publish to the Council website the Council report for this application as part of the statement of reasons.
- F. 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.

*ITEM 3.6 DA/37202/2018/V2L - A PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE THAT INCLUDES A VARIATION REQUEST TO VARY THE EFFECT OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO INCLUDE THE LAND WITHIN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATION NEIGHBOURHOOD - 66964747 (Cont.)*

## **REPORT DETAIL**

### **1. Background**

The variation component of the development application seeks to vary the existing zoning of the site from Industry Zone - General Industry Precinct to Industry Zone - MIBA Precinct in part, General Residential Zone - Next Generation Neighbourhood Precinct in part, Open Space and Recreation Zone in part and Environmental Management and Conservation Zone in part. Specifically, the proposal comprises of the following:

- 73.14 hectares of the site area is proposed to be retained within the Industry Zone, General Industry Precinct;
- 25.58 hectares of the site area is proposed to be converted from Industry Zone - General Industry Precinct to Industry Zone - Mixed Industry and Business Precinct;
- 76.10 hectares of the site area is proposed to be converted from Industry Zone - General Industry Precinct to General Residential zone - Next Generation Neighbourhood Precinct;
- 50.33 hectares of the site area is proposed to be delivered as environmental areas and linear open space (11.41 hectares as Recreation and Open Space Zone and 38.92 hectares as Environmental Management and Conservation zone); and
- 3.06 hectares of the site area is proposed to be retained as Limited Development Zone.

**Attachments A and B** provide a geographic representation of the existing zoning and the proposed zoning.

In addition, the proposal seeks to vary the effect of the following overlays:

- (i) Bushfire Hazard Overlay;
- (ii) Building Heights Overlay;
- (iii) Community Activities and Neighbourhood Hub Overlay;
- (iv) Environmental Areas Overlay;
- (v) Riparian and Wetland Setbacks Overlay; and
- (vi) Flood Hazard Overlay.

Please refer to section 3.2.2.2 of the Development Assessment Report (**Attachment D**) for further detail regarding the proposed overlay changes.

The proposal seeks to amend Tables of Assessment for the General Residential zone. The proposal includes the establishment of a new community activities hub and a new neighbourhood hub. As this application is for a variation request the location of the proposed community activities hub and neighbourhood hub is not lot specific. This will be determined through future development applications for Reconfiguring a Lot. Therefore, the applicant seeks to amend the accepted development and code assessment requirements to state "on a lot generally in accordance with the location identified on Overlay Map - Community activities and neighbourhood hub".

The variation request also seeks to vary the effect of the Flood Hazard Overlay Code to incorporate a Drainage Investigation Area for Lot 9 SP255124 to allow an approval to be given of a Drainage Master Plan that has been prepared by the applicant as discussed in greater detail in Section 3.5.1.1 of the Development Assessment Report (**Attachment D**).

Lastly, the application then seeks a Preliminary Approval for a Material Change of Use for a range of land uses. The following land uses are proposed within the following zones:

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General Residential Zone - Next Generation Neighbourhood Precinct:

Dwelling House, Dwelling Unit, Home Based Business, Major Electricity Infrastructure (Accepted Development only), Multiple Dwelling, Relocatable Home Park, Residential Care Facility, Retirement Facility and Sales Office, Substation (Accepted Development only), Telecommunications Facility (Accepted Development only) and Utility Installation (Accepted Development only).

Food and Drink Outlet, Hardware and Trade Supplies, Health Care Services, Indoor Sport and Recreation (Gymnasium), Office, Service Industry Shop and Veterinary Services land uses may be delivered in the proposed neighbourhood hub and are limited to a cumulative maximum GFA of 2,000m<sup>2</sup>.

Child Care Centre, Club, Community Care Centre, Community use, Educational Establishment, Emergency Services, Health Care Services, Place of Worship land uses may be delivered in the proposed Community Activities hub and are limited to a cumulative maximum GFA of 2,000m<sup>2</sup>, with the exception of an Educational Establishment which is to be contained on a maximum land area of 5ha and limited to 1000 student enrolments.

Industry Zone - Mixed Industry and Business Precinct

Caretaker's Accommodation, Car Wash, Educational Establishment (if for technical or trade related education), Emergency Services, Food and Drink Outlet (if less than 100m<sup>2</sup> GFA or if part of a service centre (i.e. co-located with Service station in the south western part of lot 9 on SP255124), Hardware and Trade Supplies (where a maximum of 500m<sup>2</sup> GFA), Indoor Sport and Recreation, Low Impact Industry, Major Electricity Infrastructure (Accepted Development only), Medium Impact Industry (if at least 250m from a sensitive land use), Office (where on a district collector road or higher), Outdoor Sales (where for sale of goods manufactured on-site), Place of Worship (If using an existing building or extending an existing approved Place of Worship), Research and Technology Industry, Sales Office, Services Industry, Service Station, Showroom (where for industry or trade related products and a maximum of 500m<sup>2</sup> GFA), Substation, Telecommunications Facility, Utility Installation and Warehouse.

Industry Zone - General Industry Precinct

Agricultural Supplies Store, Bulk Landscape Supplies, Caretaker's Accommodation, Emergency Services, Food and Drink Outlet (if less than 100m<sup>2</sup> GFA), Indoor Sport and Recreation (Accepted Development only), Low Impact Industry, Major Electricity Infrastructure (Accepted Development only), Medium Impact Industry, Research and Technology Industry, Sales office, Service Station, Substation, Telecommunications Facility, Transport Depot, Utility Installation and Warehouse.

The Park land use is proposed to be delivered in the Recreation and Open Space Zone and the General Residential Zone - Next Generation Neighbourhood Precinct. Two (2) of the three (3) local recreation parks will be located within the general residential zone as identified within the submitted landscape concept plan. The third local recreation park will be located in the Recreation and Open Space zone.

On 21 February 2023 a briefing on this application was provided to Councillors the purpose of sharing information and providing advice/views to Councillors on the matter. In line with Council's decision-making framework, an extract from the minutes of the councillor briefing, is provided below:

***The CEO noted the way forward:***

*Councillors noted the application will be referred to a Council meeting in the coming months for a decision.*

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## 2. Explanation of Item

### 2.1 Assessment of Development Application

Impact assessable development applications are assessed against:

- the relevant assessment benchmarks set out in the relevant local government's planning scheme;
- any matters outlined in the Planning Regulation 2017; and
- may be assessed against any other relevant matter, such as planning need. A person's personal or financial circumstances are not considered to be planning need.

Having regard to the above, the development application is to be assessed against the following:

- The South East Queensland Regional Plan and Part E of the State Planning Policy;
- Schedule 10 of the Regulation;
- The MBRC Planning Scheme;
- Section 61(2) of the Planning Act 2016; and
- Section 45(5)(b) of the Planning Act 2016.

Please refer to the Development Assessment Report (**Attachment D**) for a detailed assessment of the development application. A summary of the assessment is provided below:

The proposal is inconsistent with the assessment benchmarks of the *ShapingSEQ*, State Planning Policy (SPP) and the MBRC Planning Scheme for the following reasons:

- The proposed development does not protect the major enterprise and industrial area identified as Elimbah East M35 from encroachment by incompatible land uses;
- The proposed development does not support the intensification and expansion of the Major Enterprise and Industrial Area;
- The proposed residential land is not located within the existing urban area boundary and therefore does not constitute consolidation development (infill development), rather the proposal represents expansion development (greenfield development). Council has already planned for an adequate supply of expansion development;
- The site does not form part of an existing urban corridor;
- The site is not considered to be under-utilised, while the site is yet to be developed, the site is appropriately identified as a major enterprise and industrial area and the establishment of residential development on site would mean that the site is not being utilised to the fullest extent;
- The proposed development will restrict the Council's ability to provide an adequate supply of land appropriately located to meet the needs of industry and related businesses and suitably serviced for a range of future business and industrial purposes across Moreton Bay including land located east of the Bruce Highway at Elimbah East (refer to section 3.2.1 of the Development Assessment Report for further discussion - **Attachment D**);
- The proposed development seeks to establish residential land uses within an area that is designated for manufacturing, engineering, transport, logistics and warehouse activities and related business activity. Accordingly, the proposal does not seek to protect enterprise and employment area;
- The site is not identified as a residential growth area. As such, the proposed residential development will not be integrated into an existing neighbourhood.
- The site does not have access to high frequency public transport.

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As identified above, the proposal does not comply with all assessment benchmarks of the categorising Instrument, or matters prescribed by regulation (MBRC Planning Scheme, *ShapingSEQ* and State Planning Policy (SPP)) (s45(5)(a)(i) of Planning Act 2016), including a number of Strategic Outcomes of the Strategic Framework of the MBRC Planning Scheme, Goals of the *ShapingSEQ* and state interest of the SPP. In accordance with s45(5)(b) of the *Planning Act 2016*, the assessment may be carried out against or having regard to any 'other relevant matters'.

## 2.2 Other Relevant Matters

In the context of the identified non-compliances with the planning scheme that relate to alternative forms of development within the Industry Zone, there are 'other relevant matters' to be considered as part of the development application. Please refer to section 3.7.1 of the Development Assessment Report (Attachment D) for a detailed explanation of the "other relevant matters". The 'other relevant matters' are considered sufficient to warrant approval of the application. A summary of the 'other relevant matters' is provided below:

**Relevant Matter 1** - The residential component is a necessary catalyst to achieve the development of the Enterprise and Employment Area of Elimbah East.

**Relevant Matter 2** - Opportunities exist to replenish industrial land supply within the region.

**Relevant Matter 3** - Efficient Delivery of Infrastructure - The size of the landholding brings with it substantial benefits in the provision of services and infrastructure that can be provided efficiently and cost effectively and without creating disadvantage to current and planned priority infrastructure areas.

**Relevant Matter 4** - Cost Effective Infrastructure - As a result of the consolidated nature of the site, and its scale, the proposed development can be appropriately serviced with all the relevant infrastructure, importantly, within a timely and cost-effective manner and with no 'out of pocket' cost impositions upon Council.

**Relevant Matter 5** - The proposal brings forward local, regional and strategic employment land and jobs and creates economic opportunity and will contribute to self-containment within the region.

**Relevant matter 6** – Environmental Outcomes - The proposal will result in the creation of a new 100 metre-wide environmental corridor (comprising vegetated width of 70 metres with linear park of 15 metres on either side), including rehabilitation areas, to provide a link between Six Mile Creek and Ningi Creek.

## 2.3 Infrastructure Agreement

The applicant also proposes the delivery of a number of infrastructure items and upgrades to not only support the development, but also broader outcomes benefiting the wider community. It is proposed that the delivery of these infrastructure items will be secured through an Infrastructure Agreement to provide certainty to the applicant and Council in terms of their delivery. The infrastructure items and upgrades are significant and include:

- Open Space - The provision of three (3) local recreation parks (land and embellishments, one (1) district recreation park (land and embellishments), totalling 7ha of recreational parkland. A financial contribution in the amount of \$4,441.95 per lot towards a future district sports park and \$2,868.91 per lot towards a future regional sports park.
- Roads -
  - (i) Construct all roads as shown on the Elimbah East Road Hierarchy Plan;
  - (ii) Construction of McGarry Road to a 2-lane sub arterial road as per Council's typology for the full length of 597 Pumicestone Road, Caboolture;
  - (iii) Upgrade of the St Michael's College entry driveway to incorporate a left turn lane;



*ITEM 3.6 DA/37202/2018/V2L - A PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE THAT INCLUDES A VARIATION REQUEST TO VARY THE EFFECT OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO INCLUDE THE LAND WITHIN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATION NEIGHBO - 66964747 (Cont.)*

- (iv) Installation of crash barriers around powers poles along McGarry Road and Old Toorbul Point Road;
- (v) The construction of a bushfire emergency evacuation route as part of any residential development;
- Intersections -
  - (vi) The construction of the Clinkers Road / Southern Industrial Road intersection as a signalised intersection;
  - (vii) The construction of the Clinkers Road / Northern Industrial Road intersection as a priority-controlled intersection (left in -left out only);
  - (viii) The construction of the Clinkers Road / Southern Residential Road intersection as a signalised intersection;
  - (ix) The construction of the McGarry Road / Industrial Access intersection as a priority-controlled intersection (all turns movement);
  - (x) The upgrade of the Old Toorbul Point Road / Spratt Road intersection to accommodate a left turn treatment on Old Toorbul Point Road;
  - (xi) The upgrade of Pumicestone Road / Jensen Road intersection as an ultimate signalised intersection; and
  - (xii) The upgrade of Pumicestone Road / Atherton Road intersection to widen Pumicestone Road, including the extension of the existing culverts to facilitate the continuation of the existing 2.0m bikes lanes on both sides of the Pumicestone Road and a 2.5m wide concrete footpath on the northern side of the road.
- Active Transport - The construction of a 2.5m wide concrete footpath on the northern side of Pumicestone Road from the intersection of Clinkers Road / Pumicestone Road to the existing footpath located to the west of Lot 4 SP305969.
- Environmental - Delivery of approximately 38.92ha of environmental corridor to be transferred to Council.

