



MINUTES

GENERAL MEETING

Wednesday 13 May 2020

commencing at 9.33am

Strathpine Chambers
220 Gympie Road, Strathpine

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

Accordingly, this meeting was physically closed to the public and was live-streamed via a link on Council's website

ENDORSED GM20200527

5. A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

General Meeting - 13 May 2020 (Pages 20/619 - 20/794)

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Tony Latter

CARRIED 13/0

That the minutes of the General Meeting held 13 May 2020, be confirmed.

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REPORT DETAIL

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1. ACKNOWLEDGEMENT OF COUNTRY

The Mayor conducted the Acknowledgement of Country.

2. OPENING PRAYER / REFLECTION

The Mayor recited the opening prayer / reflection.

3. ATTENDANCE & APOLOGIES

To minimise serious risks to the health and safety of persons caused by the public health emergency involving COVID-19, Councillors took part in the meeting by teleconferencing, as permitted under section 277B of the Local Government Regulation 2012.

Attendance:

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

Chief Executive Officer
Deputy CEO/

Director Engineering, Construction & Maintenance
Director Community & Environmental Services
Director Finance & Corporate Services
Director Infrastructure Planning
Director Planning
Manager Development Services
Coordinator (Planning Assessment - North)
Coordinator (Planning Assessment - South)

Meeting Support

(Mr Greg Chemello)

(Mr Tony Martini)*
(Mr Bill Halpin)*
(Ms Donna Gregory)
(Mr Andrew Ryan) *
(Mr David Corkill)
(Mr Dan Staley)
(Ms Amy White)
(Mr Marco Alberti)

(Larissa Kerrisk)

** attended via video conference from Caboolture Chambers*

Apologies:

Nil

4. MEMORIALS OR CONDOLENCES

Cr Denise Sims made special mention of the late **Mr Angus 'Gus' Robert Fraser**, a resident of Albany Creek and member of the Vietnam Veterans Association who sadly passed away aged 79 years on 7 April 2020.

Cr Sims noted that Mr Fraser was called to National Service in 1959, joined the army in 1961, served in Vietnam 1966-1967 as a Sapper in the 7th Field Squadron and as a mechanic in Singapore in 1972. He celebrated his 50 years with the RSL in 2018 and was President of the Northside Vietnam Vets for five years.

Cr Sims said that she was honoured to have known 'Gus' and passed on her sincerest condolences to his wife Carol, children, grandchildren and to all who knew him.

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

5. CONFIRMATION OF MINUTES FROM PREVIOUS MEETINGS

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

CARRIED 13/0

1. That the following minutes be confirmed:
2.
 - General Meeting held 25 February 2020 (Pages 20/552 - 20/589)
 - Special Meeting held 25 March 2020 (Pages 20/590 - 20/601)
 - Post-election Meeting held 29 April 2020 (Pages 20/602 - 20/618)

6. PRESENTATION OF PETITIONS

(Addressed to the Council and tabled by Councillors)

6.1. Petition for CCTV video surveillance and street lights in walkway to BP service station and concrete barrier for fencing in Morayfield (A19937765)

Cr Mark Booth tabled a petition containing 67 signatures dated 13 December 2019 received from Natalie Teerman, reading as follows:

"Aim: Reduction in Crime: Request for CCTV Video Surveillance and Street Lights in the Walkway to OP Service Station and a Concrete Barrier for Fencing in Morayfield"

**It has been recently brought to our attention by Senior Constable Stephen Douglas from the Burpengary Police on the 6th of December 2019, that there has been an increased rate of crime in our local Community.*

**We as a community are 1st requesting that street lights to be installed in the walk way to the BP Service Station on the Bruce Highway which runs from the end of Denson Street and Grigg Drive Morayfield, which is very dark at night.*

**We are also 2nd requesting CCTV cameras to be installed at the end of Grigg Street, Morayfield where multiple cars are often parked in the coulter sack [sic] where the walkway begins to the BP Service Station on the Bruce Highway.*

6.1 Petition for CCTV video surveillance and street lights in walkway to BP service station and concrete barrier for fencing in Morayfield (A19937765) Cont'd

**3rd requesting CCTV cameras to be installed at the end of Coach Road west and corner of Dicarolo Drive Morayfield; where rubbish and stolen items are often dumped, or taken through to the BP Service Station on the Bruce Highway.*

**4th request that CCTV cameras be installed on the corner of Laver Street and Grogan Road, where offenders have a second access to this area.*

**5th request is to liaise with the Burpengary BP Service Station on the Bruce Highway and work in collaboration to come loan agreement for a high concrete barrier for fencing at the end of Dicarolo Drive, where there are only wooden posts and a mesh fence and gate, where offenders gain access through the BP Service Station to decrease crime and to keep our community safe.*

**Well positioned CCTV Camera's [sic] and lighting offers a visual deterrent to offenders and also assists police in their investigations for evidence, contributing directly to the detection and reduction in Crime in our Community. Well situated lighting and CCTV cameras also provides a safer Community as a whole."*

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

6.2. Petition for Council to review facilities in Beverly Park in Griffin Crest and request that they be upgraded to reflect community needs with emphasis on playground facilities (A20015433)

Cr Denise Sims (Deputy Mayor) tabled a petition containing 171 signatures dated 5 May 2020 received from John Ceiley, reading as follows:

"Request for Council to review facilities in Beverly Park in Griffin crest and request they be upgraded to reflect community needs with emphasis on playground facilities."

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

6.3. Petition for Council not to grant any extensions to the currency period of development approval DA/31353/2016/V2M 14 and 18 Alfred Street, Woody Point (A20017410)

Cr Karl Winchester tabled a petition containing 62 signatures dated 9 May 2020 received from Julia Nuske, reading as follows:

"Do not grant any extensions to the currency period of development approval DA/31353/2016/V2M (14 and 18 Alfred Street Woody Point 4019, expiring on or about 22 June 2020. Material change of Use-Development Permit for multiple Dwelling (originally 43 units- currently 44 units) and take appropriate action preventing extensions and approvals of inappropriate high developments in Woody Point before a neighbourhood plan can be implemented ensuring future developments will align with the neighbourhood plan.

This Development Approval is a classic example of why Woody Point urgently needs a neighbourhood plan.

- 1. The biggest problem is insufficient parking: 44 Units with 44 car parks+ 2 tandem+ no visitor parking. This will create major parking problems in Alfred St and nearby streets.*

6.3. Petition for Council not to grant any extensions to the currency period of development approval
DA/31353/2016/V2M 14 and 18 Alfred Street, Woody Point (A20017410) Cont'd

2. *Excessive height is another serious problem: It is 21 m high in a suburban street away from the waterfront and would tower 4 to 5 storeys above surrounding homes. This would significantly devalue neighbouring properties. This area was previously zoned as residential C with a maximum of 3 storeys in height.*
3. *The foot print of the building is excessive: Approximately 80% of the land is covered by the building. Set backs from boundaries are insufficient: approximately 2.5m from east side, 1.5m from the west side and 2.4m from the rear boundary.*
4. *The negative impact on neighbouring properties is unacceptable: serious shading affecting homes, solar panels and gardens. Impact to breezes would be detrimental.*
5. *The build form is unattractive and completely out of character with Alfred Street. Negative visual amenity to neighbouring properties is excessive.”*

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

7. CORRESPONDENCE

There was no correspondence tabled

8. DEPUTATIONS / COMMUNITY COMMENT

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

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

(s262 of the Local Government Regulation 2012)

There were no notices of motion.

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

(as referred by the Chief Executive Officer)

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

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

Session	Portfolio Councillor	Deputy Portfolio Councillor
1 Governance & Engagement	Cr P Flannery (Mayor)	Cr Denise Sims (Deputy Mayor)
2 Infrastructure Planning	Cr Adam Hain	Cr Tony Latter
3 Engineering, Construction & Maintenance	Cr Brooke Savige	Cr Cath Tonks
4 Planning	Cr Darren Grimwade	Cr Karl Winchester / Cr Mark Booth
5 Community & Environmental Services	Cr Mick Gillam	Cr Sandra Ruck
6 Finance & Corporate Services	Cr Matt Constance	Cr Jodie Shipway

1 GOVERNANCE & ENGAGEMENT SESSION**(Cr P Flannery, Mayor)**Declarations of interest statement

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

ITEM 1.1**APPOINTMENT TO COUNCILLOR PORTFOLIOS**

Meeting / Session: 1 GOVERNANCE & ENGAGEMENT

Reference: A19990586 : 4 May 2020

Responsible Officer: KC, Team Leader Meeting Support (CEOs Office)

Executive Summary

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

The Council also resolved:

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

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

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

CARRIED 13/0

1. That Portfolio Councillors and Deputy Portfolio Councillors be appointed to the adopted portfolios, as follows:

Portfolio	Portfolio Councillor	Proxy Portfolio Councillor
1 Governance & Engagement	Cr P Flannery (Mayor)	Cr Denise Sims (Deputy Mayor)
2 Infrastructure Planning	Cr Adam Hain	Cr Tony Latter
3 Engineering, Construction & Maintenance	Cr Brooke Savige	Cr Cath Tonks
4 Planning	Cr Darren Grimwade	Cr Karl Winchester / Cr Mark Booth
5 Community & Environmental Services	Cr Mick Gillam	Cr Sandra Ruck
6 Finance & Corporate Services	Cr Matt Constance	Cr Jodie Shipway

2. That the appointed Portfolio Councillor facilitate the conduct of the respective session of Council's General meetings under the control of the Mayor as the Presiding Officer.
3. That the Portfolio Councillor appointments be reviewed in two years.

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

OFFICER'S RECOMMENDATION

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

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

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

REPORT DETAIL

1. Background

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

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

2. Explanation of Item

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

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

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

3.2 Corporate Plan / Operational Plan

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

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

3.3 Policy Implications

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

3.4 Risk Management Implications

☒ Nil identified

3.5 Delegated Authority Implications

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

3.6 Financial Implications

☒ Nil identified

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

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

3.10 Human Rights Implications

☒ Nil identified

3.11 Consultation / Communication

Council and Chief Executive Officer have been consulted.

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

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

Executive Summary

At its meeting of 25 February 2020, Council resolved:

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

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

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

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

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Matt Constance

CARRIED 13/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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

2. Explanation of Item

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

The framework covers the following Council forums:

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

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

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

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

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

3.2 Corporate Plan / Operational Plan

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

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

3.3 Policy Implications

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

Standing Orders provide rules for the conduct of Council meetings.

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

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

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

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

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

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

The former Council was consulted at a workshop on 13 February 2020.

The newly elected Council has been consulted as part of the Councillor Induction Program.

ITEM 1.3 ADOPTION OF COUNCIL POLICIES

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

Executive Summary

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

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

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

MOTION

Moved by Cr Mick Gillam

Seconded by Cr Denise Sims (Deputy Mayor)

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

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

Council agreed to discuss each policy separately

AMENDMENT MOVED

Cr Matt Constance moved the following amendment:

That the Councillors Reimbursement of Expenses and Provision of Facilities policy 2150-046 be amended as follows:

“clothing with MBRC corporate branding to the value of \$700 every two years”, be amended to read:
“clothing with MBRC corporate branding to the value of \$1000 per term”

Seconded by Cr Mick Gillam

The amendment was put to the vote and declared **CARRIED 13/0**

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

THE AMENDMENT BECOMES THE MOTION, and was put:

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Denise Sims (Deputy Mayor)

CARRIED 13/0

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

- **Policy 2150-004 - Acceptable Requests by Councillors for Advice or Information;**
- **Policy 2150-046 - Councillors Reimbursement of Expenses and Provision of Facilities including the following amendment:**
 - “clothing with MBRC corporate branding to the value of \$700 every two years”, be amended to read:
“clothing with MBRC corporate branding to the value of \$1000 per term”
- **Policy 2150-078 - Motor Vehicles (Councillors)**

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

OFFICER'S RECOMMENDATION

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

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

REPORT DETAIL

1. Background

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

2. Explanation of Item

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

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

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

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

Policy Summary:

Requests for Advice

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

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

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

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

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

Information Requests

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

Overview of amendments:

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

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

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

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

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

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

Overview of amendments:

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

Policy 2150-078 - Motor Vehicle

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

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

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

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

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

Table 1 Private Use Vehicles List (extract)

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

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

Overview of amendments:

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

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

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

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

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

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

Executive Summary

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

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Tony Latter

CARRIED 13/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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

2. Explanation of Item

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

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

☒ Nil identified

3.5 Delegated Authority Implications

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

3.6 Financial Implications

☒ Nil identified

3.7 Economic Benefit Implications

☒ Nil identified

Moreton Bay Regional Council

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

- 3.8 Environmental Implications ☒ Nil identified
- 3.9 Social Implications ☒ Nil identified
- 3.10 Human Rights Implications ☒ Nil identified
- 3.11 Consultation / Communication
Consultation between Councillors and CEO

2 INFRASTRUCTURE PLANNING SESSION

(Cr Adam Hain)

No items for consideration.