## 2.4 Public Notification and Submissions

The application is subject to impact assessment and was publicly advertised with six (6) submissions received including four (4) properly made submissions and two (2) not properly made submissions. All six (6) submissions were in objection to the proposal

A number of matters were raised in submissions including:

- Reducing available industry land within the region and detrimental impacts to economic growth, employment and jobs;
- the proposal is inconsistent with the employment outcomes intended for Elimbah East reflected in both the State Governments ShapingSEQ as well as the Strategic Framework of the MBRC Planning Scheme;
- This variation request is not consistent with the intent for the region as expressed in the planning scheme and does not support the council's development plan for further economic growth in our local community;
- The proposal is not in keeping with the lifestyle of people living in Elimbah;
- Concerns regarding the need for additional residential areas within the region, particularly in such a disconnected location; and
- Adverse impacts to surrounding properties from reverse amenity impacts for example existing industrial operations surrounding the site.

A detailed assessment of the submissions (refer to **Attachment C** for copy of submissions) has been undertaken as outlined in section 3.6.2 of Development Assessment Report (**Attachment D**).

*ITEM 3.6 DA/37202/2018/V2L - A PRELIMINARY APPROVAL FOR MATERIAL CHANGE OF USE THAT INCLUDES A VARIATION REQUEST TO VARY THE EFFECT OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME TO INCLUDE THE LAND WITHIN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATION NEIGHBO - 66964747 (Cont.)*

### **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 linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

##### **Our Well-planned Places:**

03 Our communities have access to safe, affordable and diverse living choices.

04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

#### **3.3 Policy Implications**

The proposal is inconsistent with the existing Moreton Bay Region planning provisions and relevant policies. However, as outlined in section 2.2 of this report there are 'other relevant matters' which are considered sufficient to warrant approval of the application.

#### **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. The proposal unlocks 92.1ha of industrial land on the subject site and potentially 93ha of adjoining industrial land to the south for development, resulting in a total of 4,714 jobs in Elimbah East (2,667 jobs on the subject site).

#### **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. A total of 38.92 hectares of the site area is proposed to be included in the Environmental Management and Conservation zone and is to be transferred to Council.

#### **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 section 2 of this report.

### **ATTENDANCE**

Greg Potter attended the meeting at 1:51PM for consideration of item 3.7.

**ITEM 3.7**

**MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, COMMUNITY USE, DUAL OCCUPANCY, DWELLING HOUSE, DWELLING UNIT, ENVIRONMENTAL FACILITY, HOME BASED BUSINESS, MULTIPLE DWELLING, EDUCATIONAL ESTABLISHMENT, EMERGENCY SERVICES, FOOD AND DRINK OUTLET, HARDWARE AND TRADE SUPPLIES, HEALTH CARE SERVICES, INDOOR SPORT AND RECREATION, MARKET, OFFICE, OUTDOOR SPORT AND RECREATION, PARK, PLACE OF WORSHIP, RELOCATABLE HOME PARK, RESIDENTIAL CARE FACILITY, RETIREMENT FACILITY, SALES OFFICE, SHOP, SHOPPING CENTRE, SUBSTATION, TELECOMMUNICATIONS FACILITY, UTILITY INSTALLATION AND VETERINARY SERVICES THAT INCLUDES A VARIATION REQUEST TO VARY THE EFFECT OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME 2016 AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (1 INTO 198 LOTS) - 60-172 AND 67-177 LITHERLAND ROAD UPPER CABOOLTURE**

**APPLICANT: Stockland Development Pty Ltd C/- RPS**

**OWNER: Stockland Development Pty Ltd; Robyn Lynne Evans**

*Meeting / Session:* 3 WELL-PLANNED PLACES

*Reference:* 65820531: 2 March 2023 – Refer Supporting Information 65820532; 66550345; 66550342; 66550343; 66550344; 66550347; 66550349; 66550341

*Responsible Officer:* LR, Principal Planner (PL Development Services)

**Executive Summary**

This report is being presented to the Council for a decision as it involves a Variation to the Moreton Bay Regional Council Planning Scheme and Council officers do not have delegation to decide these types of development applications. Therefore, Council is the only authorised entity to decide this development application.

This matter is brought to the attention of Council under the **Well-Planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a Well-planned region.

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Stockland Development Pty Ltd
<b>Lodgement Date:</b>	7 September 2020
<b>Properly Made Date:</b>	7 September 2020
<b>Confirmation Notice Date:</b>	14 September 2020
<b>Information Request Date:</b>	4 May 2021
<b>Info Response Received Date:</b>	21 July 2021
<b>Public Notification Dates:</b>	Start: 26 July 2021 Finish: 8 September 2021
<b>No. of Submissions:</b>	Properly Made: 1 Not Properly Made: 0
<b>Decision Due Date:</b>	30 June 2023
<b>Prelodgement Meeting Held:</b>	No

ITEM 3.7 MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, COMMUNITY USE, DUAL OCCUPANCY, DWELLING HOUSE, DWELLING UNIT, ENVIRONMENTAL FACILITY, HOME BASED BUSINESS, MULTIPLE DWELLING, EDUCATIONAL ESTABLISHMENT, EMERG - 65820531 (Cont.)

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 12
<b>Property Address:</b>	60-172 Litherland Road, Upper Caboolture 67-177 Litherland Road, Upper Caboolture
<b>RP Description</b>	Lot 2 SP 185212 Lot 4 RP 886161 Lot 5 C 311690 Lot 15 C 31239 Lot 100 C 311086
<b>Land Area:</b>	175.4 hectares
<b>Property Owner/s</b>	Stockland Development Pty Ltd Robyn Lynne Evans

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	Caboolture West Local Plan - Emerging Community Zone - Urban Living Precinct Caboolture West Local Plan - Emerging Community Zone - Green Network Precinct
<b>Level of Assessment:</b>	Impact Inconsistent

This application seeks a Material Change of Use - Preliminary Approval for Child Care Centre, Club, Community Care Centre, Community Use, Dual Occupancy, Dwelling House, Dwelling Unit, Environmental Facility, Home Based Business, Multiple Dwelling, Educational Establishment, Emergency Services, Food and Drink Outlet, Hardware and Trade Supplies, Health Care Services, Indoor Sport and Recreation, Market, Office, Outdoor Sport and Recreation, Park, Place of Worship, Relocatable Home Park, Residential Care Facility, Retirement Facility, Sales Office, Shop, Shopping Centre, Substation, Telecommunications Facility, Utility Installation and Veterinary Services that includes a Variation Request to vary the effect of the Moreton Bay Regional Council Planning Scheme 2016 and Reconfiguring a Lot - Development Permit for Subdivision (1 into 198 Lots) situated at the abovementioned property.

The intent of this application is to ultimately facilitate future development applications for residential and commercial purposes on site. Specifically, the proposed development seeks to facilitate:

1. A maximum of 2,050 dwellings; and
2. A Neighbourhood Hub (2,000m<sup>2</sup> of GFA) with permitted uses comprising a childcare centre, club, community care centre, community use, dwelling unit, education establishment, emergency services, food and drink outlet, hardware and trades supplies, health care services, indoor sport and recreation (for gymnasium or exercise and fitness centre), market, office, place of worship, sales office, shop, shopping centre, telecommunications facility, utility installation and veterinary services.

The development application proposes the delivery of a number of infrastructure items and upgrades to not only support the development, but also broader outcomes benefiting the wider community. It is proposed that the delivery of these infrastructure items will be secured through an Infrastructure Agreement to provide certainty to the applicant and Council in terms of their delivery. The infrastructure items and upgrades are significant and include:

1. Upgrade of Caboolture River Road from Walkers Road to Grant Road to a 4-lane median divided arterial road.
2. Upgrade of the Caboolture River Road / Cresthaven Drive intersection to a three-way signalised intersection.

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3. Upgrade of the Caboolture River Road / Beacon Street intersection to a left in / left out priority-controlled intersection.
4. Upgrade of the Caboolture River Road / Maple Drive intersection to a priority-controlled intersection.
5. Upgrade of the following intersections for interim safety and efficiency works:
  - a. Caboolture River Road / Virginia Road
  - b. Caboolture River Road / Forest Park Place
  - c. Caboolture River Road / MacGinley Road
6. Decommissioning of the Caboolture River Road / Litherland Road intersection.
7. Upgrade of the Caboolture River Road / Albert Circuit / new sub-arterial road intersection to a hybrid two (2) lane roundabout.
8. Provision of appropriate land dedication along Caboolture River Road, where development has a direct frontage, sufficient to facilitate the ultimate alignment and construction of Caboolture River Road, including its duplication.
9. The provision of seven (7) local recreation parks (land and embellishments) and district linear open space, totalling 11.3 hectares.
10. A financial contribution in the amount of \$3,316.14 per lot towards a future district sports park and \$2,276.24 per lot towards a future regional sports park, for every lot created after the 1,162nd lot. The first 1,162 lots are exempt from the payment of any financial contributions. This concession represents a value of \$6.5 million and is required to assist the applicant in funding the cost of relocating historic, non-standard, service alignments along Caboolture River Road.
11. Delivery of approximately 41.4 hectares of a fully rehabilitated green network precinct.
12. Provision of all internal stormwater infrastructure necessitated by the development.

The application is subject to impact assessment and was publicly advertised with one (1) submission received. The matters raised in the submission included:

1. Increase in crimes rates;
2. Loss of cultural values and aesthetics;
3. Decrease in property values;
4. Health and safety considerations (COVID-19 and cigarette smoke); and
5. Traffic and congestion at MacGinley Road.

## RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 11/0

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

ITEM 3.7 MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, COMMUNITY USE, DUAL OCCUPANCY, DWELLING HOUSE, DWELLING UNIT, ENVIRONMENTAL FACILITY, HOME BASED BUSINESS, MULTIPLE DWELLING, EDUCATIONAL ESTABLISHMENT, EMERG - 65820531 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, approve entering into an Infrastructure Agreement with the applicant obligating the applicant to provide Land Contributions, Work Contributions and Financial Contributions as outlined in Schedule 2 of the Infrastructure Agreement (**Attachment B - Infrastructure Agreement**) to this report, and for the Chief Executive Officer to exercise powers under section 236 of the *Local Government Act 2009* to execute the Infrastructure Agreement in relation to that infrastructure and other related matters.
- B. That subject to the execution of the Infrastructure Agreement:
- (i) Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Preliminary Approval for Child Care Centre, Club, Community Care Centre, Community Use, Dual Occupancy, Dwelling House, Dwelling Unit, Environmental Facility, Home Based Business, Multiple Dwelling, Educational Establishment, Emergency Services, Food and Drink Outlet, Hardware and Trade Supplies, Health Care Services, Indoor Sport and Recreation, Market, Office, Outdoor Sport and Recreation, Park, Place of Worship, Relocatable Home Park, Residential Care Facility, Retirement Facility, Sales Office, Shop, Shopping Centre, Substation, Telecommunications Facility, Utility Installation and Veterinary Services that includes a Variation Request to vary the effect of the Moreton Bay Regional Council Planning Scheme 2016 and Reconfiguring a Lot - Development Permit for Subdivision (1 into 198 Lots) at 60-172 and 67-177 Litherland Road, Upper Caboolture, described as Lot 2 SP 185212, Lot 4 RP 886161, Lot 5 C 311690, Lot 15 C 31239, Lot 100 C 311086, subject to the plans/documents and conditions contained in **Attachment C** of this report; and
  - (ii) Council approves the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in **Attachment D** of this report; and
  - (iii) Council approves, under section 3.6 of the MBRC Planning Scheme Policy - Flood and Coastal Hazard and Overland Flow, a Drainage Masterplan for land specifically described as Lot 4 RP886161 being more specifically the Drainage Master Plan - Drainage Investigation Area contained in **Attachment E** of this report; and
  - (iv) Council approves the development application seeking a Development Permit for Reconfiguring a Lot (1 into 198 lots) at 60-172 and 67-177 Litherland Road, Upper Caboolture, more accurately described as Lot 2 SP 185212, Lot 4 RP 886161, Lot 5 C 311690, Lot 15 C 31239, Lot 100 C 311086, subject to the Plans/Documents and Conditions contained in **Attachment F** to this report; and
  - (v) Council delegate its power to the Chief Executive Officer under section 63 of the *Planning Act 2016* to give a decision notice about the decisions made under Items B(i) - (iv), which is to include the information in the decision notice contained in **Attachment G** to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons; and
  - (vi) all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice; and
  - (vii) Council delegate its power to the Chief Executive Officer under section 89 of the *Planning Act 2016* to note the development approval 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 to give notice of the notation and the premises to which the note relates to the Chief Executive.

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**REPORT DETAIL**

**1. Background**

The application seeks to depart from the MBRC Planning Scheme by seeking a preliminary approval that includes a variation approval.

In order to achieve the various uses on site, this application seeks:

- (a) a Material Change of Use - Preliminary Approval for Use for Child Care Centre, Club, Community Care Centre, Community Use, Dual Occupancy, Dwelling House, Dwelling Unit, Environmental Facility, Home Based Business, Multiple Dwelling, Educational Establishment, Emergency Services, Food and Drink Outlet, Hardware and Trade Supplies, Health Care Services, Indoor Sport and Recreation, Market, Office, Outdoor Sport and Recreation, Park, Place of Worship, Relocatable Home Park, Residential Care Facility, Retirement Facility, Sales Office, Shop, Shopping Centre, Substation, Telecommunications Facility, Utility Installation, Veterinary Services;
- (b) a variation approval that seeks to vary the Moreton Bay Regional Council Planning Scheme 2016 in effect over the premises by:
  - (i) adopting the *Proposed Stockland Neighbourhood Development Plan* as an approved *Neighbourhood Development Plan*, incorporating the following precincts only:
    - A. Urban Living Precinct - Next Generation Sub-Precinct;
    - B. Green Network Precinct;
  - (ii) varying the effect of the following overlays:
    - A. Bushfire Hazard Overlay;
    - B. Building Heights Overlay;
    - C. Community Activity and Neighbourhood Hubs Overlay;
    - D. Flood Hazard Overlay;
  - (iii) varying the effect of the Flood Hazard Overlay Code to incorporate a Drainage Investigation Area for the site to allow an approval to be given for a Drainage Master Plan;
  - (iv) varying the effect of the Dwelling House Code in section 9.3.1 of the MBRC Planning Scheme to maintain that version of the Planning Scheme under which the application was lodged, being, *Version 4 - Tailored Amendment No. 1 and Planning Scheme Policies Major Amendment No. 1*.

On 8 November 2022 and 21 February 2023, an update on this application was provided as a briefing to Councillors. Councillors noted the continued assessment of the application and the officers' emerging recommendations, subject to a mutually agreed Infrastructure Agreement, to support the development proposal as outlined during the presentation. In line with Council's decision-making framework, an extract from the minutes of each briefing, is provided below:

*8 November 2022*

**CEO noted the way forward:**

*A report to be submitted to a General Meeting for Council's consideration of development application DA/41766/2020/V23P.*

ITEM 3.7 MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, COMMUNITY USE, DUAL OCCUPANCY, DWELLING HOUSE, DWELLING UNIT, ENVIRONMENTAL FACILITY, HOME BASED BUSINESS, MULTIPLE DWELLING, EDUCATIONAL ESTABLISHMENT, EMERG - 65820531 (Cont.)

21 February 2022

**CEO noted the way forward:**

*That a report be prepared for Council's consideration relating to the Variation application, as the assessment manager under the Planning Act 2016.*

The proposed development is considered to accord with the intent of the Moreton Bay Regional Council Planning Scheme and is recommended to be approved subject to conditions.

**2. Explanation of Item**

**2.1 Assessment Benchmarks**

The assessment benchmarks are the matters against which the development proposed by a development application must be assessed. Chapter 3, Part 1, Section 43 of the *Planning Act 2016* defines a categorising instrument as being a regulation or local categorising instrument that does any or all of the following:

- (a) categorises development as prohibited, assessable or accepted development;
- (b) specifies the categories of assessment required for different types of assessable development;
- (c) sets out the matters (the **assessment benchmarks**) that an assessment manager must assess assessable development against.

The assessment benchmarks are prescribed as being contained in:

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

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.*

Further to the assessment benchmarks identified above, section 61(2) of the *Planning Act 2016* specifies that when assessing the variation request, the assessment manager must consider:

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

Please refer to the Development Assessment Report (**Attachment A**) for a detailed assessment of the above listed assessment benchmarks. A summary is provided below.



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2.2 Compliance with ShapingSEQ

ShapingSEQ identifies the land as being within the Urban Footprint and as a Major Expansion Area (MEA). Notably, ShapingSEQ states:

*The intent to deliver new and more complete communities that are well-planned and serviced will be achieved in areas including:*

- a. Bahrs Scrub
- b. Caboolture West
- c. Flinders
- d. Greater Flagstone
- e. North Lakes/Mango Hill
- f. Park Ridge
- g. Southern Redland Bay
- h. Warner
- i. Yarrabilba.

*Greater Flagstone, Yarrabilba, Park Ridge and Caboolture West will accommodate the largest proportion of the sub-region’s planned expansion growth, while Southern Redland Bay will provide residential supply within the Redlands. Assuming any local constraints can be resolved adequately, residential density and housing diversity will increase in proportion to a location’s proximity to employment opportunities, services or public transport frequency. These places will develop as high-quality new communities.*

Further, ShapingSEQ also states that land within the Elimbah area in Moreton Bay (outside the Urban Footprint) has also been identified as an area that may be suitable for future urban growth. The timing for inclusion of this Potential Future Growth Area in the Urban Footprint will depend primarily on whether there is an adequate rate of development at Caboolture West.

It is also relevant to point out that ShapingSEQ’s implementation program is divided into seven categories and includes a range of actions necessary to deliver ShapingSEQ leading up to its review. In relation to the Caboolture West Emerging Community Area, the following implementation action is applicable:

Implementation Action 1 - Delivering New Growth Areas		
Purpose	Action	Responsibility
<i>‘Front loading’ new expansion areas to unlock and de-risk new large-scale growth areas through collaborative planning and identification and resolution of state values and constraints early in the structure planning process.</i>	<i>The Caboolture West emerging community area DILGP to work in collaboration with Moreton Bay Regional Council (MBRC), state agencies and stakeholders to develop a process that identifies state planning and infrastructure constraints and opportunities for Caboolture West; and develop a more efficient system of satisfying state regulatory requirements.</i>	<ul style="list-style-type: none"> <li>• DILGP (lead)</li> <li>• MBRC</li> <li>• State agencies</li> <li>• Infrastructure providers</li> </ul>

Shaping SEQ commenced in 2017, and as early as 2018 applications were starting to be lodged within the Caboolture West Local Plan Area. Given the absence of any detailed neighbourhood and infrastructure planning, Council started receiving a significant number of large-scale development applications across Caboolture West in which applicants, such as the subject applicant, have opted

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to undertake the coordinated and integrated land use and infrastructure planning as part of the application in order to realise development within Caboolture West.

In an attempted to temper the volume of applications being received, and in response to the Implementation Action above, the State Government and Council established the Caboolture West Leadership Group, which subsequently led to the announcement of Caboolture West as a Priority Growth Area. This resulted in the Caboolture West Interim Structure Plan, which commenced on 14 March 2023 and is explored further in section 2.4 of this report.

## 2.3 Compliance with the MBRC Planning Scheme

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 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.

Section 3.13.2.4 of the Strategic Framework outlines the land use strategy intended for the Caboolture West Local Plan Area. Broadly, the land use strategy as set out in the Strategic Framework is carried through to the Performance Outcomes and Overall Outcomes of the applicable codes in the Caboolture West Local Plan Code.

### 3.13.2.4.3 Land use strategies

- a. *Further investigation and planning of Caboolture West through the preparation of neighbourhood development plans is required to coordinate and integrate land use and infrastructure in the context of the outcomes Council is seeking to achieve in the Caboolture planning area generally and the Caboolture West local plan specifically*
- b. *Applications for development in Caboolture West will not be supported until there is an approved neighbourhood development plan prepared in accordance with the local plan. The further investigation and planning will include the following aspects as a minimum:*
  - i. *land use structure;*
  - ii. *transport integration - public transport, active transport and road connections;*
  - iii. *retail and commercial strategy;*
  - iv. *community facilities strategy;*
  - v. *green infrastructure network;*
  - vi. *total water cycle management; and*
  - vii. *open space and recreation infrastructure.*

In response to the requirement for a Neighbourhood Development Plan (NDP), the applicant has developed a site based NDP in accordance with the requirements set out in SC6.15 Planning Scheme Policy - Neighbourhood Design (PSP). Specifically, sections 3.3 and 3.4 of the PSP set out the preparation process and planning elements to consider when preparing a neighbourhood development plan / structure plan. The applicant has specifically followed the general process outlined in Council's PSP and have addressed the following key elements as part of their application:

*ITEM 3.7 MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR CHILD CARE CENTRE, CLUB, COMMUNITY CARE CENTRE, COMMUNITY USE, DUAL OCCUPANCY, DWELLING HOUSE, DWELLING UNIT, ENVIRONMENTAL FACILITY, HOME BASED BUSINESS, MULTIPLE DWELLING, EDUCATIONAL ESTABLISHMENT, EMERG - 65820531 (Cont.)*

## Site context and environmental values

The Stockland Neighbourhood Development Plan is an integrated next generation residential community, featuring six distinct residential villages and a neighbourhood hub based on a series of walkable neighbourhoods, leveraging a significant open space system that is consistent with the next generation sub-precinct and green network precinct envisaged in the Local Area Plan under which the application was lodged.

The application proposes an east-west sub-arterial road which traverses the Caboolture River and establishes a central gateway into the development site. This in turn creates a spine providing a focus for activation, interaction and community/public uses complimenting the proposed neighbourhood hub and residential precincts. It should also be noted that this connection and alignment is consistent with the road layout identified on the approved NDP1 plan.

The existing Powerlink overhead easement is included within the Green Network Precinct and will provide opportunities to connect the south-eastern and north-western reserve and recreational areas for the later stages of the development.

## Proposed land uses

The applicant's proposed NDP identifies the following land use zones / precincts:

- Next generation sub-precinct which will allow for a mix of residential dwellings, tenure and densities providing housing and lot choice and affordability for different lifestyle choices and life stages to meet diverse community needs. Neighbourhoods will have a safe and convenient movement network consisting of interconnected streets and active transport linkages that provide high levels of accessibility between residences, centres, open space areas and places of activity. The next generation sub-precinct will achieve a net residential density between 11 - 30 lots per hectare to maintain a diverse low - medium density neighbourhood character, consistent with the requirements of the MBRC Planning Scheme. The application has only sought to apply for uses that are currently consistent with the Next Generation Sub-Precinct.

The following development parameters are proposed by the applicant:

- 2,050 dwellings, comprising detached, semi-detached and attached residential typologies.
- Neighbourhood Hub consisting of a maximum area of 2,000m<sup>2</sup> GFA of small-scale local, retail and commercial operations.
- Possible Retirement Village and/or Relocatable Home Park (LandLease Community) which would form part of the total dwellings listed above.
- Green Network Precinct will provide for the protection and management of land having significant recreation and environmental values within the proposed NDP area. The Green network seeks to consolidate and rehabilitate fragmented land and create a strong and connected network of quality environmental landscape areas having significant recreation, conservation, biodiversity and habitat values. Importantly, the proposed green network precinct seeks to preserve the major Caboolture River open space corridor and connecting Small Creek, and Powerlink Corridor. The application has only sought to apply for uses that are currently consistent with the Green Network Precinct.
- The NDP proposes a centrally located neighbourhood hub situated along the proposed Sub Arterial Road which will comprise a maximum of 2,000m<sup>2</sup> GFA of small-scale local retail and commercial operations, consistent with the size and scale anticipated under Table 7.2.3.4 of the Caboolture West Local Plan Code. Importantly, the development is not seeking to create a centre that would undermine the realisation of the Local Centre Sub-Precinct that has been identified in NDP1.



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The location of the higher order (district collector and above) road network has been determined according to the following:

- a. Creating opportunities for the provision of public transport routes.
- b. Connecting with planned major routes to other parts of Caboolture West, including providing a bridge connection to the NDP1 area.
- c. Safe and efficient access from neighbourhoods to key destinations including the District sports park to the north of Precinct 1 and primary active transport network within the Green Network Precinct.
- d. Minimising the visual and noise impacts to the residential interface along the east-west internal sub-arterial road network.
- e. Utilising the existing Litherland Road reserve.
- f. Optimising the bridge crossing location in relation to impacts.