3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION (Cr Brooke Savage)

Declarations of interest statement

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

ITEM 3.1**WOODFORD - ARCHER STREET - ROAD REHABILITATION, STREETScape AND DRAINAGE UPGRADE**

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

Executive Summary

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

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

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Adam Hain

CARRIED 13/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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



Figure 1: Locality Plan

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

2. Explanation of Item

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

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

RANK	TENDERER	EVALUATION SCORE
1	CES CIVIL SEQ Pty Ltd	92.56
2	Civlec PTY LTD (trading as GRC Civil)	92.09
3	Hazell Bros (Qld) Pty Ltd	88.67
4	AllenCon Pty Ltd	87.69
5	Ryan Civil Contracting Pty Ltd	86.11
6	Bellwether Contractors Pty Ltd	83.55
7	Focus on Fitness & Massage Studio Gym	Non-Conforming
8	Superior Kerb & Concreting Pty Ltd	Non-Conforming

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

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

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

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

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

Financial Risks:

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

Construction Risks:

- b. The recommended tenderer will provide a program of works, staging plans, traffic management plans, safety management plan, environmental management plan, tree management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- c. Construction works will be undertaken during night shift to minimise impact on local businesses adjacent the project site. The project will be completed in stages and works area reopened at the end of each shift to allow access to businesses.
- d. Property inspections will be conducted prior to works commencing to record the existing condition of building structures and after construction to record any changes. Vibration monitoring will also be implemented during construction.
- e. There are no development approval risks relating to this contract.
- f. The procurement risks relating to this project are considered low as there is sufficient lead time for the recommended tenderer to procure the relevant construction materials as to not delay the project.
- g. The only risk for supply is associated with COVID-19 in relation to impacts on the supply of any goods and services associated with this project.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

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

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

Total Project Cost	\$ 2,061,848.54
	=====
Estimated ongoing operational/maintenance costs	\$ 10,400.00 per F/Y.

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

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

3.7 Economic Benefit Implications

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

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

ITEM 3.2

LOCAL DISASTER MANAGEMENT GROUP MEMBERSHIP AND STRUCTURE

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

Executive Summary

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

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

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

MOTION

Moved by Cr Tony Latter

Seconded by Cr Sandra Ruck

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

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

AMENDMENT MOVED

Cr Peter Flannery (Mayor) moved the following amendment:

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

Seconded by Cr Jodie Shipway

The amendment was put to the vote and declared **CARRIED 13/0**

THE AMENDMENT BECOMES THE MOTION, and was put:

RESOLUTION

Moved by Cr Tony Latter

Seconded by Cr Sandra Ruck

CARRIED 13/0

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

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

OFFICER'S RECOMMENDATION

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

REPORT DETAIL

1. Background

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

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

2. Explanation of Item

Local Disaster Management Group Chairperson and Deputy Chairperson

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

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

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

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

Local Disaster Management Group Membership

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

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

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

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

- a) APA Group
- b) Department of Child Safety, Youth and Women
- c) Australian Defence Force
- d) Bureau of Meteorology
- e) Department of Agriculture and Fisheries
- f) Department of Communities, Disability Services and Seniors
- g) Department of Employment, Small Business and Training
- h) Department of Environment and Science
- i) Department of Housing and Public Works
- j) Department of Natural Resources, Mines and Energy
- k) Department of State Development, Manufacturing, Infrastructure and Planning
- l) Department of Transport and Main Roads
- m) Local Government Association of Queensland
- n) Maritime Safety Queensland

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

- o) National Broadband Network
- p) Queensland Rail
- q) Queensland Reconstruction Authority
- r) Redcliffe Coast Guard
- s) Seqwater
- t) Surf Life Saving
- u) Telstra/NBN
- v) Volunteer Marine Rescue

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

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

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

Guidelines for Councillors

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

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

Lead

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

Listen

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

Inform

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

Communicate

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

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

Support

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

3. Strategic Implications

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications

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

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications ☒ Nil identified

3.11 Consultation / Communication

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

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

ATTENDANCE

Mr Dan Staley attended the meeting at 10.18am for discussion on Items 4.1 to 4.4 and Ms Amy White attended at the same time for Items 4.1 to 4.3.

4 PLANNING SESSION**(Cr Darren Grimwade)**

Declarations of interest statement

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

ITEM 4.1**DEVELOPMENT APPLICATIONS DECIDED UNDER TEMPORARY DELEGATION OF AUTHORITY FOR ELECTION CARETAKER PERIOD**

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

Executive Summary

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

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

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Mick Gillam

CARRIED 13/0

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

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

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

OFFICER'S RECOMMENDATION

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

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

REPORT DETAIL

1. Background

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

RESOLUTION

Moved by Cr Matt Constance
Seconded by Cr James Houghton

Carried 11/0

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

2. Explanation of Item

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

DA/37972/2019/V2L

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

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

CEO Decision

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

- A. That Council's delegate, under delegated authority and in accordance with the *Planning Act 2016*, approves the development application for a **Material Change of Use - Development Permit for Tourist Park (Extension)** at 1780-1820 Bribie Island Road, Sandstone Point QLD 4511 described as Lot 6 SP 281368, subject to the Assessment Manager Conditions outlined in the Attachment below, and the applicant be advised accordingly.
- B. That an Infrastructure Charges Notice for the development application be provided to the applicant and included as part of the Decision package.
- C. That all external Referral Agencies for the development application be provided with a copy of Council's Decision package.
- D. That the Council Assessment Report for this application be published to the website as required by section 63 (4) of the *Planning Act 2016*.
- E. That the following information be included in the Decision Notice (Approval)

	Details to Insert
Application Details	MBRC Planning Scheme (Version 3)
Application Type	Development Permit for Material Change of Use for Tourist Park (Extension)
Other Necessary Permits	<ul style="list-style-type: none"> Building Works - Development Permit (Building Act)
Currency Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable
Variation Approval	Not applicable
Assessment Benchmarks	<p>State Planning Policy</p> <ul style="list-style-type: none"> State Planning Policy 2017, Part E <p>Regional Plan</p> <ul style="list-style-type: none"> South East Queensland Regional Plan 2017 (ShapingSEQ) <p>Schedule 10 of the Regulation</p> <ul style="list-style-type: none"> Part 16: Development outside SEQ Urban Footprint – Schedule 10 Part 16 of the <i>Planning Regulation 2017</i> <p>South East Queensland Regional Plan 2017</p> <p>MBRC Planning Scheme (Version 3)</p> <ul style="list-style-type: none"> Rural Zone code General Residential - Next Generation precinct code Residential Uses code
Other Relevant Assessment Matters	Not applicable.

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

	Details to Insert
Reasons for the Decision	Assessment Report
Reasons for Approval Despite Non-Compliance with Assessment Benchmarks	Not applicable.
Referral Agencies	Department of State Development, Manufacturing, Infrastructure and Planning (SARA) 1. Matters relating to a State-Controlled Road (within 25m of a State Controlled Road corridor).
Submissions	There were four (4) properly made submissions about this application.
Other Details	Assessment Report

This report satisfies the requirements of Recommendation 4 above.

3. Strategic Implications

3.1 Legislative / Legal Implications ☒ Nil identified

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

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications ☒ Nil identified

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

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

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

ITEM 4.2

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

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

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

Executive Summary

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

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

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

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

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

ITEM 4.2 DA/39769/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILDCARE CENTRE, LOCATED OVER 144 STATION ROAD, BURPENGARY (LOT 3 RP 200642) - A19808453 (Cont.)

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

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

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

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

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

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

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

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

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

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Mark Booth

CARRIED 13/0

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

ITEM 4.2 DA/39769/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILDCARE CENTRE, LOCATED OVER 144 STATION ROAD, BURPENGARY (LOT 3 RP 200642) - A19808453 (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 a Child Care Centre at 144 Station Road, Burpengary, described as Lot 3 RP200642, subject to the following plans/documents and conditions:

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

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Site Plan	DA002 Rev A	PA Architects	24/09/2019
Proposed Area Plans	DA003 Rev A	PA Architects	24/09/2019
Proposed Carpark Setout Plan	DA004 Rev A	PA Architects	24/09/2019
Proposed Ground Floor Plan	DA005 Rev A	PA Architects	24/09/2019
Proposed First Floor Plan	DA006 Rev A	PA Architects	24/09/2019
Proposed Roof Plan	DA007 Rev A	PA Architects	24/09/2019
Proposed Elevations	DA008 Rev A	PA Architects	24/09/2019
Landscape Concept Plan	(a)	Wolter Consulting Group	-
Acoustic Report	2019303 R01C	Acoustic Works	30 January 2020
Stormwater Management Plan	11251 - 5.0	CWD Group	27/03/2020

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

Conditions

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	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.
2	Amended Plans Required	

ITEM 4.2 DA/39769/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILDCARE CENTRE, LOCATED OVER 144 STATION ROAD, BURPENGARY (LOT 3 RP 200642) - A19808453 (Cont.)

CONDITION		TIMING
A	Submit an amended Land Dedication Site Plan and Easement Plan. The plans can be combined to form a single plan and must identify the following: <ul style="list-style-type: none"> (a) The area of land (1156m²) to be dedicated to Council as Drainage Corridor; (b) Include the area identified as 'no compromise area' (10m deep 30m wide) adjacent to the Station Road frontage, being a minimum of 300m² on this plan to be identified and dedicated as Road Reserve; and (c) Show proposed Easement F for drainage and access purposes. 	Prior to any Approval of Building Works.
B	Obtain approval from Council for the amended plans in accordance with (A) above.	Prior to any Approval of Building Works.
3	Land Transfer - Non-Trunk Drainage Corridor	
A	Provide the following documentation (as amended by the Queensland Titles Registry) to Council as duly completed for the transfer of drainage corridor. <ul style="list-style-type: none"> 1. Queensland Titles Registry Form 1 - Transfer; 2. Queensland Titles Registry Form 24 - Property Information (Transfer); 3. Queensland Titles Registry Form 20 - Trust Details Form; 4. Solicitors Undertaking confirming that all executed forms above will be submitted to the Queensland Titles Registry Office, at no cost to the Council, concurrently with the lodgement of any survey plan proposing to create the drainage corridor. 	Prior to commencement of use.
B	Transfer land shown as drainage corridor on the approved plans having a minimum area of 1156m ² to Council in Fee Simple on Trust, at no cost to the Council, for the purposes of drainage corridor. This condition has been imposed under Section 145 of the <i>Planning Act 2016</i> .	Concurrently with the registration of a survey plan with the Queensland Titles Registry Office and prior to the commencement of use.
4	Access and Stormwater Drainage Easement	
	Provide a Restricted Height (volumetric) Easement to replace existing Easement B on RP200642 benefiting Council. <ul style="list-style-type: none"> 1. The upper limit of the proposed easement is to be RL 8.85m AHD. 2. The easement is to be for the purposes of access and stormwater conveyance in accordance with the approved plans and documents of development. 3. The easement area located below the suspended car park slab remains the responsibility of the property owner to maintain. 	Prior to the commencement of use.
5	Land Transfer - Trunk Road	

ITEM 4.2 DA/39769/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILDCARE CENTRE, LOCATED OVER 144 STATION ROAD, BURPENGARY (LOT 3 RP 200642) - A19808453 (Cont.)