Future public transport corridors are accommodated along the internal east-west sub-arterial road, providing important connections from the NDP1 area through to future development areas to the west. The applicant has identified the following points as objectives for the future design stages of the proposed development:

- a. A road network designed to ensure efficient travel for bus services via short and direct routes primarily on higher order roads that connect current and planned residential areas to local centres, education and community facilities.
- b. 90% of all lots are within a 400 metre walkable catchment for a sub-arterial road or local collector that is capable of accommodating a possible future bus route.
- c. The site topography should be carefully considered in the development of the public transport network. In accordance with Austroads and Queensland Streets guidance for road based public transport and high occupancy vehicles, roads should not normally exceed 6-9% gradient, 12% maximum.
- d. The design, frequency and location of traffic management devices on identified bus routes are in accordance with Austroads guidance for road based public transport and high occupancy vehicles.
- e. Provision of convenient and safe pedestrian and cyclist facilities for access to proposed future public transport facilities.

Importantly, the Department of Transport and Main Roads as part of a Referral Agency Response, has conditioned the provision of a future bus route along the east-west sub-arterial road in the Precinct 1 reconfiguring a lot component of this application.

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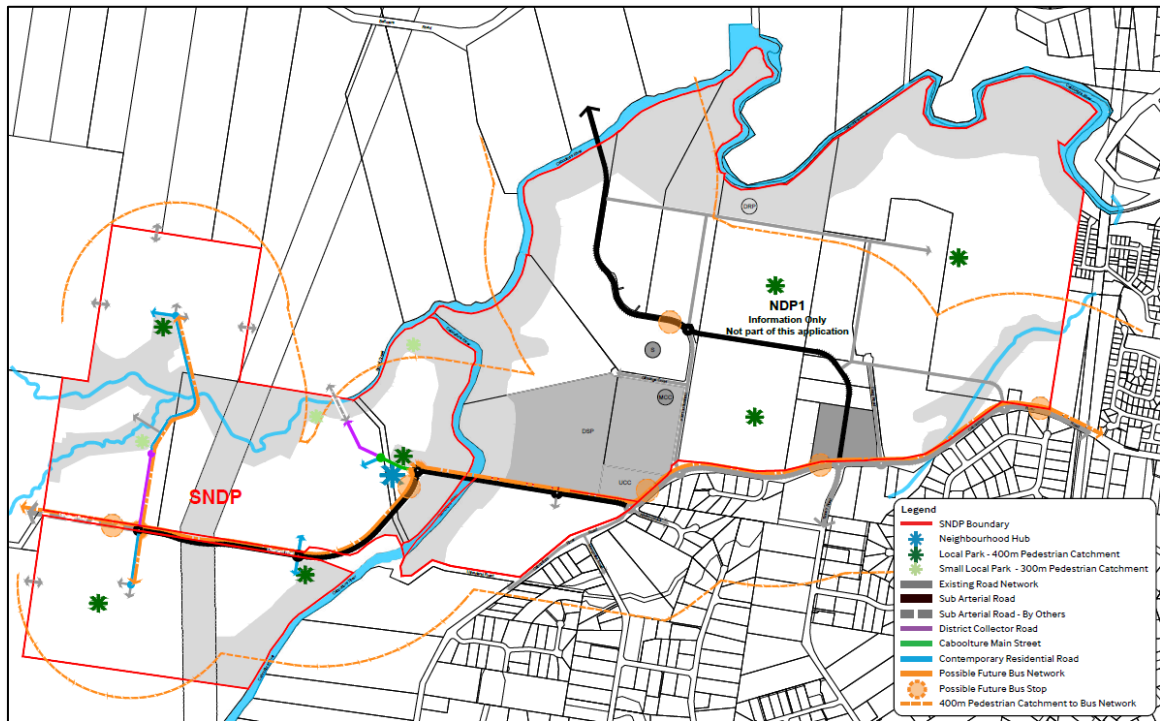


Figure 2 - Transport

Public open space and community facilities

The allocation of parks within the applicant’s proposed NDP is consistent with the provision rates currently prescribed in the Caboolture West Local Plan Code. Within the subject development site, seven local parks will be provided within an extensive Green Network. These parks are strategically located along an extensive primary active transport network linking several neighbourhoods internal and external to the proposed NDP.

The network of local parks comprises 4 Local Parks at a minimum of 5,000m<sup>2</sup> in area and 3 small local parks at a minimum 3,000m<sup>2</sup> in area. The proposed Local Parks form a network to ensure residents are at a minimum within 3-5 minutes walk (300-400m) of recreational open space. Further, they support the nearby District Sports Park and are located on land that considers Council’s anticipated design requirements.

An active recreation network in the form of a combined cycle / pedestrian path is included along the Green Network Precinct. A connected pedestrian and cycle network will connect all open space areas and when combined with the existing electrical easement, the development will deliver over 52 hectares of combined active and passive open space. This follows the course of the Caboolture River and Small Creek with river crossings proposed at key nodes to connect the site back into NDP1. It is highly connected and permeable and supports bicycle and pedestrian networks.

An integrated transport network and framework is proposed to ensure the NDP delivers sustainable and active transport objectives, incorporating:

- a. A hierarchy being established between primary pedestrian movement paths, which will constitute a broader network of connections throughout the green network and along the higher order roads, and secondary pedestrian movement paths, as well as contributing to a broader network of connections throughout the streetscape. Street design will seek to implement the current



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outcomes of the Planning Scheme and establish a strong pedestrian focus in relation to shade, signage and lighting.

- b. A core two-way separated bike path has been identified along the full length of the east-west sub-arterial road network connecting the proposed neighbourhood hub, Caboolture River open space and future district sports park. Further, the proposed cycle network identifies streets where consideration needs to be given to providing priority to on street cycling supported with signage, where appropriate (e.g. district collectors / main street). On street cycling may also be more informally supported through the width of streets without formal delineation.

The proposed active transport network supports the ultimate pedestrian outcome along the full extent of Caboolture River throughout the Caboolture West Local Plan Area as required under the current Local Area Plan.

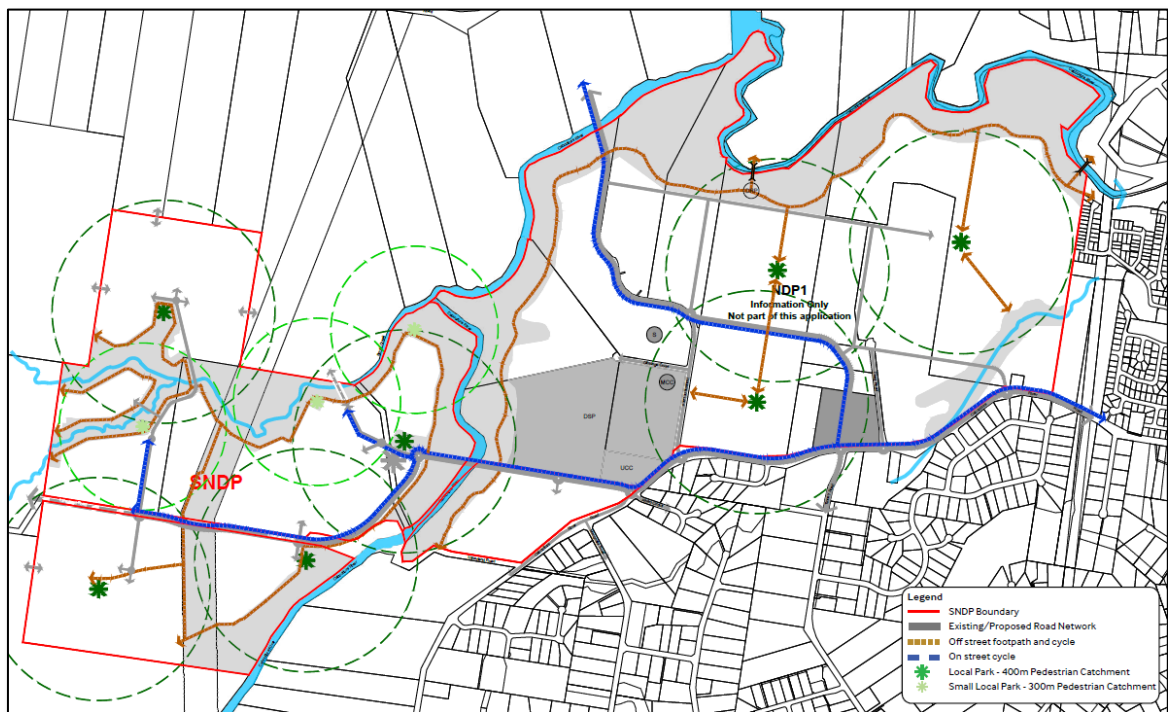


Figure 3 - Public Open Space and Community Facilities

Public utilities and other infrastructure.

The approval of the proposed NDP will result in scale and certainty to resolve key trunk infrastructure delivery within the Caboolture West growth area. Importantly, the proposed NDP when combined with the NDP1 area, provides an opportunity to realise a more cost-efficient servicing solution for both Council and Unitywater.

Roads and Bridge

- a. Critical bridge infrastructure across the Caboolture River, connecting the proposed NDP to the eastern NDP1 area.
- b. Critical bridge infrastructure and sub-arterial road network through the site, unlocking future development land to the west (subject to a viable traffic solution) and providing additional access to support the future delivery of the District Sports Park.
- c. Upgrades to Caboolture River Road to build capacity into the existing network and to make safe existing intersections (refer to item 2.4 below).

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#### Sewer and Water

- a. Provision of a sewer pump station (SPS) supplementing the NDP1 network.
- b. Consideration of NDP2 catchments outside the Stockland Neighbourhood Development Plan.
- c. Resolution of current NDP1 infrastructure modelling to ensure cost effective development of NDP1 and the Stockland Neighbourhood Development Plan.
- d. Infrastructure efficiently designed and co-located in conjunction with the bridge across the Caboolture River, which will minimise additional clearing of mapped endangered vegetation.
- e. Predominantly located in cleared/disturbed areas of the Green Network Precinct.
- f. SPS located away from Residential areas.

#### Stormwater

- a. The stormwater management strategy is based on end of line bioretention basins located along waterway corridor zones to avoid numerous small treatments. Locations have been chosen to avoid mapped vegetation areas and target flatter zones above the waterway, where possible.

#### 2.4 Caboolture West Emerging Community (TLPI No. 2 of 2022)

On 28 September 2021, the Planning Minister made Temporary Local Planning Instrument No. 1 of 2021 - Caboolture West Emerging Community (TLPI 01/2021) for the Moreton Bay Regional Council local government area.

TLPI 01/2021 suspended relevant parts of the MBRC Planning Scheme and came into effect on 28 September 2021, for a period of 12 months.

The purpose of the TLPI 01/2021 was to:

1. *Support a future planning framework over that part of the Caboolture West Emerging Community Area. The future planning framework will include approved detailed land use and infrastructure planning outlining how residential growth, infrastructure, services, transport networks, parks, centres, housing diversity, schools and environmental corridors should be delivered in an orderly and integrated manner. The framework will also have regard to the planning currently being undertaken for the adjoining Neighbourhood Development Plan No1. Area.*
2. *Protect State interests from adverse impacts arising from development in the Caboolture West Emerging Community Area until such time as detailed land use and infrastructure planning has been undertaken and approved.*

On 29 September 2022, the Planning Minister made Temporary Local Planning Instrument No. 2 of 2022 - Caboolture West Emerging Community (TLPI 02/2022) for the Moreton Bay Regional Council local government area. TLPI 02/2022 sought to re-make TLPI 01/2021 and came into effect on 29 September 2022, for a period of six (6) months, unless repealed sooner.

The Growth Areas Team has taken the lead on Caboolture West planning for the Queensland Government to *help accelerate the delivery of well-planned and serviced residential land in an area of high demand*. The draft Caboolture West Interim Structure Plan (CWISP) was announced as the next stage of planning for approximately half of Caboolture West, and is intended to *guide a range of development applications already being assessed by Moreton Bay Regional Council to help ensure the future community is provided with essential infrastructure and services*.

The draft CWISP, and Regulation Amendment was released for public consultation between 27 July 2022 to 26 August 2022 and commenced on 14 March 2023. The now in effect CWISP is outlined in Figure 2 below.



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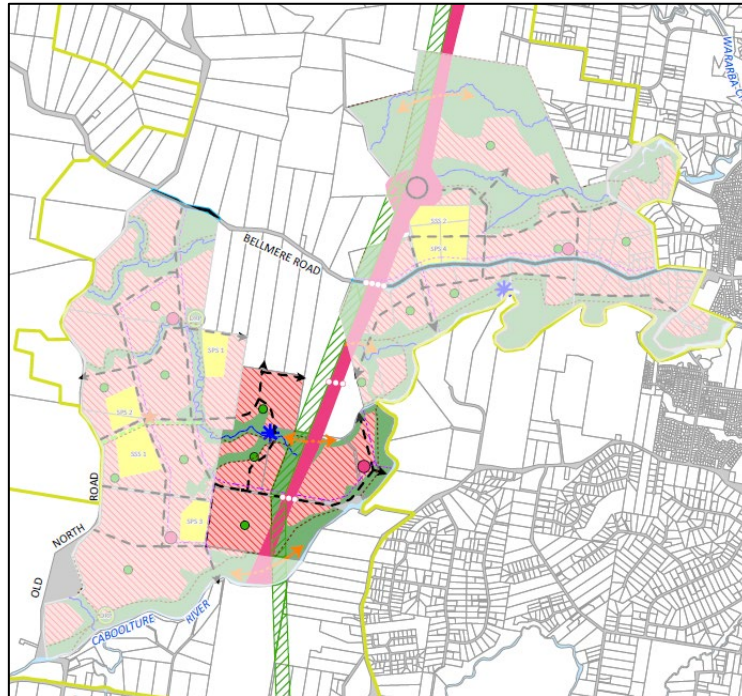


Figure 4: Caboolture West Interim Structure Plan

In the context of the subject application, and having regard to the CWISP, the following comments and observations are relevant:

1. The land uses as proposed in the draft CWISP are consistent with those being proposed under this application.
2. The application seeks to vary the effect of the Dwelling House Code to maintain the version of the Planning Scheme under which the application was lodged. This is a departure from section 2.4 to 2.6 of the CWISP, which seeks to introduce dwelling house provisions aligned to MBRC Planning Scheme Amendment Version 5 - *Caboolture West Local Plan Neighbourhood Development Plan Area No. 1 and Planning Scheme Policy (PSP) - Caboolture West Local Plan - Neighbourhood Development Plan No. 1*, which commenced on 26 October 2021.
3. The extent of both the Next Generation Sub-Precinct and Green Network Precinct are generally consistent with the boundaries of the Urban Living Precinct and Green Network Precinct proposed under the CWISP.
4. For development proposed in the 'growth area' under the draft CWISP, the draft Amendment Regulation refers to the Caboolture West Local Area Plan in the MBRC Planning Scheme as the applicable assessment benchmark. This is consistent with what is proposed under this application.
5. Whilst it does present a land use solution for the proposed 'growth area', the draft CWISP does not provide a *future planning framework that includes approved detailed infrastructure planning*. Rather, it has protected *State interests from adverse impacts arising from development in the Caboolture West Emerging Community Area*, and to a large extent, has left the local network planning to be resolved through detailed assessment of live development applications within the 'growth area'. Importantly, the subject application has included detailed assessments of Council's infrastructure networks which is reflected through the proposed NDP and obligations outlined in the proposed Infrastructure Agreement (refer item 2.5 below).

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## 2.5 Infrastructure Agreement

A recommendation of this report is that Council executes the proposed *Stockland Development Pty Limited Infrastructure Agreement 2022*. This Infrastructure Agreement is premised upon the following key terms:

- a) the Proponent is to provide the Infrastructure Contributions;
- b) the Infrastructure Contributions are based on the Development Parameters;
- c) if the Development Parameters change, the Council is able to require the Proponent to deliver new or additional Infrastructure Contributions;
- d) the Proponent will not be entitled to an Infrastructure Refund;
- e) the Proponent will not be able to make a conversion of any Infrastructure Contribution not subject to an Infrastructure Offset; and
- f) the Proponent will not be able to file an appeal in the Court against the conditions of the Approval of the Prescribed Application.

The development application proposes the delivery of a number of infrastructure items and upgrades to not only support the development, but also broader outcomes benefiting the wider community. It is recommended that the delivery of these infrastructure items be secured through an Infrastructure Agreement to provide certainty to the applicant and Council in terms of their delivery. The infrastructure items and upgrades are significant and include:

1. Upgrade of Caboolture River Road from Walkers Road to Grant Road to a 4-lane median divided arterial road.
2. Upgrade of the Caboolture River Road / Cresthaven Drive intersection to a three-way signalised intersection.
3. Upgrade of the Caboolture River Road / Beacon Street intersection to a left in / left out priority-controlled intersection.
4. Upgrade of the Caboolture River Road / Maple Drive intersection to a priority-controlled intersection.
5. Upgrade of the following intersections for interim safety and efficiency works:
  - a. Caboolture River Road / Virginia Road
  - b. Caboolture River Road / Forest Park Place
  - c. Caboolture River Road / MacGinley Road
6. Decommissioning of the Caboolture River Road / Litherland Road intersection.
7. Upgrade of the Caboolture River Road / Albert Circuit / new sub-arterial road intersection to a hybrid two (2) lane roundabout.
8. Provision of appropriate land dedication along Caboolture River Road, where development has a direct frontage, sufficient to facilitate the ultimate alignment and construction of Caboolture River Road, including its duplication.
9. The provision of seven (7) local recreation parks (land and embellishments) and district linear open space, totalling 11.3 hectares.
10. A financial contribution in the amount of \$3,316.14 per lot towards a future district sports park and \$2,276.24 per lot towards a future regional sports park, for every lot created after the 1,162<sup>nd</sup> lot. The first 1,162 lots are exempt from the payment of any financial contributions. This concession represents a value of \$6.5 million and is required to assist the applicant in funding the cost of relocating historic, non-standard, service alignments along Caboolture River Road.
11. Delivery of approximately 41.4 hectares of a fully rehabilitated green network precinct.
12. Provision of all internal stormwater infrastructure necessitated by the development.

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## 2.6 Referrals

### 2.6.1 Referral Agencies

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

Council was advised on 8 April 2022 SARA has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice

#### **2.6.1.2 Advice Agencies**

Council was advised on 29 November 2022 that Powerlink has no objection to the proposal.

Detailed commentary on referral agencies responses is outlined in section 3.6.2 of Development Assessment Report (**Attachment A**)

## 2.7 Public Consultation

The application is subject to impact assessment and was publicly advertised with one (1) submission received. The matters raised in the submission included:

1. Increase in crimes rates;
2. Loss of cultural values and aesthetics;
3. Decrease in property values;
4. Health and safety considerations (COVID-19 and cigarette smoke); and
5. Traffic and congestion at MacGinley Road.

A detailed assessment of the submission (**Attachment 4**) has been undertaken as outlined in section 3.7 of Development Assessment Report (**Attachment A**)

## 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 linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

#### **Our Well-planned Places:**

01 We have a clear urban growth boundary that protects our unique landscapes and environmental values.

02 We have a preferred sequence of growth that supports complete, sustainable and connected communities.

03 Our communities have access to safe, affordable and diverse living choices.

04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

### 3.3 Policy Implications

The proposal is generally 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

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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.

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region.

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 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 Section 2.7 above and **Attachment A** section 3.7.

## **ATTENDANCE**

Cr Matt Constance retired from the meeting at 2:10 PM following consideration of Item 3.7.

Dan Staley and Greg Potter left the meeting at this time.

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**4 WELL-CONNECTED PLACES SESSION**

(Cr A Hain / Cr M Gillam)

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No items for consideration.

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**5 PROGRESSIVE ECONOMY SESSION**

(Cr K Winchester / Cr T Latter)

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No items for consideration.

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**6 ENGAGED COUNCIL SESSION**

**(Cr M Constance / Cr D Grimwade)**

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**ITEM 6.1**

**OUR MORETON BAY - SUITE OF LONG-TERM STRATEGIES**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 66935314 : 14 June 2023 - Refer Supporting Information 66669122, 66669166, 64845926, 66669260, 66903389, 66964010  
*Responsible Officer:* MP, Governance Manager (FCS Governance & Executive Services)

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**Executive Summary**

The purpose of this report is to present the following long-term strategies and their supporting action plans for Council's endorsement:

- Community Wellbeing Strategy;
- Environment and Sustainability Strategy;
- Growth Management Strategy;
- Integrated Transport Strategy;
- Organisational Excellence Strategy.

This suite of long-term strategies forms an important part of Council's Integrated Planning and Performance Framework designed to deliver our vision, goals and outcomes for our communities.

Community and stakeholder feedback was sought on the draft strategies between 15 February and 19 March 2023. This feedback has been considered and where appropriate incorporated into the final strategies. The Engagement Summary Report - Our Moreton Round 2, Phase 2 is also presented to Council for endorsement prior to its publication on Council's website.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as it supports the delivery of the objectives of our Corporate Plan 2022-2027.

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**RESOLUTION**

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**Moved by Cr Mark Booth**

**Seconded by Cr Cath Tonks**

**CARRIED 10/0**

*Cr Matt Constance had retired from the meeting and was not present when the vote was taken*

1. **That the following strategies and supporting action plans (as contained in Supporting Information #1 to #5 inclusive) be adopted, to commence on 1 July 2023:**
  - a) **Community Wellbeing Strategy;**
  - b) **Environment and Sustainability Strategy;**
  - c) **Growth Management Strategy;**
  - d) **Integrated Transport Strategy; and**
  - e) **Organisational Excellence Strategy.**
2. **That the Engagement Summary Report - Our Moreton Round 2, Phase 2 (as contained in Supporting Information #6) be endorsed and published on Council's website.**
3. **That the Chief Executive Officer be authorised to make administrative changes to the strategies as and when required.**

*ITEM 6.1 OUR MORETON BAY - SUITE OF LONG-TERM STRATEGIES - 66935314 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the following strategies and supporting action plans (as contained in Supporting Information #1 to #5 inclusive) be adopted, to commence on 1 July 2023:
  - a) Community Wellbeing Strategy;
  - b) Environment and Sustainability Strategy;
  - c) Growth Management Strategy;
  - d) Integrated Transport Strategy; and
  - e) Organisational Excellence Strategy.
2. That the Engagement Summary Report - Our Moreton Round 2, Phase 2 (as contained in Supporting Information #6) be endorsed and published on Council's website.
3. That the Chief Executive Officer be authorised to make administrative changes to the strategies as and when required.

## **REPORT DETAIL**

### **1. Background**

On 17 June 2022, Council adopted its new Corporate Plan 2022-2027 (the Corporate Plan). The Corporate Plan sets out a refreshed long-term vision, 'Our Moreton Bay. Amazing places. Natural spaces.' and a five-year roadmap built around five strategic pillars:

1. Our Vibrant Communities
2. Our Healthy Environments
3. Our Well-Planned Places
4. Our Progressive Economy
5. Our Engaged Council.

Each pillar is supported by a goal and outcomes, and identifies the key strategies and plans, key initiatives and service areas that will help deliver our goals and outcomes over the next five years and beyond.

The strategies contained in Supporting Information #1 - #5, in addition to the already adopted Regional Economic Development Strategy, is the next major milestone of the program. These strategies are aligned to each Corporate Plan strategic pillar and outline Council's long-term strategic priorities to guide policy and planning over the next 20 years.

Councillors have been engaged in the development of these strategies through a series of Council Briefings and Workshops over the last two years.

At its General Meeting of 15 February 2023 (Page 23/287), Council endorsed the suite of draft strategies and supporting action plans be published on Council's Your Say, Moreton Bay website for the purpose of seeking feedback from our communities and key stakeholders. This feedback has now been reviewed and incorporated into the final draft strategies.

A Briefing with Councillors was then conducted on 24 May 2023 for the purpose of reviewing the final draft strategies. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

***CEO noted the way forward:***

*Councillors noted community and stakeholder feedback.*

ITEM 6.1 OUR MORETON BAY - SUITE OF LONG-TERM STRATEGIES - 66935314 (Cont.)

## 2. Explanation of Item

### Suite of long-term strategies

Council has drafted five long-term strategies to support the achievement of our vision, goals and outcomes as outlined in our Corporate Plan 2022-2027.

These strategies will play a central role in delivering long-term transformational change as our region grows and evolves; and together will enable an integrated and balanced approach to planning, ensuring our natural environments are protected and our communities have the services and infrastructure they need.

The strategies outline Council's long-term strategic direction articulated through guiding principles, strategic priorities, policy directions, performance measures and targets. Each of the strategies is supported by an initial action plan(s) which outlines the priority actions Council will deliver over the medium-term (3-5 years) to help achieve the strategy.