CONDITION		TIMING
	Dedicate land along the southern boundary of the site, as identified on the approved plans having a minimum area of 300m ² , for the purpose of road reserve in accordance with the approved plans. <i>The condition has been imposed under section 128 (3) of the Planning Act 2016.</i>	Concurrently with the registration of a survey plan with the Queensland Titles Registry Office and prior to the commencement of use.
6	Premises Hours of Operation	
	Limit the hours of operation to between 6am To 7pm Monday to Sunday. The use of the outdoor play areas is limited to 7am to 6pm. Note: This condition is consistent with the recommendations of the approved Acoustic Report.	At all times.
7	Operating Capacity	
	Ensure the capacity of the Child care centre is limited to a maximum of one hundred (100) children on site at any one time.	Prior to commencement of use and to be maintained at all times.
8	On-Site Car Spaces	
A	Provide vehicle spaces on the site in accordance with the approved plans.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	Prior to commencement of use and to be maintained at all times.
9	Bicycle Parking Facilities	
	Install secure bicycle parking facilities for a minimum of 4 bicycles. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to commencement of use and to be maintained at all times.
10	Fencing	
	Ensure that any fencing is in accordance with the approved plans and the approved Acoustic Report unless otherwise specified below: (a) Fencing along the property boundary below the suspended car park slab is to be a galvanized aluminium pool style fence generally in accordance with MBRC Standard Drawings and is not to impeded stormwater drainage.	Prior to commencement of use and to be maintained at all times.
11	Suspended Car Park - Maintenance	

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CONDITION		TIMING
	For ease of maintenance, provide the natural ground underneath the suspended car park with a sprayed concrete surface on grade, with the concrete keyed into the ground, with a minimum depth of 500mm to reduce the risk of scour.	Prior to commencement of use and to be maintained at all times.
12	Street Numbering and Building Names	
	Install street numbering conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
13	Landscaping Plan	
A	Provide landscaping on site generally in accordance with the approved landscape plan.	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use.
C	Maintain the landscaping.	At all times.
14	Vehicle Encroachment	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use.
15	Screening of Loading Facilities / Plant Areas	
	Screen Plant Areas, Refuse Storage and Other Outdoor Storage Facilities on the site from direct view from any adjoining road or public space.	Prior to commencement of use.
16	Water and/or Sewerage	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> 1. a reticulated water supply network connection is available to the land; and 2. a sewerage network connection is available to the land; and 3. all the requirements of Unitywater have been satisfied. 	Prior to commencement of use.
17	Telecommunications Internal Wiring	
A	Install internal wiring (Category 6 or better) within the building from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation	Prior to commencement of use.

ITEM 4.2 DA/39769/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILDCARE CENTRE, LOCATED OVER 144 STATION ROAD, BURPENGARY (LOT 3 RP 200642) - A19808453 (Cont.)

CONDITION		TIMING
	Guide for SDUs and MDUs) to the same connection points in the building that would have been or have been installed for telephone and television connections; including but not limited to sleep rooms, staff rooms, reception, offices and the like.	
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to commencement of use.
18	Electricity	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an underground electricity supply network has or will be constructed to the site.	Prior to commencement of use.
B	Provide an underground electricity supply connection to the development.	Prior to commencement of use.
C	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that: 1. any electricity supply connection to an existing building or a private property pole is wholly contained in the lot it serves; and 2. any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
ENVIRONMENTAL HEALTH		
19	External Lighting	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and 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.
20	Pedestrian Lighting	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
21	Acoustic Attenuation Measures	

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

ITEM 4.2 DA/39769/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILDCARE CENTRE, LOCATED OVER 144 STATION ROAD, BURPENGARY (LOT 3 RP 200642) - A19808453 (Cont.)

CONDITION		TIMING
B	Construct stormwater infrastructure to service the development at no cost to Council and in accordance with the approved plans and documents of development. <i>This condition has been imposed under section 145 of the Planning Act 2016.</i>	Prior to commencement of use.
C	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Stormwater Management Plan.	Prior to commencement of use.
D	Provide registered easements for private drainage infrastructure in accordance with the approved plans and documents of development. The easement documents must acknowledge the maintenance, repair and replacement responsibilities of the owner of this development site.	Prior to commencement of use.
27	Construction Management Plan	
A	<p>Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following:</p> <ol style="list-style-type: none"> 1. Material delivery and storage locations 2. Waste locations and collection details 3. Construction office accommodation 4. Contractor / tradesman vehicle parking arrangements 5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday. <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs) 2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable 3. Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP 	Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.

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CONDITION		TIMING
	<p>4. Materials unloading and loading must occur on-site unless prior written approval is given by Council.</p> <p>5. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.</p>	
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
28	Erosion and Sediment Control	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
29	Acid Sulfate Soils	
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	<p>Implement the requirements and recommendations of the Acid Sulfate Soil Management Plan.</p> <p>All testing and monitoring is to be undertaken in accordance with the MBRC Planning Scheme.</p>	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 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.</p>	
30	Earth Retaining Structures	
A	<p>Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the building works application and the following:</p> <p>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</p>	Prior to commencement of works associated with this condition.

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CONDITION		TIMING
	<p>earth retaining structure that is specified in Table 3.1 of Australian Standard AS4678;</p> <p>2. Earth retaining structures within the land and around areas of cut on or near the boundaries of the site must be designed to allow for live and dead loads associated with the land/premise's current occupancy use.</p>	
B	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.
31	Driveway Crossover	
A	<p>Construct a driveway crossover to the site in accordance with the approved plans and documents of development and MBRC Standard Drawings RS-051 and the approved plans of development.</p> <p>Provide signage and line marking in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD) that clearly denotes entry and exit for the development to advise drivers that the driveway is left in / left out only.</p>	Prior to commencement of use.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
32	Existing Driveway Crossover	
	Remove completely the shared portion of the driveway crossover between the site and Lot 2 RP200642 driveway crossovers fronting the development site on Station Road. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to commencement of use.
33	Access, Internal Roadways, Parking and Servicing Areas	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use and 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.

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

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ADVICES	
1	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.</p>
2	Adopted Charges
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
3	Food Premises - Food Business Licence Advice
	<p>In accordance with the Food Act 2006 the following must be submitted to Council prior to the commencement of construction or fit out of any licensable food business:</p> <ol style="list-style-type: none"> 1. An application for food business licence. 2. Plans and elevations (refer to note below). 3. Supporting documentation. 4. Relevant fee. <p>Note: The application is assessed against the provisions of the <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>

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

Decision Notice information

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

REPORT DETAIL

1. Proposal

APPLICATION DETAILS	
Applicant:	Matthews Property Group C/- Wolter Consulting Group
Lodgement Date:	8 November 2019
Properly Made Date:	13 November 2019
Confirmation Notice Date:	21 November 2019
Information Request Date:	5 December 2019
Info Response Received Date:	11 February 2020
Public Notification Dates:	14 February 2020 - 6 March 2020

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APPLICATION DETAILS	
No. of Submissions:	Properly Made: 1 Not Properly Made: 0
Decision Due Date:	1 June 2020
Prelodgement Meeting Held:	Yes - PRE/5222

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

The key components of the development are:

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

The proposed development includes a Gross Floor Area of 714.3m² spread over two levels and a site cover of 26.13%. The development is approximately 8.5m in height, and incorporates a cantilevered concrete car parking area which at the highest point is 1.5m and gradually reduces in height towards the building. The suspended car parking area above the mapped medium risk flood hazard over the property, while the area within the property identified as high risk flood hazard is proposed to be dedicated to Council as drainage reserve.

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

As identified above, the proposed development includes the carparking area within the mapped Medium Flood hazard, the extent of this encroachment is approximately 770m². However, the proposal is for a suspended car parking area which is wholly located above the identified flood planning levels, which means that it is considered that the development will not be impacted by a flood event. Please see below table for the identified flood planning level and the proposed floor levels:

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

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

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

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

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

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

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

2. Background

PRE/5222

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

2.1 Description of the Site and Surrounds

Current use of the subject land

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

Current use of the surrounding land

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

Topography

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

Vegetation

The subject property is not constrained by any vegetation.

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Access improvements

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

Constraints on the property

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



Figure 1 - The extent of the mapped Flood Hazard Overlay

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



Figure 2 - Existing sewer infrastructure within the site

2.2 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

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.	
Assessment benchmarks - water quality	
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: <ul style="list-style-type: none"> (a) altered stormwater quality and hydrology; (b) waste water; (c) the creation or expansion of non-tidal artificial waterways; (d) the release and mobilization of nutrients and sediments. (2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2). (3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.
<u>Comment</u> An assessment of the proposed development has been undertaken, and the proposal has been determined to comply. In particular, a stormwater management plan has been submitted and is recommended for approval.	
Assessment benchmarks - natural hazards, risk and resilience	
Applicable to Development	SPP requirement
Yes	Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: <ul style="list-style-type: none"> (1) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level. All natural hazard areas:

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

2.2.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

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

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

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

2.3.1 Strategic Framework

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

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

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

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2.3.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

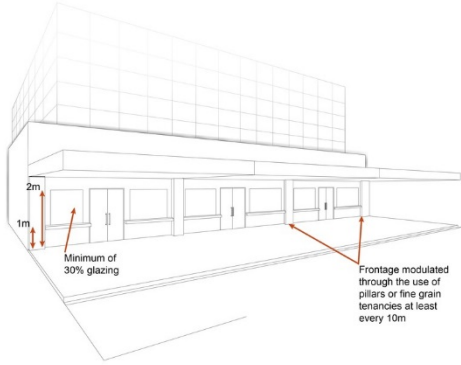
Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone Code		
Centre Zone Code - District Centre precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO2, PO8, PO9
Overlay Codes		
Flood Overlay Code	<input checked="" type="checkbox"/>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

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

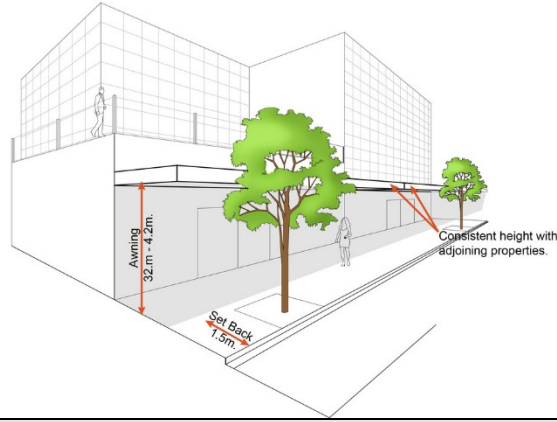
2.3.3 Performance Outcome Assessment

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

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Performance Outcome	Example
<p>c. new buildings adjoin or are within 3m of a primary street frontage, civic space or public open space;</p> <p>d. locating car parking areas behind or under buildings to not dominate the street environment;</p> <p>e. providing visual interest to the façade (e.g. windows or glazing, variation in colours, materials, finishes, articulation, recesses or projections);</p> <p>f. establishing or maintaining human scale.</p>	
Performance Outcome Assessment	
<p>The proposed development includes a vertical batten feature screen, horizontal glass shopfront glazing and rendered and painted brickwork.</p> <p>For safety and operational purposes, a child care centre is unable to provide 50% of the front façade as uncovered glazing due to the location of one of the children's classrooms being located along the front façade, therefore the windows are proposed to be frosted to allow for light into the classroom, without members of the public being able to see in. The front façade, however, does provide shopfront glazing at the primary entrance, as well as visual interest through the use of vertical and horizontal windows, vertical batten feature screening, and coloured glass acoustic screening at the upper level.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	
PO8	E8
Ground floor spaces are designed to enable the flexible re-use of floor area for commercial and retail activities.	The ground floor has a minimum ceiling height of 4.2m.
Performance Outcome Assessment	
<p>The proposed development includes the internal floor to ceiling height of 4m. The 4m floor to ceiling height retains the ability for flexible reuse of the floor area for potential future retail or commercial uses.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	
PO9	E9

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Performance Outcome	Example
<p>Awnings are provided at the ground level fronting pedestrian footpaths. Awnings:</p> <ol style="list-style-type: none"> provide adequate protection for pedestrians from solar exposure and inclement weather; are integrated with the design of the building and the form and function of the street; do not compromise the provision of street trees and signage; ensure the safety of pedestrians and vehicles (e.g. No support poles). 	<p>Buildings incorporate an awning that:</p> <ol style="list-style-type: none"> is cantilevered; extends from the face of the building; has a minimum height of 3.2m and a maximum height of 4.2m above pavement level; does not extend past a vertical plane of 1.5m inside the kerb line to allow for street trees and regulatory signage; aligns with adjoining buildings to provide continuous shelter where possible. <p>Figure - Awning requirements</p> 
Performance Outcome Assessment	
<p>The proposal incorporates a small shade device at a height of approximately 3.0m. The shade device is proposed to extend approximately 0.6m outward into the 10m' no compromise area'. However, as the ultimate design and alignment of Station Road and the pedestrian areas has not yet been finalised, it is considered that an awning is not appropriate in this instance.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	

Flood Hazard Overlay Code	
<p>PO5</p> <p>Development is resilient to a flood hazard event by ensuring design and built form account for the potential risks of flooding.</p>	<p>AO5.3</p> <p>Development ensures that a non-habitable room below the flood planning level in Table 8.2.2.3 'Flood planning level for a habitable floor (residential development) and a non-habitable floor (non-residential development) and levels for hazardous chemicals' has a high water resistance.</p>
Performance Outcome Assessment	
<p>The proposed development includes providing the car parking area (non-habitable) within the identified Medium risk flood hazard area. However, the proposed development</p>	