Once adopted, these strategies will inform the organisation's current and future corporate and operational plans, budgets and service delivery activities. They will also provide the foundation for advocacy to the State Government and other agencies.

Collaboration will be at the core of our strategy implementation. Our communities and other stakeholders such as Traditional Custodians, government agencies, industry sectors, businesses, community organisations and landholders will play an important supporting role in the delivery of our strategies.

Council will ensure regular monitoring and reporting on our progress towards achieving these strategies primarily through its annual report as well as other stakeholder communication mechanisms.

### Communication and engagement outcomes

These strategies have evolved through extensive consultation with Councillors, Council team members, and importantly our communities and key stakeholders.

A total of 5,108 survey responses contributed to the development of the strategies over several engagement phases along with feedback through community pop-ins (in shopping centres and other popular public locations, focus groups, an online summit, submissions and internal engagement activities).

A final round of community and stakeholder engagement was undertaken between 15 February and 19 March 2023 to test overall support for the draft strategies. This feedback has been considered and where appropriate incorporated into the final strategies. The Communications and Engagement Summary report is attached for information and endorsement (see Supporting Information #6) prior to publication on Council's website.

## 3. Strategic Implications

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027 and supports the achievement of each of the goals and outcomes identified under Council's five strategic pillars.

3.3 Policy Implications

This suite of long-term strategies forms part of Council's Integrated Planning and Performance Framework and provides guidance for future Council plans and policies that will support the delivery of the priorities and directions outlined in the strategies.



*ITEM 6.1 OUR MORETON BAY - SUITE OF LONG-TERM STRATEGIES - 66935314 (Cont.)*

3.4 Risk Management Implications

This suite of long-term strategies will be delivered in line with Council's Enterprise Risk Management Framework. The Framework follows the principles set out in the Australian Standard AS/NZS ISO 31000:2018 Risk Management – principles and guidelines. Council's risk registers will be updated to ensure that risks are documented, mitigated and managed in a way that supports the achievement of the goals and outcomes in each of the long-term strategies.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

This suite of long-term strategies set the strategic direction for Council over the next 10-20 years and will inform the current and future corporate plan, operational plans and budgets, including the Operational Plan and Budget for 2023-24.

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 suite of long-term strategies was developed in consultation with:

- Communities and key stakeholders
- Councillors
- Executive Leadership Team
- Council team members.

## ITEM 6.2 STRATEGIC CONTRACTING PROCEDURES

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67019211 : 27 April 2023  
*Responsible Officer:* TS, Manager (FCS Procurement)

### Executive Summary

All local governments in Queensland must comply with Chapter 6 of the *Local Government Regulation 2012* (Regulation) when making a contract for the supply of goods and services and the disposal of a non-current asset. There are two different contracting procedures by which a local government can undertake procurement functions, the Default Contracting Procedures (DCP) and the Strategic Contracting Procedures (SCP).

Council currently undertakes its procurement and contracting pursuant to the DCP.

Unless a local government by resolution has decided to apply the SCP for all its procurement and contracting procedures, the DCP will apply. The DCP are quite rigid in their operation, and apply to all local governments in Queensland, regardless of their scale and budget. The very nature of the DCP can restrict otherwise sound and innovative procurement practices.

The SCP would allow Council to design and implement its own framework for contracting that is appropriately aligned to the scale, spend profile and complexity of Council to achieve best value for Council and our communities, whilst also creating sensible standard operating procedures tailored to effectively manage risk and efficiently use Council resources.

The purpose of this report is for Council to consider the costs and benefits of complying with the SCP and it is recommended that Council decides to apply Part 2, Chapter 6 of the Regulation to its contracts.

This matter is brought to the attention of Council under the **Engaged Council** portfolio as sound procurement practices contribute to the financial sustainability of Council.

### RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Mark Booth

CARRIED 10/0

*Cr Matt Constance had retired from the meeting and was not present when the vote was taken*

1. That Council after:
  - a) consideration of the costs and benefits of complying with Part 2 of Chapter 6 of the *Local Government Regulation 2012*; and
  - b) provision of the public notice of this proposed resolution which occurred on Wednesday 17 May 2023;

pursuant to section 218(1) of the *Local Government Regulation 2012*, decides to apply Part 2, Chapter 6 Strategic Contracting Procedures of the Regulation to its contracts from 1 February 2024.
2. That a future report to Council be prepared for the adoption of a Contract Manual and Contracting Plan, prior to the date on which the Strategic Contracting Procedures are to apply, being 1 February 2024.

*ITEM 6.2 STRATEGIC CONTRACTING PROCEDURES - 67019211 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council after:
  - a) consideration of the costs and benefits of complying with Part 2 of Chapter 6 of the *Local Government Regulation 2012*; and
  - b) provision of the public notice of this proposed resolution which occurred on Wednesday 17 May 2023;

pursuant to section 218(1) of the *Local Government Regulation 2012* decides to apply Part 2, Chapter 6 Strategic Contracting Procedures of the Regulation to its contracts from 1 February 2024.
2. That a future report to Council be prepared for the adoption of a Contract Manual and Contracting Plan, prior to the date on which the Strategic Contracting Procedures are to apply, being 1 February 2024.

## **REPORT DETAIL**

### **1. Background**

The *Local Government Act 2009* (Act) and the Regulation outline the frameworks through which local governments may conduct their procurement of goods and services, and the disposal of non-current assets.

Regardless of the framework employed by a local government, it must conduct that procurement within the confines of the principles set out in the Act. Relevantly, the Act requires:

- any local government activity to be undertaken in a manner consistent with the Local Government Principles; and
- regard to be had to the sound contracting principles when contracting for the supply of goods or services and the disposal of assets.

The Regulation sets out further obligations on Council regarding its procurement and contracting.

Firstly, section 198 of the Regulation requires that:

1. a local government must prepare and adopt a policy about procurement (a procurement policy).
2. the procurement policy must include details of the principles, including the sound contracting principles, that the local government will apply in the financial year for purchasing goods and services.
3. a local government must review its procurement policy annually.

Secondly, Chapter 6 of the Regulation provides two frameworks through which Council may conduct the procurement of goods and services and the disposal of non-current assets. The two frameworks are the DCP and the SCP

Council is bound to use the DCP unless it resolves to apply SCP. Council has to date, relied upon the DCP for its procurement and contracting activities. The DCP are quite restrictive and can, on occasion, fetter more appropriate procurement practices and inhibit innovation.

The DCP are prescriptive in their application. A strict set of rules applies to the procurement activity:

- where the value of the procurement is expected to exceed certain thresholds;
- regardless of the complexity of the procurement activity being undertaken;
- irrespective of the strategy being employed by Council for the procurement; or
- regardless of the risk profile of Council for the particular solution being procured.

*ITEM 6.2 STRATEGIC CONTRACTING PROCEDURES - 67019211 (Cont.)*

Council has to date, used the DCP but has exhausted the benefit it can obtain from this type of procurement structure especially as a strategic approach is available which can support Council's procurement vision to be more agile, foster innovation and achieve better results for Council.

Officers conducted an extensive review of Council's procurement, the outcome of which was a recommendation for the adoption of a revised operating model and the SCP. The SCP will enable Council to ensure its contracting and procurement activities are aligned to the scale and complexity of the organisation, Council's spend profile and the nature of its procurement and contracting activities.

The SCP allows Council to, under certain conditions, adopt, develop and implement its own procurement and contracting framework that takes a strategic approach to contracting. This approach allows Council to identify and capitalise on opportunities, while managing the adverse risks associated with contracting.

Several similarly sized local governments in South East Queensland have transitioned to or are in the process of implementing a strategic framework including the City of Gold Coast, Brisbane City Council, Sunshine Coast Council, Logan City Council and Redland City Council.

To adopt the SCP, Council must:

1. Give public notice of the proposed resolution to adopt the SCP and details of the meeting where the matter will be considered;
2. Decide by resolution to apply the SCP and identify when it will be applied from (per the recommendations of this report);
3. Consider the costs and benefits of complying with the SCP;
4. Make and adopt a Contracting Plan;
5. Make and adopt a Contract Manual; and
6. Continue to comply with the DCP until the date on which the SCP will apply.

If Council makes and adopts the resolutions recommended in this report, the Contracting Plan and Contract Manual will be further developed over the coming months and finalised in time for the commencement of the SCP on 1 February 2024.

A Councillors' briefing was conducted on 8 February 2023 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:

***CEO noted the way forward:***

*A report to be brought to a Council Meeting in June for endorsement to adopt Council moving to Strategic Contracting Procedures in July 2023.*

## **2. Explanation of Item**

In accordance with section 218 of the Regulation, before making a resolution to apply the SCP, Council must consider the costs and benefits of adopting the SCP. Below is an analysis of the known costs of implementing the SCP together with the benefits of adopting the SCP.

### Costs

The following costs have been identified in transitioning to the SCP:

Consultancies – Procurement subject matter experts to support the development and implementation of the strategic contracting procedures is estimated at \$100,000 +GST. This is a one-off cost associated with the establishment of the initial processes and the development of the Strategic Contracting Manual.

Supplier Engagement and Information Briefings – Council will host information sessions for businesses wanting to supply goods or services to Council.

*ITEM 6.2 STRATEGIC CONTRACTING PROCEDURES - 67019211 (Cont.)*

Benefits

Council has a substantial annual spend on goods and services, so even minor efficiencies in procuring goods and services can have a significant financial benefit. The cost of implementing SCP is likely to be noticeably less than maintaining the status quo because Council can:

- reduce contracting expenditure by streamlining its procurement practices and reducing the number of open market tenders Council is required to conduct;
- reduce internal costs by alleviating the bureaucratic aspects of the DCP whilst maintaining control and risk mitigation; and
- improve delivery timeframes reducing loss of opportunity cost and costs associated with delays to Council's programs, without sacrificing the benefits of competition which drives value for money.

Spend thresholds

Implementing the SCP enables the autonomy to target these types of activities rather than follow the prescriptive methods mandated for arbitrary value thresholds prescribed in the Regulation. Further, the SCP enables Council to develop market engagement methods that suit the value, risk and supply market of the procurement activity rather than conducting a rigid and regulated public tender process for all procurements of a value greater than \$200,000 ex GST.

Non-cost benefits and outcomes

Implementation of the SCP will allow Council to be more agile and innovative in its procurement strategies, utilise more appropriate procurement processes and create better relationships between Council and the market. This can be expected to lead to benefits such as:

- improved service delivery (internal and external stakeholders);
- procurement fit for Council's requirements;
- better value for money;
- innovative solutions;
- improved engagement with local suppliers, social enterprises and indigenous suppliers; and
- improved engagement with the market generally.

Given that the cost to Council of implementing the SCP is likely to be less than the cost of continued compliance with the DCP and given the breadth of the benefits of implementing the SCP set out in this report, it is apparent that the benefits outweigh the costs. This is also demonstrated by the number of local governments already operating under the SCP.

### **3. Strategic Implications**

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

The Act and the Regulation outline the frameworks through which local governments may conduct the procurement of goods and services, and the disposal of non-current assets.

Section 218 of the Regulation gives Council the power to adopt a SCP.

If Council resolves to apply Part 2, Chapter 6 of the Regulation to its contracts, Council must then prepare and adopt a contract manual, contracting plan and any significant contracting plans for the financial year before the date stated in the resolution. From that date onward the contract manual and contracting plan will apply.

#### **3.2 Corporate Plan linkage**

This matter is a key initiative in Council's Corporate Plan 2022-2027, and in particular relates to: Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets

#### **3.3 Policy Implications**

In moving to the SCP, Council will also need to update its Procurement Policy in accordance with section 198 of the Regulation in due course.

ITEM 6.2 STRATEGIC CONTRACTING PROCEDURES - 67019211 (Cont.)

3.4 Risk Management Implications

The key risk factors have been identified below.

The risks associated with persisting with the DCP are that:

- the DCP are bureaucratic, inflexible and do not support the organisation's needs or spend profile;
- there is limited application of strategic procurement strategies under the DCP (because of the rigid framework), resulting in significant value erosion across Council sourcing activities;
- a lack of sophisticated contracts results in limits on leveraging firm demand, reducing potential value capturing opportunities;
- over reliance on unsophisticated panels reduces demand driven pricing and creates a culture where long term planning is not occurring consistently across Council, which is further impacted by a lengthy panel procurement process that adds limited value; and
- the framework and processes are inhibitors of innovation and do not allow for alternate solutions and ideas to be tested and trialled, stifling Council's drive to innovate.

The risks associated with transitioning to the SCP are that:

- the Contract Manual and Contracting Plan do not adequately achieve Council's procurement visions and goals;
- Council staff are resistant to change regarding long standing procurement practices; and
- the Contract Manual and Contracting Plan are not adopted prior to 1 February 2024.

The risks associated with persisting with the DCP have been managed by Council as best they can be but are unable to be entirely mitigated under the rigid structures of the DCP.

The risks associated with transitioning to the SCP are managed through the inherent risk management procedures inbuilt into the SCP, including that the Contracting Plan must align with Council's 5-year Corporate Plan and that the Contracting Plan must be adopted each year when Council adopts the annual budget, allowing for annual review of the SCP in light of Council's budget.

It is considered that, on balance, the risks of persisting with the DCP outweigh the risks of transitioning to the SCP.

3.5 Delegated Authority Implications

Section 218 of the Regulation requires a Council resolution to apply Part 2, Chapter 6 Strategic Contracting Procedures of the Regulation to its contracts.

3.6 Financial Implications

This report has identified the high-level costs and benefits for Council consideration in deciding to apply the SCP.

A strategic approach to procurement across Council's significant procurement activity and spend, allowing contracts to be formed through a framework developed and tailored to capitalise on opportunities and deliver best value for Council, will lead to better contracting outcomes.

The costs associated with the move to SCP will be covered from within the 2023/24 operating budget.

3.7 Economic Benefit Implications

Deciding to apply the SCP will provide a significant opportunity and benefits for Council to take a strategic approach to its contracting that ultimately provide better value to the Moreton Bay communities and local businesses.

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

*ITEM 6.2 STRATEGIC CONTRACTING PROCEDURES - 67019211 (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

- Council's Executive Leadership Team
- Legal Services
- Relevant Council Departments
- Public notice - It is a requirement of the Regulation that a public notice of the proposed resolution be published on Council's website at least four weeks before the date of the meeting that the resolution is considered. An appropriate notice was published on Council's website on Wednesday 17 May 2023.

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**ITEM 6.3  
COMMENCEMENT OF PROSECUTION - MBRC LOCAL LAW NO 2 (ANIMAL  
MANAGEMENT) 2011**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 66969010 : 31 May 2023  
*Responsible Officer:* JD, Brief Management and Prosecutions Coordinator (CES Customer Response)

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**Executive Summary**

Council's approval is sought for the commencement of a prosecution in the Magistrates Court comprising eight (8) charges for alleged offences that have occurred in the last 11 months contrary to Moreton Bay Regional Council's *Local Law No. 2 (Animal Management) 2011* and *Local Law No. 1 (Administration) 2011*.

Moreton Bay Regional Council's *Local Law No. 2 (Animal Management) 2011* is designed to regulate and manage the keeping and control of animals in the local government's area in a way that protects the community against risks to health and safety and protects the amenity of the local community and environment, amongst other purposes. It includes penalty provisions if the owner or responsible person for an animal fails to ensure that the animal is under effective control; and if the owner or responsible person fails to maintain a proper enclosure to prevent the animal escaping from the person's land.

*Local Law No. 1 (Administration) 2011* creates the power to issue compliance notices, and the offence of failing to comply with a compliance notice.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the enforcement of statutory offences, including the commencement of prosecutions, is a function required to support community safety and amenity.

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**RESOLUTION**

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**Moved by Cr Mark Booth**

**Seconded by Cr Cath Tonks**

**CARRIED 10/0**

*Cr Matt Constance had retired from the meeting and was not present when the vote was taken*

1. **That Council authorise the Chief Executive Officer to take steps to commence, conduct and resolve one prosecution in the Magistrates Court for the matters described in this report, for what Council officers allege to be offences under the *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011* and *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*.**
2. **That the prosecution described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.**



ITEM 6.3 - 66969010 (Cont.)

## OFFICER'S RECOMMENDATION

1. That Council authorise the Chief Executive Officer to take steps to commence, conduct and resolve one prosecution in the Magistrates Court for the matters described in this report, for what Council officers allege to be offences under the *Moreton Bay Regional Council Local Law No. 2 (Animal Management) 2011* and *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*.
2. That the prosecution described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

## **REPORT DETAIL**

### **1. Background**

Council is the author and regulator of activities contrary to Moreton Bay Regional Council's *Local Law No. 2 (Animal Management) 2011* and *Local Law No. 1 (Administration) 2011*.

Local Law 2 is designed to regulate and manage the keeping and control of animals in the local government's area in a way that protects the community against risks to health and safety and protects the amenity of the local community and environment, amongst other purposes.

Local Law 2 includes the ability to prescribe the minimum standards for keeping animals and prosecute for failing to comply with the minimum standards. Local Law 2 additionally includes penalty provisions if the owner or responsible person for an animal fails to ensure that the animal is under effective control; and if the owner or responsible person fails to maintain a proper enclosure to prevent the animal escaping from the person's land.

Penalty provisions for the above offences attract maximum penalties of 20 penalty units (\$2,875) each offence. Penalty provisions for failing to comply with a compliance notice attracts a maximum penalty of \$7,187.50.

*Local Law No. 1 (Administration) 2011* creates the power to issue compliance notices, and the offence of failing to comply with a compliance notice.

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

Over the last 11 months, complaints about cows and horses wandering onto public roads and neighbouring properties from an unfenced property have been reported to Council and investigated. Council has engaged with the property owner over a lengthy period on compliance and infringement matters to achieve voluntary compliance. To date, the offences continue unabated, creating a significant risk of injury to any person driving on the public road, which Council has a duty to mitigate.

Eight (8) infringements for: animals wandering at large; and failing to provide an appropriate enclosure have been issued and two compliance notices requiring adequate fencing to be built have been served. All remain unpaid and unactioned.

Section 52 of the *Justices Act 1886* mandates that a prosecution for an offence must be made within 12 months from the time when the matter of complaint arose.

Due to the combination of the recalcitrant behaviour of the property owner; the lengthy period of non-compliance and the significant risk of injury to drivers on the public road, Council officers recommend prosecution of the property owner as the next necessary step in enforcement and compliance.

Evidence including body worn camera footage, witness statements from neighbours, Ranger investigations and detailed compliance notices can be tendered to the Court to support any prosecution commenced.

ITEM 6.3 - 66969010 (Cont.)

Officers propose to prosecute the property owner for multiple offences, as detailed in Table 1 below.

**Table 1 - Summary of charges**

Summary of charges - Prosecutions			Prosecution reference number
<b>Charges 1- 6</b>	29 July 2022 16 September 2022 9 February 2023 6 March 2023 11 May 2023 17 May 2023	Failure to maintain a proper enclosure - Section 13(1) of the <i>Moreton Bay Regional Council Local Law No. 2 (Animal Management)2011</i>	BP/2023/0120
<b>Charges 7- 8</b>	23 January 2023 17 May 2023	Failure to comply with a compliance notice - Section 26 of the <i>Moreton Bay Regional Council Local Law No. 1 (Administration) 2011</i>	

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Prosecutions would be commenced in the Magistrates Court against the individual who was, at the material time, the responsible person for each offence under the Local Law 2.

Section 237(2) of the *Local Government Act 2009* provides that ‘a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act’. The Chief Executive Officer falls within that definition.

There are advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

**3.2 Corporate Plan / Operational Plan**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 04 We are responsive, trusted and provide great customer experiences.

**3.3 Policy Implications**

Nil identified

**3.4 Risk Management Implications**

The matters have been reviewed and assessed in preparation for court. Council has an obligation to remediate the ongoing risk to public safety that is present by large stock animals wandering on a public road. The road is unlit, narrow and winding in places, therefore the chance of a vehicular accident caused by running into a large stock animal is high.

**3.5 Delegated Authority Implications**

This report recommends that the Chief Executive Officer be authorised to take steps to commence, conduct and resolve one prosecution in the Magistrates Court.

**3.6 Financial Implications**

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled at first instance by Council officers through to the Magistrates Court therefore no external costs will be applicable. Council seeks the awarding of court costs in instances where its matters are upheld and will seek additional penalties in this prosecution due to the wilful nature of the defendant.

*ITEM 6.3 - 66969010 (Cont.)*

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

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

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not decide which is incompatible with a person's human rights. Council must also consider any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

3.11 Consultation / Communication

- Director Community and Environmental Services
- Manager Customer Response
- Local Laws Manager
- Chief Legal Counsel

**ITEM 6.4**

**COMMENCEMENT OF PROSECUTIONS - ILLEGAL DUMPING**

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67079678 : 31 May 2023  
*Responsible Officer:* JD, Brief Management and Prosecutions Coordinator (CES Customer Response)

**Executive Summary**

Council's approval is sought for the commencement of nine (9) prosecutions in the Magistrates Court for alleged offences under the *Waste Reduction and Recycling Act 2011*.

The *Waste Reduction and Recycling Act 2011* provides that it is an offence for a person to litter at a place and separately to dump waste at a place. The distinction between littering and dumping waste is made by volume. Littering represents a volume of waste less than 200L and dumping waste is separated into two categories: namely less than 2500L and more than 2500L.

Council is the responsible agency for enforcement and regulation under the Act and as such has a responsibility to take enforcement action when breaches are identified. Due to the impact littering and dumping can have on the environment and public safety in the region, Council has traditionally taken a firm position on the prosecution of waste offences to send a cautionary message to the community about the consequences of noncompliance. This approach ensures the preservation of public safety and mitigates the risk of environmental harm and damage.

These matters have been assessed and are considered appropriate to prosecute in the Magistrates Court. In order to progress the matters, a resolution of Council is sought from authorising officers to commence court proceedings.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the enforcement of statutory offences, including the commencement of prosecutions, is a function required to support community safety and amenity.

**RESOLUTION**

**Moved by Cr Mark Booth**

**Seconded by Cr Cath Tonks**

**CARRIED 10/0**

*Cr Matt Constance had retired from the meeting and was not present when the vote was taken*

1. **That Council authorise the Chief Executive Officer to commence nine (9) prosecutions in the Magistrates Court for the matters described in this report, for what Council officers allege to be an offence under the *Waste Reduction and Recycling Act 2011*.**
2. **That the prosecution described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.**

ITEM 6.4 COMMENCEMENT OF PROSECUTIONS - ILLEGAL DUMPING - 67079678 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council authorise the Chief Executive Officer to commence nine (9) prosecutions in the Magistrates Court for the matters described in this report, for what Council officers allege to be an offence under the *Waste Reduction and Recycling Act 2011*.
2. That the prosecution described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

**REPORT DETAIL**

**1. Background**

The *Waste Reduction and Recycling Act 2011* provides a legal and procedural framework for authorised persons to investigate and enforce matters arising under the *Act*, including illegal dumping offences.

Council officers are authorised by the Chief Executive Officer, in accordance with their delegations, to issue penalty infringement notices for offences that relate to the *Waste Reduction and Recycling Act 2011*.

Infringements for the offence were issued, however they were not paid within the statutory 28 days pursuant to the *State Penalties Enforcement Act 1999*, nor after a courtesy reminder notice was sent allowing a further 28 days to pay or enter into a payment plan with SPER. As a result, it is considered appropriate and in the public interest to progress these matters to the Magistrates Court for prosecution. A summary of facts has been drafted in preparation and the matters have been reviewed to ensure there is sufficiency of evidence to prove the offences and achieve a successful outcome for Council.

**2. Explanation of Item**

Due to the non-payment of the infringements and the high risk of environmental damage dumping and littering can cause to our environment, it is recommended that a prosecution be commenced against the alleged offenders in the Magistrate's Court.

The *Waste Reduction and Recycling Act 2011* provides amongst other things, offences in relation to littering and illegal dumping including:

- section 104 which establishes an offence for illegally dumping waste at a place, and
- section 103 which proscribes littering at a place.

Investigations have established evidence including CCTV footage of drivers exiting their vehicle to dump waste at places, eyewitness evidence and rubbish containing voluminous correspondence addressed to the defendant.

Council is the responsible agency for enforcement and regulation of Part 1 of the *Waste Reduction and Recycling Act 2011* ("*the Act*"). The matter has been reviewed to ensure the penalty infringement notice has been correctly and lawfully issued in preparation for progressing to court.

Table 1 below outlines the offences for which the alleged offenders would be charged and prosecuted, and the minimum penalty amount for the offence under the *Act*.

ITEM 6.4 COMMENCEMENT OF PROSECUTIONS - ILLEGAL DUMPING - 67079678 (Cont.)