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Performance Outcome	Example
<p>includes the construction of a suspended slab to facilitate car parking at a level above the 1% AEP Defined Flood Level (8.9m AHD), being situated at approximately 9.5m AHD.</p> <p>The proposed suspended slab is considered appropriate in accordance with sections 7.3.8, 7.3.10 and 7.3.13 of QUDM as the car park is still accessible from Station Road during the major event. It is not anticipated that there will be any impact to the flooding conditions for the surrounding neighbours due to the development, as the design ensures that there will be no obscuring of floodwater flow due to the piered construction to floodwater and maintains the conveyance of stormwater flows within this area. The design of the piers has taken into consideration the confluence of floodwater and have been spaced widely apart to ensure no impacts to the movement of floodwater.</p> <p>It is recommended that the alternative solution be accepted in this instance.</p>	
<p>PO10</p> <p>Development maintains personal safety at all times, such that:</p> <ul style="list-style-type: none"> a. a vulnerable land use (flood and coastal) is not located in the High risk flood hazard area or Medium risk flood hazard area; b. new buildings are not located in the High risk flood hazard area included in the Limited development zone; c. a residential accommodation building is located in the following: <ul style="list-style-type: none"> i. Balance flood planning area; or ii. the Medium risk area where located in the Medium risk storm tide inundation area of the Coastal hazard overlay or Balance coastal planning area of the Coastal hazard overlay; d. evacuation capability from the development or other premises is not hindered or made more complicated and there is no significant additional burden placed on 	<p>No example provided.</p>

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

2.3.4 Overall Outcome Assessment

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

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

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<ul style="list-style-type: none"> iv. building work is less than 50m² in area and associated with a use in paragraph (i). v. earthworks do not occur except where associated with a previous approval. 	
Comments	
<p>The proposed development is located wholly outside of the High risk flood hazard area, with the High risk flood hazard area being dedicated to Council as parkland.</p>	
<ul style="list-style-type: none"> b. Development in the High risk area not included in the Limited development zone, manages and mitigates the unacceptable intolerable risk of the flood hazard by ensuring that: <ul style="list-style-type: none"> i. a material change of use is only for the following uses if consistent with the overall outcomes of the applicable zone and precinct and the intolerable risk of flood hazard to people, property and infrastructure located on the premises and other premises is avoided: <ul style="list-style-type: none"> A. Dwelling house; or B. Outdoor sport and recreation; or C. Park; or D. Permanent plantation; or E. Cropping (where involving forestry for wood production); or F. Tourist park; or G. Home based business; ii. reconfiguring a lot for boundary realignment only occurs if the intolerable risk of flood hazard to people, property and infrastructure located on the premises and other premises is not increased and where practicable the intolerable risk of flood hazard for future occupants is mitigated; iii. reconfiguring a lot for creating lots by subdividing another lot is only for the following: <ul style="list-style-type: none"> A. in the Rural zone, where consistent with the overall outcomes of the rural zone and the required minimum development footprint (flood and coastal) for each rural lot is provided outside the High or Medium risk area of the Flood planning area; or B. in the Rural residential zone, residential lots provide the required minimum lot size outside the High risk area of the Flood planning area; or C. in any other zone, for the purposes of a Park or Permanent plantation; iv. building work complies with the flood planning level, engineering design and resilient materials requirements; 	<p>Yes</p>

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

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<p>iv. building work complies with the flood planning level, engineering design and resilient materials requirements;</p> <p>v. earthworks only occur if:</p> <p style="padding-left: 40px;">A. in the Balance coastal planning area of the Coastal planning area or in the Medium risk storm tide inundation area of the Coastal planning area where in the General residential zone, Centre zone, Community facilities zone, Recreation and open space zone or Industry zone;</p> <p style="padding-left: 40px;">B. any filling raises the ground level to the Year 2100 Highest Astronomical Tide level as a minimum;</p> <p>Note - The Year 2100 Highest Astronomical Tide level is available on Council's Flood Check Development Report via https://www.moretonbay.qld.gov.au/floodcheck/</p> <p style="padding-left: 40px;">C. there are no adverse local drainage impacts, flooding and coastal impacts on other premises, public land, watercourses, roads or infrastructure or impacts on natural riverine and coastal processes or flood warning times; or</p> <p style="padding-left: 40px;">D. associated with a previous approval.</p>	
<p>Comments</p> <p>The proposed development for a childcare centre locates the centre wholly within the mapped Balance flood hazard area, rather than the mapped Medium flood hazard area. The proposed development only includes a suspended slab carpark within the mapped Medium hazard flood area.</p> <p>The proposed development includes the construction of a suspended slab to facilitate car parking at a level above the 1% AEP Defined Flood Level (8.9m AHD), being situated at approximately 9.5m AHD in accordance with PO5 of the Flood Hazard Overlay Code.</p> <p>Additionally, no fill is proposed on site to facilitate the development, as a piered construction is not considered to be filling, therefore the location of the car parking area within the Medium hazard risk area is supported. The inclusion of the piers to elevate the platform ensures that risk to persons and property using the site and the adjoining upstream and downstream parcels remain unaffected. The design maintains the conveyance of stormwater and does not increase the risks of afflux or the reduction in conveyance immediacy downstream.</p> <p>Furthermore, to ensure compliance with the provisions of the Flood hazard overlay code, it is recommended that conditions relating to the minimum habitable floor levels are included.</p> <p>It is considered, that as the only component of the proposed development located within the Medium risk hazard, is a car park, which achieves the flood planning levels, the proposed development can achieve the Overall Outcome (c) and will not result in any increased risk to people or property in accordance with the purpose and overall outcomes of the Flood hazard overlay code.</p>	
<p>d. Development of premises subject to a drainage master plan manages and mitigates the risk of flood hazard and any coastal hazard in this area, such that:</p>	<p>N/A</p>

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

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

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

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

2.4 Trunk Infrastructure

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

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2.4.1 Levied Charge

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

2.4.2 Levied Charge Credit

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

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

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

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

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

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

2.4.3 Levied Charge Offset or Refund

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

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

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

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

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

2.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.6 Referrals

2.6.1 *Council Referrals*

2.6.1.1 Development Engineering

Traffic, Access & Parking

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

Stormwater / Flooding

3. A Stormwater Management Plan has been submitted in support of the Development. It is a recommendation of this report to include these plans in the approved plans and documents table as well as include a condition that works are to be undertaken in accordance with these documents.
4. An easement is required within the Medium Risk Flood Hazard area below the cantilevered car parking area. It is a recommendation of this report that a volumetric easement is provided in favour of Council in accordance with the approved plans and documents.
5. It is a recommendation of this report that the floor level be constructed above the Flood Planning Level.
6. Part of the proposed structure is located within the Flood Hazard area. To ensure that the structure is constructed in accordance with accepted Engineering requirements, it is a recommendation of this report that a Structural Design Engineering Report be undertaken and provided prior to approval of building works.
7. To address CPTED concerns, access to below the cantilevered car parking area is to be limited by pool fencing. This fence has a large enough aperture to allow for the conveyance of floodwater, and for most debris to be able to flow through. It is considered that there may be minimal debris collected along the fence during a flood event, however this would be easy to maintain.

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Earthworks

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

2.6.1.2 Environmental Health

Lighting

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

Noise

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

Waste Management

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

Food Premises - Food Business License

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

2.6.1.3 Engineering, Construction and Maintenance - Asset Maintenance

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

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2.6.2 Referral Agencies

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

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

2.6.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.6.2.3 Third Party Agencies

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

2.7 Public Consultation

2.7.1 *Public Notification Requirements under the Development Assessment Rules*

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

2.7.2 *Submissions Received*

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

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

The matters raised within the submission are outlined below:

Assessment of Submissions
<p>Issue</p> <p>Visual amenity of an acoustic barrier along the western side boundary</p> <p>Comments</p> <p>The proposed development incorporates a 2.3m high acoustic barrier along the western boundary to aid in the reduction of noise from outdoor play areas along the western boundary.</p> <p>The height of the proposed acoustic barrier is not considered to be substantially larger than a standard timber boundary fence and would be constructed with similar materials. It is noted that the site is located in a Centre zone where development could typically anticipate buildings built to boundaries.</p>

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Assessment of Submissions
<p><u>Issue</u></p> <p>Visual amenity of an acoustic barrier along the western side boundary</p> <p>This is not a reason for refusal of the application.</p>
<p><u>Issue</u></p> <p>Additional traffic generated by the development and the impact on Station Road and residents.</p>
<p><u>Comments</u></p> <p>As required by Council's planning scheme, an Integrated Transport Assessment was prepared in support of the application. This report identified that the development will result in a potential trip generation in the AM peak of 80 cars and 70 cars in the PM peak with expected additional traffic generated by the proposed development. Upon review of the Integrated Traffic Assessment, it was identified that the additional volume from the Child Care Centre provides an insignificant additional impact on the future road network.</p> <p>Notwithstanding, the above, Station Road has been identified as a road network which the existing level of service has already deteriorated in parts. An assessment of the network details that 10-year growth scenario with and without the development results in a very poor post development condition. Within the boundaries of the proposed development, an upgrade of Station Road would have no practicable benefit.</p> <p>However, to minimise the impacts the development will have on the Station Road network, it is recommended that a condition is included limiting access to the property to a left in / left out driveway.</p> <p>The application has demonstrated the proposed traffic, access and car parking complies with the Planning Scheme Policies relating to Traffic under the provisions of the Moreton Bay Regional Council Planning Scheme (V3). Council's traffic engineers are satisfied the proposal can be supported.</p> <p>This is not a reason for refusal of the application.</p>
<p><u>Issue</u></p> <p>The submitter raises concerns about the potential flood impacts to properties are a result to building within the Medium Flood Hazard Overlay.</p>
<p><u>Comments</u></p> <p>The critical source for flooding on the site is the 1% AEP flood identified affected area towards the rear of the site, and away from the street frontage of Station Road. The development has been designed to be situated entirely outside of the High-Risk flood hazard area. The proposed suspended car park area is located over the medium risk flood hazard area, and the slab on the ground component of the development is located wholly outside of the medium and high-level flood hazard areas. The design ensures that there will be no obscuring of floodwater due to the pierced construction to floodwater which maintains the conveyance of stormwater flows within this area. Additionally, the proposed development does not propose any filling within the Medium Risk Flood Hazard area.</p> <p>To achieve compliance with the Flood Hazard Overlay Code, a hydraulic assessment was provided by the applicant, which included reviewing the flood modelling for the existing and developed scenario. The stormwater management plan contains the hydraulic modelling analysis and provides the results which demonstrate that there is no actionable</p>

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Assessment of Submissions
Issue
<p>Visual amenity of an acoustic barrier along the western side boundary</p> <p>nuisance caused from the proposed development on flooding or stormwater conditions on neighbouring properties.</p> <p>Further, in accordance with Council policy, the area identified as being within the high risk flood hazard is to be dedicated to Council as stormwater drainage, with the medium risk flood hazard, being located under the suspended carpark to include a restricted height easement which is proposed to benefit Council for access and stormwater purposes. The suspended carpark is proposed to include a number of piers to support the carpark, and aids in achieving the required stormwater conveyance requirements.</p> <p>The proposal does not increase the flood risk to adjoining properties and will be protected by a volumetric easement in Council's favour.</p> <p>This is not a reason for refusal of the application.</p>

2.7.3 Notice of Compliance

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

2.8 Other Matters

None identified.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

ITEM 4.2 DA/39769/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILDCARE CENTRE, LOCATED OVER 144 STATION ROAD, BURPENGARY (LOT 3 RP 200642) - A19808453 (Cont.)

3.6 Financial Implications

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

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.7.

ITEM 4.3

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

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

OWNER: The Big Fish Pty Ltd

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A19808453 : 21 April 2020 – Refer Supporting Information A19946773, A19946631, A19992597

Responsible Officer: JL, Planner (PL Development Services)

Executive Summary

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

APPLICATION DETAILS

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

PROPERTY DETAILS

Division:	Division 2
Property Address:	550 Old Bay Road, Burpengary East
RP Description	Lot 2 SP204596
Land Area:	59,070m ²
Property Owner	The Big Fish Pty Ltd

STATUTORY DETAILS

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

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

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

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

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

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

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

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

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

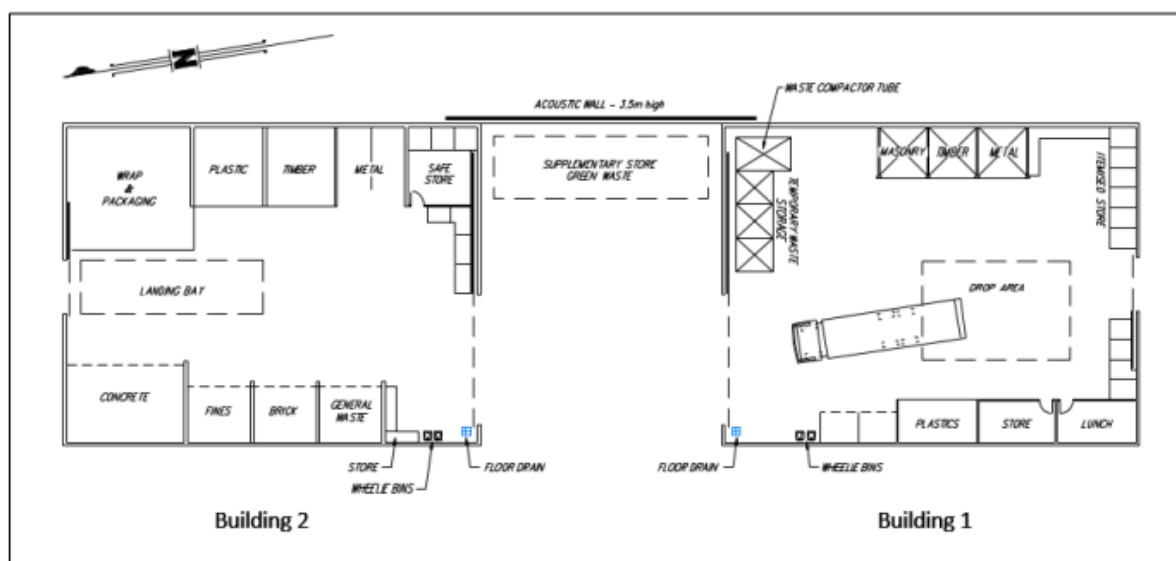


Figure 2 – Internal building design

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

Key operational aspects of the proposed uses:

- Two (2) sheds (Each shed is 19.8m width x 26.4m length (523m²) and 8.12m height)
- 2-5 Employees/Staff
- Hours of operations 7am to 6pm Monday to Friday, 7am to 12pm Saturday
- 3.5m high Acoustic Wall between the two proposed sheds
- 40 Vehicle trips per day
- All construction waste will be delivered in skip bins (or similar) from various construction sites throughout the wider Moreton Bay region
- Proposed future weigh bridge
- Fourteen (14) Carparking Spaces and two (2) MRV Parking Spaces
- Internal roads within stage 1 are proposed to be sealed with a mix of asphalt and concrete
- No outdoor operational outdoor areas are proposed, except the green waste area which is located between the two (2) sheds as shown in *Figure 2*.

Stage 2 - Bulk Landscape Supplies and Agricultural Supplies Store

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

Key operational aspects of the proposed uses:

- Administration Office – 42m² GFA
- Agriculture Supply Store - 230m² GFA (Shed Size - 11.5m Width x 20m Length x 6.5m Height)
- 5m Landscape buffer to Arthur Drewett Drive and Old Bay Road (this landscaping will be located outside the approved 10m 'no compromise' zone)
- Three (3) full time employees
- Hours of operation 6am to 6pm Monday to Saturday
- It is anticipated that both uses would involve a total of 16 vehicle movements (in and out) per day.
- Eight (8) to ten (10) outdoor storage bays for landscape supplies, landscape supplies include soils, sand and gravels, mulch and woodchips
- The agricultural supplies yard also proposes to sell a variety of agricultural produce (stock feed and seed), chemicals (pesticides, herbicides and fertilisers) and ancillary agricultural (bagged potting mix) and concrete products. These products would be stored indoors and suitably secured
- Twenty-two (22) car parks, the carpark area is proposed to be sealed with asphalt

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

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

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

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

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

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

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

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Tony Latter

CARRIED 13/0

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

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

OFFICER'S RECOMMENDATION

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

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Overview	M2446 Plan 001 Issue B	JFP Urban Consultants	18/12/2020
Typical Shipping Containers	M2446 Plan 002 Issue B	JFP Urban Consultants	18/12/2020
Building Layout	M2446 P 02 Issue C	JFP Urban Consultants	30/07/2019
Northern Waste Transfer Shed - Eastern Elevation	M2446 Plan 003 Issue B	JFP Urban Consultants	18/12/2020
Northern Waste Transfer Shed - Northern Elevation	M2446 Plan 004 Issue B	JFP Urban Consultants	18/12/2020
Northern Waste Transfer Shed - Southern Elevation	M2446 Plan 005 Issue B	JFP Urban Consultants	18/12/2020
Northern Waste Transfer Shed - Western Elevation	M2446 Plan 006 Issue B	JFP Urban Consultants	18/12/2020
Southern Waste Transfer Shed - Eastern Elevation	M2446 Plan 007 Issue B	JFP Urban Consultants	18/12/2020
Southern Waste Transfer Shed - Northern Elevation	M2446 Plan 008 Issue B	JFP Urban Consultants	18/12/2020
Southern Waste Transfer Shed - Southern Elevation	M2446 Plan 009 Issue B	JFP Urban Consultants	18/12/2020
Southern Waste Transfer Shed - Western Elevation	M2446 Plan 010 Issue B	JFP Urban Consultants	18/12/2020
Weigh Bridge	M2446 Plan 011 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Office - Eastern Elevation	M2446 Plan 012 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Office - Northern Elevation	M2446 Plan 013 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Office - Southern Elevation	M2446 Plan 014 Issue B	JFP Urban Consultants	18/12/2020
Agricultural Supplies Office - Western Elevation	M2446 Plan 015 Issue B	JFP Urban Consultants	18/12/2020

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

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

GENERAL CONDITIONS - ALL STAGES		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1.	Approved Plans and/or Documents	
	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.
2.	Amended Plan Required	
A	Submit an amended Site Plan and Schedule of Areas Plan which includes the following: <ul style="list-style-type: none"> The Caretaker's Accommodation fully contained within Stage 1, including two dedicated car spaces for this use. Land below Q100 to be transferred to Council as drainage reserve. A vehicle access easement in favour of Council atleast 3.0m wide to provide access to the drainage reserve. The 10m 'no compromise zone' to both Arthur Drewett Drive and Old Bay road amended to be a 10m 'road dedication'. 	Prior to obtaining Building Approval or Commencement of Use.

Moreton Bay Regional Council

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

B	Obtain approval from Council for the amended plans in accordance with (A) above.	Prior to obtaining Building Approval or Commencement of Use.
3.	Land Transfer - Non Trunk Drainage Corridor	
A	Provide the following documentation (as amended by the Queensland Titles Registry) to Council as duly completed for the transfer of drainage corridor. 5. Queensland Titles Registry Form 1 - Transfer; 6. Queensland Titles Registry Form 24 - Property Information (Transfer); 7. Queensland Titles Registry Form 20 - Trust Details Form; 8. Solicitors Undertaking confirming that all executed forms above will be submitted to the Queensland Titles Registry Office, at no cost to the Council, concurrently with the lodgement of any survey plan proposing to create the drainage corridor.	Prior to the commencement of Use.
B	Transfer land shown as drainage corridor on the approved plans (land below Q100) to Council in Fee Simple on Trust, at no cost to the Council, for the purposes of drainage corridor. Provide a vehicle access easement, minimum 3.0 m wide in favour of Council from Arthur Drewett Drive to the drainage corridor. This condition has been imposed under Section 145 of the <i>Planning Act 2016</i> .	Concurrently with the registration of a survey plan with the Queensland Titles Registry Office and prior to the commencement of use
4.	Land Transfer - Non Trunk Road	
	Dedicate land shown as road reserve for the purpose of road reserve in accordance with the approved plans. This includes 10m widening to both Arthur Drewett Drive and Old Bay Road. <i>The condition has been imposed under section 145 of the Planning Act 2016.</i>	Prior to the commencement of use.
5.	Approved Uses	
A	Ensure the Approved Uses are limited to the following: 1. Medium Impact Industry - Waste Transfer Station 2. Bulk Landscape Supplies 3. Agricultural Supplies Store 4. Warehouse 5. Caretaker's Accommodation The approved uses are limited to the stages/areas shown on the approved plans.	To be maintained at all times.
B	Vehicle manoeuvring is limited to the areas shown as compacted gravel, asphalt or concrete on the approved plans. Vehicle manoeuvring outside these areas is not permitted.	To be maintained at all times.
C	Storage of all materials is limited to the buildings and storage areas shown on the approved plans. Storage of goods outside of these areas is not permitted.	To be maintained at all times.

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6.	Hours of Operation	
	<p>Limit the hours of operation for each use as follows:</p> <p>Medium Impact Industry- 7.00am to 6.00pm Monday to Friday and 7.00am-11am Saturdays.</p> <p>Caretaker's Accommodation - unrestricted.</p> <p>Warehouse - 7.00am to 6pm Monday to Friday and 7.00am-11am Saturdays.</p> <p>Bulk landscape supplies and Agricultural supplies store - 6am to 6pm Monday to Saturday.</p>	To be maintained at all times.
7.	Street Numbering	
	<p>Install street numbering located at the road frontage of the site.</p> <p>Ensure street numbers are prominently displayed at the road frontage of the site, to enable identification by emergency services.</p>	Prior to commencement of use and to be maintained at all times.
8.	Internal Fire System	
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>For development that contains on-site fire hydrants external to buildings:</p> <ol style="list-style-type: none"> 1. Those external hydrants can be seen from the vehicular entry point to the site; or 2. A sign identifying the following is provided at the vehicular entry to the site: <ol style="list-style-type: none"> i. The overall layout of the development (to scale); ii. Internal road names (where used); iii. All communal facilities (where provided); iv. The reception area and on-site manager's office (where provided); v. External hydrants and hydrant booster points; vi. Physical constraints within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and vii. Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment. 	Prior to commencement of the use.
C	<p>For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.</p> <p>Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS</p>	Prior to commencement of the use.

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	2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.	
9.	Fencing	
	<p>Provide boundary fencing in accordance with the approved plans including:</p> <ul style="list-style-type: none"> • 2m high corrugated steel fence with concrete post along eastern boundary of the site up until the Q100 line; • 2.5m and 3.8m high acoustic fence along the western boundary of the site; • 1.8m high chain mesh security fence to the western boundary and southern boundary around the Bulk Landscape/Agricultural Supplies store. • 1.8m high pool fencing, including a gate for council access, between the site and the land to be transferred to Council for drainage corridor. 	Prior to commencement of the use and to be maintained at all times, unless otherwise approved by Council.
10.	External Lighting	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and 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.
11.	Pedestrian Lighting	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
12.	Landscaping Plan	
A	Provide landscaping on site generally in accordance with the approved landscape plans.	Prior to commencement of use for each stage.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use for each stage.
C	Maintain the landscaping.	At all times.
13.	Vehicle Encroachment	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use.
14.	Water and/or Sewerage	

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	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: <ul style="list-style-type: none"> 4. a reticulated water supply network connection is available to the land; and 5. a sewerage network connection is available to the land; and 6. all the requirements of Unitywater have been satisfied. 	Prior to commencement of use for each stage of the development where there are stages.
15.	Fibre Ready Telecommunications – Single	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: <ul style="list-style-type: none"> 1. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and 2. Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO. 	Prior to commencement of use.
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (a) above has been done. Note: A template for certification is available from council for the purpose of this condition.	Prior to commencement of use.
16.	Telecommunications Internal Wiring	
A	Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the proposed industrial building that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office.	Prior to commencement of use.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to commencement of use.
17.	Electricity	
	Connect the development to underground electricity.	Prior to the commencement of use.
DEVELOPMENT ENGINEERING		

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

18.	External Road Upgrading	
A	<p>Submit and have approved by Council, a development application for operational works for the following:</p> <p>All frontage roads and associated works. The frontage works are as follows:</p> <ol style="list-style-type: none"> 1. Arthur Drewett Drive - Sub-Arterial - 3 x 10⁶ E.S.A 2. Old Bay Road - Sub-Arterial - 3 x 10⁶ E.S.A <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> <p>Notes:</p> <p>The verge adjoining the development and the carriageway is to be constructed to a minimum sealed width containing:</p> <ol style="list-style-type: none"> 1. Kerb and channel (development side) 2. 2 travel lanes, minimum width 7.0m (2x3.5m) 3. 2.0m wide Bicycle Lane (development side) 4. 2.5m wide shared path (development side) 5. table drainage to the opposite side 6. 10m wide road dedication (development side) <p>Where a service access driveway is proposed, the following is required:</p> <ul style="list-style-type: none"> • Rigid concrete pavement, minimum 5.5m wide; • Cater for the access requirements of a B85 design vehicle with a driveway crossover in accordance with IPWEA Standard Drawing RS-051. 	Prior to commencement of works.
B	<p>Implement the works identified in the approved Operational Works and provide certification for an RPEQ that all works existing or current have been designed and constructed in accordance with A above.</p> <p><i>This condition has been imposed under section 145 of the Planning Act 2016.</i></p>	Prior to the commencement of use of the first stage.
19.	New Intersection	
A	<p>Ensure the detailed design of the access onto Arthur Drewett Drive contains both right and left turn lanes into the site, in accordance with Austroads and Councils PSP.</p>	Note
B	<p>Submit and have approved by Council, a development application for operational works for the intersection of the site access and Arthur Drewett Drive.</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the conceptual intersection configuration in</p>	Prior to commencement of works associated with this condition.

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	the Council approved ITA and the MBRC Planning Scheme current at the time of the operational works application.	
C	Implement the works identified in the approved Operational Works and provide certification for an RPEQ that all works existing or current have been designed and constructed in accordance with B above. <i>This condition has been imposed under section 145 of the Planning Act 2016.</i>	Prior to the commencement of use of the first stage.
20.	Outstanding Operational Works	
	Finalise all outstanding operational works as per previous approval for operational works for filling and excavation issued on 23 August 2011 and furnish all required RPEQ Certified documents prior to the commencement of use.	Prior to commencement of use.
21.	Corner Truncation	
	Provide a 3 chord x 8.0 metre truncation to the south west corner of the existing Lot. A minimum of 4.0 metres will be required for a footpath reserve.	Prior to commencement of use of the first stage.
22.	Minimum Floor Levels	
	The floor level is to be located, designed and constructed to at least the Flood Planning Level as identified in Council's Planning Scheme. Note: The Flood Planning Level used for development can be obtained from the relevant section of the Flood Check Development Report available via Council's website: www.moretonbay.qld.gov.au . The current Flood Planning Level for this site is 7.7m AHD.	Prior to commencement of use.
23.	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
24.	Alterations and Relocation of Existing Services	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use.
25.	Stormwater Management & Drainage Infrastructure – Design & Construction	
	Design and construct at no cost to Council all necessary stormwater management and drainage works (internal and external to the site) in accordance with Council's design standard current at the time of development and subject to the following amendments; <ul style="list-style-type: none"> The Developer is to implement all the recommendations of the SMP report. 	Prior to commencement of use.

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	<ul style="list-style-type: none"> Install water tanks as per SMP report. The property Manager is to be responsible for the proper operation and maintenance of the internal stormwater network for the life of the development. <p>The design must consider "Water Sensitive Urban Design" principles, integrating the stormwater infrastructure into the urban design wherever possible.</p> <p>Note:</p> <p>The current design standards and relevant planning scheme codes are:</p> <ol style="list-style-type: none"> Planning Scheme Policy Integrated Design; Works Code. <p><i>This condition has been imposed under section 145 of the Planning Act 2016.</i></p>	
26.	Stormwater Management Plan (Quantity & Quality) – Plan Approved	
A	<p>The approved Stormwater Management Plan is accepted as demonstrating that stormwater from the proposed development can be managed in accordance with Council's planning scheme requirements and design standards, the "Healthy Waterways Water Sensitive Urban Design Technical Guidelines for South East Queensland" and other relevant legislative requirements.</p> <p>The detailed design must consider "Water Sensitive Urban Design" principles, integrating the stormwater infrastructure into the urban design wherever possible</p>	Note
B	<p>Implement the works identified in the approved Stormwater Management Plan and provide certification from an RPEQ that all works existing or current have been designed and constructed in accordance with this permit condition.</p> <p>Provide Council with "As Built" drawings and specifications of the stormwater management devices certified by an RPEQ including the following for private infrastructure: Photographic evidence and inspection date of the installation of approved underdrainage.</p>	Prior to commencement of use.
C	<p>Maintain and repair the completed private infrastructure works to ensure its ongoing effectiveness. The approved works shall not be altered in any way without the prior written approval of Council.</p> <p><i>This condition has been imposed under section 145 of the Planning Act 2016.</i></p>	At all times.
27.	Stormwater	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
28.	Works – Applicant's Expense	

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	<p>(a) All works, services, facilities and/or public utility alterations required by or as a consequence of this approval or stated condition/s, whether carried out by the Council or otherwise, shall be at the developer's expense unless otherwise specified or agreed in writing.</p> <p>(b) Replace existing Council infrastructure (including but not limited to street trees and footpaths) to Council's standards.</p> <p>(c) Where existing works, including roads and drainage works, will not link up with and join smoothly to proposed works and are not more than twenty (20) metres from the nearest point of the proposed works the developer shall carry out such works as are necessary to ensure that the incomplete works, including roads and drainage, are constructed to link up with and join smoothly to the works proposed in accordance with Council's standards.</p>	Prior to commencement of use.
29.	Existing Driveway Crossover Certification	
	Construct a driveway crossover to proposed development in accordance with the approved plans and documents of development and IPWEA Standard Drawing RS-051. Provide signage and line marking in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD).	Prior to commencement of use.
30.	Access, Internal Roadways, Parking and Servicing Areas	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
31.	Erosion and Sediment Control	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
32.	Extended Maintenance Period	
	Upon satisfactory completion of operational works, this development will require an extended On-maintenance period to monitor effects of traffic flow patterns and external intersections.	Note
CONCURRENCE AGENCY		

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33.	Concurrence Agency	
A	Comply with the conditions of State Development, Manufacturing, Infrastructure and Planning (SDMIP). Council response dated 10 March 2020 (reference: 1910-13688 SRA) or as amended.	At all times.
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the State Development, Manufacturing, Infrastructure and Planning (SDMIP) have been met.	Prior to the commencement of use.

Stage 1 - Medium Impact Industry - Waste Transfer Station

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

Stage 2 - Bulk Landscape Supplies and Agricultural Supplies Store

35.	On-Site Carparking Spaces	
	<p>Provide at minimum the below number of carpark for the development:</p> <ol style="list-style-type: none"> 1. Bulk Landscape Supplies and Agricultural Supply Store - twenty-two (22) parking spaces. <p>Parking spaces are to be located generally in accordance with the approved Site Plan.</p>	Prior to commencement of use and to be maintained at all times.
36.	Stockpiles and Landscaping Materials in Association with the Bulk Landscape Supplies Store and Agricultural Supplies Store	
	All stockpiles associated with the Bulk Landscape Supplies Store and Agricultural Supplies Store must not exceed 3m in height from natural ground level, unless otherwise approved by Council in writing.	Prior to commencement of use and to be maintained at all times.

Stage 3, 4 and 5 - Warehouse

37.	On-Site Carparking Spaces	
	<p>Provide at minimum the below number of carpark for the development:</p> <ol style="list-style-type: none"> 1. Warehouse - Twenty (20) parking spaces. 	Prior to commencement of use and to be maintained at all times.

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	Parking spaces are to be located generally in accordance with the approved Site Plan .	
38.	Storage Container Numbers and Storage Space	
A	Limit the location of storage containers on the site to the number of stories and height within the storage area stated on the approved plans and in other conditions of this approval	To be maintained at all times.
B	A maximum of one-hundred and fifty (150) storage containers are located within the approved Warehouse area in accordance with the approved Site Plan .	To be maintained at all times.

ADVICES

1.	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.</p>
2.	Adopted Charges
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council. .</p>

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3.	Telecommunications Infrastructure
	Telecommunications Infrastructure to and within the development is to be in accordance with the <i>Telecommunications Act 1997</i> and any other relevant legislation.

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

Decision Notice information

Nature of Changes	The development seeks to maintain the existing Caretaker's residence, reduce the storage facility area and incorporate three (3) additional land uses to an existing development approval. The proposal seeks to establish Medium Impact Industry, Bulk Landscape Supplies, Agricultural Supplies Store, Warehouse and Caretaker's Accommodation. ERA 62 is also sought.
Application Details	MBRC Planning Scheme 2016 (Version 3)
Application Type	Development Permit - Material Change of Use for Warehouse, Caretaker's Accommodation, Bulk Landscape Supplies, Agricultural Supplies Store, Medium Impact Industry and Environmentally Relevant Activity (ERA 62)
Other Necessary Permits	<ul style="list-style-type: none"> Operational Works – Development Permit Building Works – Development Permit
Currency Period of Approval	<ul style="list-style-type: none"> Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable
Variation Approval	Not applicable
Assessment Benchmarks	MBRC Planning Scheme 2016 (Version 3)
Other Relevant Assessment Matters	Not applicable.
Reasons for the Decision	Assessment Report
Reasons for Approval Despite Non-Compliance with Assessment Benchmarks	Not applicable

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Referral Agencies	The application was referred to the State Development, Manufacturing, Infrastructure and Planning (SDMIP) for the following; (a) Matters relating to State Development, Manufacturing, Infrastructure and Planning (SDMIP). Council was advised on 10 March 2020 that SDMIP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice.
Submissions	There was one (1) properly made submission about this application.
Other Details	Assessment Report

REPORT DETAIL

1. Proposal

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

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

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

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

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

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

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

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

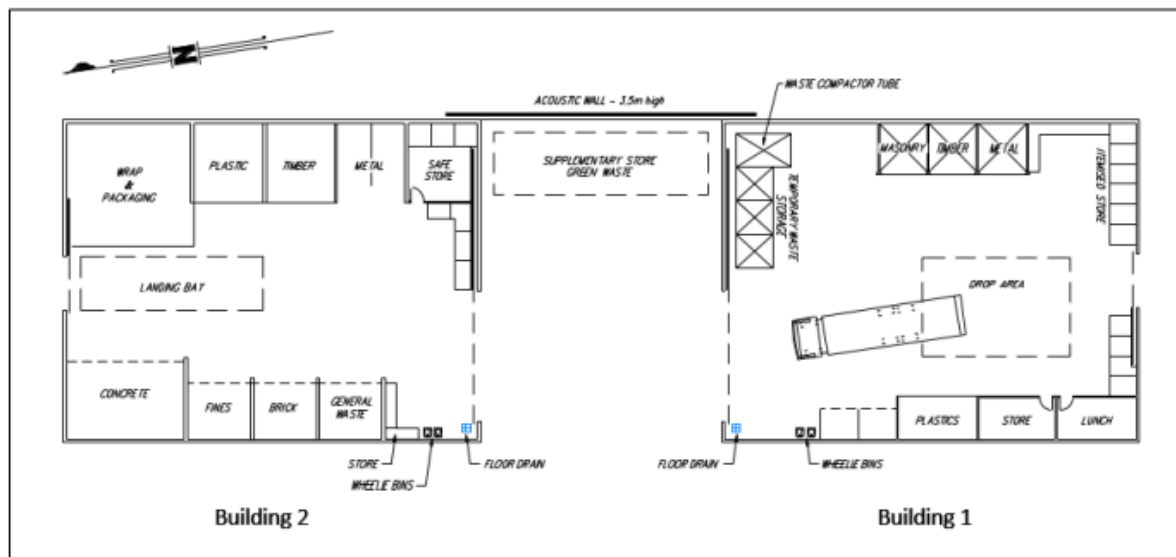


Figure 2 – Internal building design

Key operational aspects of the proposed uses:

- Two (2) sheds (Each shed is 19.8m width x 26.4m length (523m²) and 8.12m height))
- 2-5 Employees/Staff
- Hours of operations 7am to 6pm Monday to Friday, 7am to 12pm Saturday
- 3.5m high Acoustic Wall between the two proposed sheds
- 40 Vehicle trips per day

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- All construction waste will be delivered in skip bins (or similar) from various construction sites throughout the wider Moreton Bay region
- Proposed future weigh bridge
- Fourteen (14) Carparking Spaces and two (2) MRV Parking Spaces
- Internal roads within stage 1 are proposed to be sealed with a mix of asphalt and concrete.
- No outdoor operational outdoor areas are proposed, except the green waste area which is located between the two (2) sheds as shown in *Figure 2*.

Stage 2 - Bulk Landscape Supplies and Agricultural Supplies Store

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

Key operational aspects of the proposed uses:

- Administration Office – 42m² GFA
- Agriculture Supply Store - 230m² GFA (Shed Size - 11.5m Width x 20m Length x 6.5m Height)
- 5m Landscape buffer to Arthur Drewett Drive and Old Bay Road (this landscaping will be located outside the approved 10m 'no compromise' zone).
- Three (3) full time employees
- Hours of operation 6am to 6pm Monday to Saturday.
- It is anticipated that both uses would involve a total of 16 vehicle movements (in and out) per day.
- Eight (8) to ten (10) outdoor storage bays for landscape supplies, landscape supplies include soils, sand and gravels, mulch and woodchips.
- The agricultural supplies yard also proposes to sell a variety of agricultural produce (stock feed and seed), chemicals (pesticides, herbicides and fertilisers) and ancillary agricultural (bagged potting mix) and concrete products. These products would be stored indoors and suitably secured.
- Twenty-one (22) car parks, the carpark area is proposed to be sealed with concrete.

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

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

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

2. Background

Background related to DA/25589/2011/DA

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

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

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

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

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

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

2.1 Description of the Site and Surrounds

Current use of the subject land and surrounding land

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

Topography

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

Access improvements

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

2.2 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

2.2.1 State Planning Policy

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

Assessment 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.	
Assessment benchmarks - water quality	
Applicable to Development	SPP requirement
Yes	(4) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from: <ul style="list-style-type: none"> (e) altered stormwater quality and hydrology; (f) waste water; (g) the creation or expansion of non-tidal artificial waterways; (h) the release and mobilization of nutrients and sediments. (5) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2). (6) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.
<u>Comment</u> A stormwater management plan has been submitted and recommended for approval.	
Assessment benchmarks - natural hazards, risk and resilience	

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Applicable to Development	SPP requirement
Yes	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(6) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <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><u>Comment</u> An assessment of the proposed development has been undertaken, and the proposal has been determined to comply. In particular, the proposal has been located outside of the Medium and High Risk Flood Hazard area. Council Officers are recommending land below Q100 is transferred to Council as drainage reserve.</p>	
Assessment benchmarks - strategic airports and aviation facilities	
Applicable to Development	SPP requirement
No	None
<p><u>Comment</u> Not applicable.</p>	

2.2.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

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

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

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

2.3.1 Strategic Framework

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

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2.3.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

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

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

Performance Outcome Assessment

Performance Outcome	Example
PO11 Car parking is provided on-site to meet the anticipated demand of employees and visitors and avoid adverse impacts on the external road network.	E11 Car parking is provided in accordance with Schedule 7 - Car parking.
Performance Outcome Assessment	
<p>The proposed development is seeking to establish a range of different land uses defined in the MBRC Planning Scheme (Version 3), which involves a number of carparking requirements for each use in accordance with the Schedule 7 - Carparking.</p> <p>With regards to Schedule 7 - Carparking it is found that the Caretaker's accommodation, Warehouse and Medium Impact Industry land uses demonstrate compliance with Schedule 7 - Carparking.</p> <p>The proposed Bulk Landscape Supplies and Agricultural Supplies Store does not comply with the parking requirements in Schedule 7 - Carparking. The parking required for both of the uses is thirty-seven (37) parking spaces and the applicant proposes twenty-two (22) parking spaces.</p>	

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Performance Outcome	Example
<p>The proposed Bulk Landscape Supplies and Agricultural Supplies Store are to operate in conjunction with each other and the nature of the uses do not generally involve customers parking for extended periods of time, it is considered that the proposed Bulk Landscape Supplies and Agricultural Supplies Store meet the anticipated demand of employees and visitors and avoid adverse impacts on the external road network.</p> <p>Therefore, it is considered that the proposed development achieves compliance with PO11.</p>	
<p>PO57</p> <p>Medium impact industry(47) uses only establish in the precinct where:</p> <ul style="list-style-type: none"> a. buildings and activities are located at least 250m from a sensitive land use or sensitive zone; b. not constraining the function or viability of existing or future uses in the precinct; c. not adversely affecting the amenity, health or safety of employees and visitors of the surrounding uses; d. not adversely affecting the amenity, health or safety of nearby sensitive land uses. <p>Note - Separation distances are to be measured in a straight line, in accordance with the State policy.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	

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

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

Overall Outcome Assessment

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

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

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The development seeks to maintain the existing Caretaker's residence, reduce the storage facility area and incorporate three (3) additional land uses to an existing development approval.

The proposal seeks to establish a range of industrial activities including Bulk Landscape Supplies, Agricultural Supplies Store, Warehouse and Caretaker's Accommodation, which are considered consistent low impact industrial uses, that are of a low intensity where impacts can be suitably managed through recommended conditions.

The proposed development also seeks to establish a Medium Impact Industry - Waste Transfer Station for the sorting and packaging of construction and demolition waste, which will then be taken offsite for further processing.

The Medium Impact Industry is considered a policy neutral land use (i.e not 'consistent' and not 'inconsistent' in the precinct) where it can be assessed upon its merits.

The proposed Waste Transfer Station operations are proposed to occur indoors, with 2-5 Employees/Staff, Hours of operations 7am to 6pm Monday to Friday, 7am to 11am Saturday. The Medium Impact Industry is located 130m and 200m from a sensitive land use (Dwelling House). The proposed Medium Impact Industry is retaining the existing 2m high fence along the eastern boundary of the site, including a 3.5m high acoustic wall between the two (2) sheds and sealing internal roads to reduce off site impacts and no adverse impacts to nearby sensitive land uses.

The Waste Transfer Station is subject to an Environmental Authority Permit. This document is issued under the *Environmental Protection Act 1994* and includes conditions that excludes putrescible waste and regulated waste being onsite. Other conditions cover matters such noise, odour, dust, land and water contamination.

Therefore, it is considered the proposed development achieves compliance with Overall Outcome (a).

- d. Industrial activities are located, designed and managed to:
- i. maintain the health and safety of people;
 - ii. avoid significant adverse effects on the natural environment;
 - iii. minimise the possibility of adverse impacts on nearby non-industrial uses

Yes

Comments

The proposed industrial activities have been located and designed to maintain the health and safety of people, by providing safe and convenient access and parking arrangements, and by avoiding traffic conflict by separating customer parking areas from machinery operated areas.

The proposed development avoids significant impacts to the natural environment by avoiding further development with areas of environmental significance, and through the use of bioretention measures to maintain water quality.

The proposed development minimizes the possible adverse impacts on nearby non industrial uses by limiting operational hours, sealing maneuvering areas and providing acoustic attenuation and landscaping.

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

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

2.4 Trunk Infrastructure

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

2.4.1 *Levied Charge*

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

2.4.1.1 **Levied Charge Credit**

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

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(a) Payment of previous charges or contributions

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

(b) Lawful use of land

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

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

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

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

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

2.4.1.2 Levied Charge Offset or Refund

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

2.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.6 Referrals

2.6.1 *Council Referrals*

2.6.1.1 Development Engineering

Traffic, Access & Parking

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

The Traffic Impact Assessment submitted indicates that the development will not have a significant impact on the operation of the Old Bay Road / Arthur Drewett Drive intersection or the Arthur Drewett Drive / Site Access intersection. The access is a 12m wide type B intersection, constructed as part of a previous development application

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DA/25589/2011/V4DU/2 and provides for adequate queueing provision for 4 cars. Given the proximity of the development to the Bruce Highway and the pace of development within this catchment it is reasonable to condition that separate turn lanes be provided into the development site from Arthur Drewett Drive and that an extended maintenance period be provided.

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

Stormwater / Flooding

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

Earthworks

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

2.6.1.2 Environmental Health

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

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

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

2.6.1.3 Environmental Planning

Bushfire Hazard Overlay

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

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

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

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- Safe access and evacuation routes are provided away from the hazardous vegetation.

Environmental Areas Overlay

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

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

Riparian and Wetland Setback Overlay

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

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

2.6.2 Referral Agencies

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

The application was referred to SARA for the following;

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

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

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

2.6.2.2 Advice Agencies

Not applicable.

2.6.2.3 Third Party Agencies

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

2.7 Public Consultation

2.7.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 11 February 2020.

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

2.7.2 Submissions Received

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

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

The matters raised within the submission are outlined below:

Assessment of Submissions
<p>Issue Compliance with Development Approval</p> <p>Comments The submission has raised concerns about the compliance of the Development Approval and the lawful land uses on the subject site.</p> <p>The proposed development application currently has approval for a Storage facility and Caretaker's Accommodation and proposes to introduce three (3) additional land uses in response to Council compliance action. The application seeks to address all matters of non compliance including the additional land uses within the development application. The proposes land uses and any matters of non compliance will be assessed and conditioned as part of approval to achieve compliance.</p> <p>The two proposed sheds were constructed without a development permit, the applicant is aware that the sheds were built without a permit but seeks to gain the relevant approvals for the sheds once this Development Application is decided.</p> <p>This is not a reason for refusal of the application</p>
<p>Issue Noise and Acoustic attenuation fence/wall</p> <p>Comments The submitter is unclear on the acoustic fence and wall arrangements along the eastern boundary of the site and has asked what is the height and material of the fencing?</p> <p>The subject site has an existing fence along a large portion of the eastern boundary of the subject site. The existing corrugated steel fence 2m in height and supported by concrete post is proposed to remain as part of the development application. The applicant also proposes to construct a 3.5m high acoustic wall between the two (2) proposed sheds, which will be constructed and certified to achieve the appropriate acoustic ratings and requirements specified in Condition number - N2 of the Environmental Authority (EA) issued by the Department of Environment and Science (DES).</p>

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Assessment of Submissions

An Acoustic Impact Assessment was submitted as part of the application. The report concludes that as the proposed acoustic wall and the existing fence along the eastern boundary will ensure the proposal will achieve the relevant acoustic requirements. It is noted that acoustic matters will be regulated by the State under the ERA.

This is not a reason for refusal of the application.

Issue

Waste Transfer Station

Comments

The submission has raised concerns about the proposed Medium Impact Industry (waste transfer station) and involvement of both the proposed sheds within the waste transfer station operations.

The proposed waste transfer station is to operate solely within the two (2) sheds. The waste transfer station involves receiving construction and demolition waste only, which will be temporarily stored in separate compartments and containers within the two (2) sheds to then be packaged for further processing off site. The first shed is a drop off and recovery area, which incorporates the sorting of material using a mix of mechanical and manual means depending on the state of the material. The second shed is intended to be a storage, packing and dispatch area, which incorporates packaging and dispatching the sorted materials.

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

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

In addition, there is no permanent or mobile crushing plant on the site or that is proposed as part of the development application. It is understood that concrete is brought to the site and separated from other material to then be taken to other sites for further processing. The processing and storage of the waste material is proposed to occur within the two (2) sheds except for green waste which is stored against the acoustic wall between the sheds.

This is not a reason for refusal of the application.

Issue

Air Quality and Dust

Comments

The submission has raised concerns about the air quality and dust impacting the submitter's property.

The proposed development proposes a sealed access to the subject site off Arthur Drewett Drive and internal roads to the waste transfer station are sealed, which is understood to suppress dust and improve

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Assessment of Submissions
<p>air quality. The other proposed use areas involve using compacted gravel as hardstand which will also limit dust concerns. The concerns of the submitter are acknowledged and it is noted that these concerns have previously been raised as part of compliance action. The sealing and compacting of manoeuvring areas will assist in addressing these concerns. Further, a condition is recommended requiring storage of materials and vehicle manoeuvring areas outside of areas shown on the plans is not permitted. The landscape plan recommended for approval shows areas around the bio-retention basin to be grassed and not utilized for manoeuvring. It is considered that these impacts can suitably be managed through recommended conditions. Conditions requiring the transfer of land below Q100 for drainage reserve will further ensure the development activities do not spread further north towards Burpengary Creek.</p> <p>This is not sufficient grounds for refusal of the application.</p>
Issue Existing Bio-Retention Basin and Turn around area
<p>Comments</p> <p>The submission has raised concerns about the existing bio-retention basin and turn around area.</p> <p>The existing bio-retention basin is currently not fully functional, however it is recommended as a condition to rehabilitate the bio-retention basin to an operational standard that is certified by RPEQ engineer to ensure the basin is serving its intended stormwater management purpose.</p> <p>The turn around area circling the bio-retention basin is not proposed to be used as part of this application. The landscape plan shows this area to be grassed. A condition is recommended limiting all vehicle manoeuvring to the sealed asphalt and compacted gravel areas.</p> <p>This is not a reason for refusal of the application.</p>
Issue Height Requirements of Stored Material
<p>Comments</p> <p>The submission has raised concerns about height limitations on the material to be stored.</p> <p>Materials involved in the waste transfer station operations will be stored entirely within the northern shed. The green waste is proposed to be stored in between the two (2) adjacent to the proposed 3.5 high acoustic wall.</p> <p>The Warehouse use involves single storey storage containers that are 2.4m in height, the storage containers are located primarily along Arthur Drewett Dr and is screened by a 2.5m to 2.8m acoustic wall, 5m deep landscaping along the Arthur Drewett road frontage.</p> <p>The stored material involved with the Bulk Landscape Supply and Agricultural Supply Store will be stock piled into the designated storage bins with a height of 2m. All other material stored in this area will not exceed 3m and a condition is recommended in this regard. The Bulk Landscape Supplies and Agricultural Supplies Store is screened by 5m to 10m of proposed landscaping along Arthur Drewett Drive and Old Bay Road.</p> <p>Therefore, it's considered the onsite stored material will cause minimal visual impacts to surrounding industrial area and sensitive land uses.</p> <p>This is not a reason for refusal of the application.</p>
Issue Operating Times

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

2.7.3 Notice of Compliance

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

2.8 Other Matters

None identified.

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3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.7.

ATTENDANCE

Ms Amy White left the meeting at 10.27am after consideration of Items 4.1 to 4.3 and Mr Marco Alberti attended the meeting at this time to discuss Item 4.4.

ITEM 4.4 - DECLARATION OF INTEREST**Conflict of Interest - Declaration - Cr Mick Gillam**

Pursuant to s175E of the *Local Government Act 2009*, Cr Mick Gillam declared a perceived conflict of interest in Item 4.4 as the Councillor is known to one of the submitters.

However, Cr Mick Gillam has considered his position and is firmly of the opinion that he could participate in the debate and resolution on the matter in the public interest.

Councillor not voluntarily left meeting - other Councillors who are entitled to vote must decide

Pursuant to s175E(3) of the *Local Government Act 2009*, the other Councillors who are entitled to vote at the meeting have been informed about a Councillor's personal interests in the matter and the Councillor has not voluntarily left the meeting, and in accordance with s175E(4) the other Councillors must decide whether the Councillor has a real or perceived conflict of interest in the matter and what action the Councillor must take.

Moved by Cr Cath Tonks

Seconded by Cr Matt Constance

CARRIED 12/0

That in accordance with s175E(4) of the *Local Government Act 2009*, it is considered that Cr Mick Gillam has a perceived conflict of interest in the matter however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.

Cr Mick Gillam remained in the meeting.

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

APPLICANT: Downer Edi Works Pty Ltd

OWNER: Downer EDI Services Pty Ltd

Meeting / Session: 2 PLANNING & DEVELOPMENT

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

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

Executive Summary

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

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

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

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

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

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

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

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

Cr Cath Tonks voted against the motion

CARRIED 12/1

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

ITEM 4.4 MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HIGH IMPACT INDUSTRY, UTILITY INSTALLATION AND ENVIRONMENTALLY RELEVANT ACTIVITIES (ERA6 & ERA54), LOT 15 LEITCHS ROAD, BRENDAL - A19948906 (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 High Impact Industry, Utility Installation and Environmentally Relevant Activity (ERA6 & ERA54) at Lot 15 Leitchs Road, Brendale, described as Lot 15 SP 204612, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Stormwater Management Report	2554 Rev 3	MRG Water Consulting Pty Ltd	15/01/2020
Information Request Response: Traffic and Transport Items	P4281.001L	Bitzios Consulting	10/01/2020
Landscape Concept Plan	Project No. 919 Drawing No. 919-LCP01 Rev. A	Alderson and Associates Landscape Architects	October 2019
Predevelopment contours	DO1945-DA-00	Duggan & Hede Pty Ltd	14/01/2020
Site layout plan - Stage 1	DO1945-DA-01	Duggan & Hede Pty Ltd	14/01/2020
Site layout plan - Stage 2	DO1945-DA-02	Duggan & Hede Pty Ltd	14/01/2020
Site layout plan - Stage 3	DO1945-DA-03	Duggan & Hede Pty Ltd	14/01/2020
Site layout plan - Stage 4	DO1945-DA-04	Duggan & Hede Pty Ltd	14/01/2020
Site section - 1 of 2	DO1945-DA-05	Duggan & Hede Pty Ltd	14/01/2020
Site section - 2 of 2	DO1945-DA-06	Duggan & Hede Pty Ltd	14/01/2020
Critical site dimensions	DO1945-DA-07	Duggan & Hede Pty Ltd	14/01/2020
Stormwater drainage - Stage 3 (1 of 5)	DO1945-DA-08	Duggan & Hede Pty Ltd	14/01/2020
Stormwater drainage - Stage 3 (2 of 5)	DO1945-DA-08a	Duggan & Hede Pty Ltd	14/01/2020
Stormwater drainage - Bioretention Basin 1 (3 of 5)	DO1945-DA-09	Duggan & Hede Pty Ltd	14/01/2020
Stormwater drainage - Bioretention Basin 2 (4 of 5)	DO1945-DA-09a	Duggan & Hede Pty Ltd	14/01/2020
Stormwater drainage - Stage 3 Plant Area (5 of 5)	DO1945-DA-09b	Duggan & Hede Pty Ltd	14/01/2020
Erosion and sediment control plan	DO1945-DA-10	Duggan & Hede Pty Ltd	14/01/2020
Erosion and sediment control details	DO1945-DA-11	Duggan & Hede Pty Ltd	14/01/2020
Asphalt above ground aggregate storage bays - South (Stage 2)	DO1945-DA-21	Duggan & Hede Pty Ltd	14/01/2020
Asphalt above ground aggregate storage bays - West (Stage 2)	DO1945-DA-22	Duggan & Hede Pty Ltd	14/01/2020
Asphalt above ground aggregate storage bays - North (Stage 4)	DO1945-DA-23	Duggan & Hede Pty Ltd	14/01/2020
Workshop building (Stage 2)	DO1945-DA-24	Duggan & Hede Pty Ltd	14/01/2020
Emulsion tank farm - Stage 2	DO1945-DA-25	Duggan & Hede Pty Ltd	14/01/2020
Bitumen tank farm (Stage 2)	DO1945-DA-26	Duggan & Hede Pty Ltd	14/01/2020

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

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

Conditions

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

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

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

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

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

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

CONDITION	TIMING
<p>G <u>Containment Vessel - Fuel Delivery Outside of Canopy</u> All spills and leaks from bulk fuel transfer activities outside of the forecourt canopy area (i.e. fuel tanker trucks delivering to bulk fuel storages on site) must be contained on-site. Tanker Delivery Standing Areas outside of the canopy shall be constructed so that contaminated run-off is automatically diverted to an approved hydrocarbon separator that achieves the following criteria prior to discharge to stormwater -</p> <ul style="list-style-type: none"> (a) Less than 5ppm (mg/L) Total Petroleum Hydrocarbons (TPH), (b) Greater than or equal to 80% reduction in Total Suspended Solids (TSS), and (c) Greater than or equal to 90% reduction in gross pollutants. <p>Note: Approved devices are listed on Brisbane City Council's Register of Certified Hydrocarbon Separators.</p>	
<p>H <u>Forecourt - Spill Kits</u> Spill kits shall be provided and maintained in strategic locations. They shall be appropriate in size, type and equipment to the identified hazards. Kits shall consist of, but not be limited to, the following:</p> <ul style="list-style-type: none"> (a) oil absorbent materials (b) impervious drain covers (c) drip trays (d) spades, funnels (e) hydrocarbon compatible containers (f) appropriate PPE. 	
<p>15. Vehicle washdown system</p>	
<p>A Install a treatment system in order to prevent contaminants from the washing of vehicles entering the environment.</p>	<p>Prior to commencement of the use and to be maintained at all times.</p>
<p>B Provide a report from a suitably qualified professional, outlining an Environmental Management System in accordance with ISO14001:2004 for the management of wastewater from the washdown of vehicles.</p>	<p>Prior to the commencement of the use.</p>
<p>C Provide certification from a Registered Professional Engineer Queensland (RPEQ) that the vehicle washdown and reuse system is designed and installed in accordance with current applicable standards.</p>	<p>Prior to the commencement of the use.</p>
<p>Note: Consideration must be given to the environmental and public health implications for the effective treatment of waste water and the ongoing reuse of recycled water.</p>	
<p>16. Security Fencing</p>	
<p>Erect a black, chain wire mesh, security fence without barbed wire, with a maximum height of 2.4m, along all sides of the site, with gates for pedestrian and vehicular entrances into the site unless otherwise approved by Council in writing.</p>	<p>Prior to commencement of the use and to be maintained at all times.</p>

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

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CONDITION	TIMING
<p>A Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the building works application and the following:</p> <p>(a) The minimum design life (the period assumed in design for which a structure or structural element is required to perform its intended purpose without replacement or major structural repairs) for the earth retaining structure that is specified in Table 3.1 of Australian Standard AS4678;</p> <p>(b) Earth retaining structures within the land and around areas of cut on or near the boundaries of the site must be designed to allow for live and dead loads associated with the land/premise's current occupancy use;</p> <p>Where the adjoining land use rights or zoning allows for industrial uses a minimum live load of 25kPA must be allowed in the design of the retaining structure for these adjoining premises.</p>	<p>Prior to commencement of works associated with this condition.</p>
<p>B Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.</p>	<p>Prior to commencement of use and to be maintained current at all times.</p>
<p>C Provide written certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the design, construction and materials comply with this condition.</p>	<p>Prior to commencement of use.</p>
<p>24. Driveway Crossover</p>	
<p>A Construct a driveway crossover to the proposed development in accordance with the approved plans and documents of development and generally to comply with MBRC Standard Drawing/s RS-051.</p> <p>Provide signage and line marking in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD) that clearly denotes separate entry and exit driveways for development to advise drivers that describe the movements that are approved.</p>	<p>Prior to commencement of use and to be maintained current at all times.</p>
<p>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.</p>	<p>Prior to commencement of use.</p>
<p>25. Access, Internal Roadways, Parking and Servicing Areas</p>	
<p>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.</p>	<p>Prior to commencement of use.</p>
<p>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.</p>	<p>Prior to commencement of use.</p>
<p>26. Roadworks</p>	

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

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

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

CONDITION		TIMING								
A	Prepare a Structural Engineering Design Report. This report is to be prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the MBRC Planning Scheme.	Prior to building works approval.								
B	Provide RPEQ certification to the Building Certifier that the works have been designed in accordance with the recommendations of the Structural Engineering Design Report.	Prior to building works approval.								
C	Construct the works in accordance with the RPEQ certified design and the recommendations of the Structural Engineering Design Report.	Prior to commencement of use.								
29.	Building Below the Flood Planning Level									
	<p>Construct development works below the Council adopted Flood Planning Level (FPL) from materials with a high-water resistance and ensure that essential electrical services are located above the FPL. The FPL for this site at the time of approval is varying over the site and are as per below table;</p> <table><tr><td>Office Crew Amenities and Laboratory</td><td>11.25m AHD</td></tr><tr><td>Drivers Amenities</td><td>11.35m AHD</td></tr><tr><td>Production Office</td><td>11.35m AHD</td></tr><tr><td>Weighbridge Office</td><td>11.35m AHD</td></tr></table> <p>Notes:</p> <p>1. The Queensland Government Fact Sheet ‘Rebuilding after a flood’ provides information about water resilient products and building techniques. Available at www.hpw.qld.gov.au.</p> <p>2. An essential electrical service includes services defined as utilities in Mandatory Part 3.5 – Construction of buildings in flood hazard areas of the Queensland Development Code</p>	Office Crew Amenities and Laboratory	11.25m AHD	Drivers Amenities	11.35m AHD	Production Office	11.35m AHD	Weighbridge Office	11.35m AHD	Prior to commencement of use
Office Crew Amenities and Laboratory	11.25m AHD									
Drivers Amenities	11.35m AHD									
Production Office	11.35m AHD									
Weighbridge Office	11.35m AHD									
CONCURRENCE AGENCY										
30.	Concurrence Agency									
A	Comply with the conditions of the Department of State Development, Manufacturing, Infrastructure and Planning response dated 14 February 2020 (reference:1911-14389 SRA or as amended).	At all times.								
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the Department of State Development, Manufacturing, Infrastructure and Planning have been met.	At all times.								

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

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

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

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

Decision Notice information

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

REPORT DETAIL

1. Proposal

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

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

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

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

- **Stage 1** is the receipt, stockpiling and processing of recycled asphalt product (**RAP**) and will typically include:
 - Receiving hopper;
 - Shredder;
 - Iron separator;
 - Multi deck vibratory screen;
 - Conveyors;
 - Above ground bays for storage of product (Stage 2 as part of the Asphalt Plant);
- **Stage 2** is the asphalt plant which will utilise processed RAP and product from the Reconomy (Detritus) Facility and will typically include:
 - 8 x 12 m³ roofed cold feed bins (aggregate and sand) and feeders;
 - Conveyors;
 