Table 1 - Summary of charges

Summary of charges			Infringement amount	Prosecution reference number
1.	15/07/2023	<u>S104 of the Waste Reduction and Recycling Act 2011</u> A person must not illegally dump waste at a place; with a volume of 2500L or more of waste.  <u>S26 of the MBRC Local Law No. 1 (Administration) 2011</u> Failure to comply with a compliance notice.	\$2,875	BP/2023/0015
2.	02/01/2023	<u>S104 of the Waste Reduction and Recycling Act 2011</u> A person must not illegally dump waste at a place; with a volume of less than 2500L or more of waste.	\$2,300	BP/2023/0094
3.	01/01/2023	<u>S103 of the Waste Reduction and Recycling Act 2011</u> A person must not dangerously litter at a place.	\$575	BP/2023/0077
4.	11/12/2022	<u>S104 of the Waste Reduction and Recycling Act 2011</u> A person must not illegally dump waste at a place; with a volume of 2500L or more of waste.	\$2,300	BP/2023/0092
5.	04/12/2022	<u>S104 of the Waste Reduction and Recycling Act 2011</u> A person must not illegally dump waste at a place; with a volume of 2500L or more of waste.	\$2,757	BP/203/0093
6.	19/09/2022	<u>S104 of the Waste Reduction and Recycling Act 2011</u> A person must not illegally dump waste at a place; with a volume of 2500L or more of waste.	\$2,757	BP/2023/0010
7.	02/07/2022	<u>S104 of the Waste Reduction and Recycling Act 2011</u> A person must not illegally dump waste at a place; with a volume of 2500L or more of waste.  <u>S26 of the MBRC Local Law No. 1 (Administration) 2011</u> Failure to comply with a compliance notice.	\$2,757	BP/2023/0012
8.	26/07/22	<u>S104 of the Waste Reduction and Recycling Act 2011</u> A person must not illegally dump waste at a place; with a volume of 2500L or more of waste.	\$2,757	BP/2023/0014
9.	22/09/2022	<u>S104 of the Waste Reduction and Recycling Act 2011</u> A person must not illegally dump waste at a place; with a volume of 2500L or more of waste.  <u>S26 of the MBRC Local Law No. 1 (Administration) 2011</u> Failure to comply with a compliance notice.	\$2,757	BP/2023/0016

3. Strategic Implications

3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against the individual who was, at the material time, the responsible person for the offence under the *Waste Reduction and Recycling Act 2011*.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'.

*ITEM 6.4 COMMENCEMENT OF PROSECUTIONS - ILLEGAL DUMPING - 67079678 (Cont.)*

The Chief Executive Officer falls within that definition and there are a number of advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

3.2 Corporate Plan / Operational Plan

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 04 We are responsive, trusted and provide great customer experiences.

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

The statutory schemes established by the *Waste Reduction and Recycling Act 2011* rely on Council to investigate, monitor and enforce the offences against those laws. The matters have been reviewed in preparation for court.

3.5 Delegated Authority Implications

This report recommends that the Chief Executive Officer be authorised to take steps to commence, conduct and resolve 9 prosecutions in the Magistrates Court.

3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council officers directly, through to the Magistrates Court therefore no external fees will be applicable.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

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

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

3.11 Consultation / Communication

- Manager Customer Response
- Director Community and Environmental Services
- Chief Legal Counsel

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

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### ITEM 12.1 MAYORAL STATEMENT - KING'S BIRTHDAY HONOURS 2023

The Mayor provided the following Mayoral Statement relating to the King's Birthday Honours 2023:

*"This morning I would like to recognise the 10 Moreton Bay residents who have been honoured in the 2023 King's Birthday Honours List.*

*These residents are or have done amazing things for our community.*

*A King's Birthday Honour is a way for them to be recognised not just in Australia but also Internationally for the contribution they have made.*

**Mrs Koliana Winchester** was awarded the Order of Australia or OAM for her service to local government and to the community of Redcliffe.

*Many of you would remember Koliana as a dedicated former Councillor for both Moreton Bay Regional Council and Redcliffe City Council.*

*Since stepping down from Council in 2020, Koliana has continued to be an advocate and contributing community member particularly on the Peninsula and with the Tongan Community.*

**Ronnie Benbow** from Cedar Creek was awarded the Order of Australia for service to the community through charitable organisations.

*Ronnie is the founder and Chief Executive Officer of The Carers Foundation and works tirelessly to raise awareness of the issues facing carers in our community.*

*Ronnie won the not-for-profit Excellence Award at the Moreton Bay Business and Innovation Awards in 2021, as well as being named Australia Day Volunteer of the Year by Moreton Bay Regional Council in 2019.*

**Melissa Redsell** from Warner was awarded the Order of Australia for service to social welfare.

*Melissa is the founding director and Chief Executive Officer of A Brave Life, a charity that equips and empowers vulnerable mothers facing a broad range of challenges such as domestic violence, poverty, trauma, relationship or family breakdown, unplanned pregnancy and homelessness.*

*Edward and Linda Vann now residents of Banksia Beach were awarded Orders of Australia for service to the community of Maleny.*

**Douglas Marsen** from Bongaree was awarded an Order of Australia for service to veterans.

*He has been the vice president of the Bribie Island Sub-branch of the Returned and Services League of Australia since 2019, is the membership officer and was the welfare and pensions officer from 1998-2018.*

*Douglas, who is a former member of the Royal Australian Navy now volunteers to mow the lawns at the Vietnam Veterans Memorial Park every fortnight.*

**Kenneth William** from Woorim was awarded the Order of Australia for service to the community through a range of organisations.

*Kenneth has been president of the Bribie Island St Vincent de Paul Family Support Centre since 2010 and is a former secretary as well as being the founder of the Bribie Island Kids Educational Support program.*



ITEM 12.1 - MAYORAL STATEMENT - KING'S BIRTHDAY HONOURS 2023 (Cont.)

*In 2018 he was named volunteer of the year in the Moreton Bay Regional Council Australia Day Awards.*

***The Honourable Ken Hayward** was awarded the Order of Australia for service to the people and Parliament of Queensland.*

*Ken Hayward was a former Caboolture and Kallangur Queensland State Member of Parliament.*

*Member for Caboolture from 1986-1992 and the Member for Kallangur from 1992-2009. He also held several ministerial portfolios during this time.*

***Lynette Buckley** has been awarded the Order of Australia for service to youth through Girl Guides.*

*Lynette is the Burpengary Jabeeka Girl Guides Unit leader and has been a volunteer leader for 27 years and was the Leader-in-Charge and Head Organiser of the Glasshouse Region Camp in 2021 and the sub-camp leader of the Queensland State Camp in 2019.*

***Rhonda Clayton** from Elimbah was awarded the Order of Australia for significant service to squash as a competitor and administrator.*

*Rhonda was inducted into the Squash Australia Hall of Fame in 2006 and the Queensland Squash Hall of Fame in 2005, was World Number One in the sport between 1981 and 1983 and ranked in the World Top 10 from 1979 to 1984.*

*Rhonda then served as a board member for the Queensland Squash Association from 1984-1986, managed the Queensland Junior team in 1985 and the Squash Australia Women's Committee from 1982-1985*

*And finally, **Kevin Wendt** from Arana Hills has been awarded the Order of Australia for service to children through a range of roles.*

*Kevin was a former volunteer at the Emergency Department at the Mater Children's Hospital and won a Volunteer Excellence Award from the Queensland Children's Hospital in 2019.*

*Thank you to all these Moreton Bay residents for the contributions they have and continue to make."*

## ITEM 12.2 REGIONAL EVENTS

Cr Mick Gillam made special mention of the first ever **Moreton Bay PrideFest** held on Saturday 10 June at Pine Rivers Park. The Mayor and a number of Councillors had also attended the event that was an 'unqualified success' providing a fantastic array of entertainment, activities and stalls - enjoyed by the many attendees. **headspace**, the charity partner for the event, received a donation of \$20,000 raised from ticket sales.

Cr Adam Hain congratulated the organisers and volunteers for what was another great year for the **Caboolture Show**.

Cr Jodie Shipway (Deputy Mayor) gave a 'huge shout-out' to the internal crews and contractor for the recent completion of Council's **largest-ever road resurfacing project** in our region. The project worth \$3.9million took six weeks to complete over a total area of 45,000m<sup>2</sup> and was the first project major roads project where the profiled pavement material was used by Council as part of its recycling initiatives and not wasted - a sign of things to come in sustainable road resurfacing.

**ATTENDANCE**

Cr Matt Constance returned to the meeting (via video conference) at 2:29PM.

**ITEM 12.3  
SPEED LIMIT REVIEW, FIRST AVENUE, BONGAREE**

**RESOLUTION**

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Moved by Cr Brooke Savige  
Seconded by Cr Cath Tonks

**CARRIED 11/0**

That the Chief Executive Officer investigate and undertake a formal speed limit review of First Avenue, Bongaree and present the findings to the appropriate speed limit review committee for consideration.

**ITEM 12.4  
POTENTIAL PURCHASE OF PROPERTY**

**MOTION**

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Moved by Cr Brooke Savige  
Seconded by Cr Adam Hain

That the Chief Executive Officer investigate all options relating to the potential purchase of Lot 89 CG3198.

The motion was put to the vote and declared **LOST 5/6**

*Cr Peter Flannery (Mayor), Cr Mark Booth, Cr Yvonne Barlow, Cr Matt Constance, Cr Darren Grimwade, Cr Jodie Shipway (Deputy Mayor) voted against the motion.*

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### 13. CLOSED SESSION

*(s254J of the Local Government Regulation 2012)*

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

### CLOSED SESSION

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#### RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Yvonne Barlow

CARRIED 11/0

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

Members of the press and public gallery left the Chambers.

The closed session commenced at 2:45 PM (livestreaming paused).

#### ATTENDANCE

Cr Darren Grimwade left the meeting at 2:45 PM and Cr Mick Gillam retired from the meeting at this time (not returning to the meeting until after closed session)

### OPEN SESSION

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#### RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Jodie Shipway (Deputy Mayor)

CARRIED 9/0

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

The open session (livestreaming) resumed at 2:52 PM.

#### ATTENDANCE

Cr Mick Gillam returned to the meeting after the meeting resumed in open session.

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### 14. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

**ITEM C.1 – CONFIDENTIAL****REDCLIFFE - COMMERCIAL ADVERTISING ON BUS SHELTERS**

**Meeting / Session:** 5 PROGRESSIVE ECONOMY (Cr K Winchester / Cr T Latter)

**Reference:** 66683917: 29 March 2023 - Refer **Confidential Supporting Information - 66683914**

**Responsible Officer:** TD, Public Health and Permits Manager (CES Customer Response)

**Basis of Confidentiality**

Pursuant to section 254J(3)(g) of the *Local Government Regulation 2012* (Qld) (the **LGR**), this 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**

The Street Furniture Agreement between Council and oOh!media Limited (**oOh!media**) for the provision of bus shelters on the Redcliffe Peninsula expired in May 2022. The parties have continued to conduct themselves in accordance with the terms of the agreement.

The purpose of this report is to seek approval to enter into a large-sized contractual arrangement with oOh!media equivalent to the expired Street Furniture Agreement for the continued provision of bus shelters incorporating commercial advertising on the Redcliffe Peninsula. This will enable the ongoing provision of infrastructure for the community and a revenue stream for Council from the associated advertising.

During the agreement term Council will have the opportunity to consider a strategic approach to commercial outdoor advertising for the wider Moreton Bay Region having regard for potential new technologies, broader outdoor advertising options, and improved opportunities for revenue.

A Tender Consideration Plan (TCP) has been prepared under section 230 of the LGR to enter into a large-sized contractual arrangement with oOh!media as an exception to the usual requirement for a written tender process, and is provided as *Supporting Information #1 (Confidential)*.

The supporting information to this report is confidential to the extent that it contains information that is confidential to Council and is made available to the Councillors for the purposes of this meeting in accordance with sections 254D(3) and 254D(5) of the LGR.

This matter is brought to the attention of Council under the **Progressive Economy portfolio** as it relates to a progressive and robust economy that capitalises on the region's unique competitive advantages, partnerships and technology.

**RESOLUTION**

Moved by Cr Sandra Ruck

Seconded by Cr Cath Tonks

**CARRIED 10/0**

1. That Council decides to prepare a tender consideration plan for a large-sized contractual arrangement with oOh!media as described in this report.
2. That the tender consideration plan for a large-sized contractual arrangement with oOh!media as tabled be adopted.
3. That Council enters into an agreement with oOh!media as described in this report.
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 oOh!media and any further required variations of the agreement on Council's behalf.

**15. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 23/1131 to 23/1329 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 14 June 2023.

\_\_\_\_\_  
Scott Waters  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 28 June 2023.

\_\_\_\_\_  
Scott Waters  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor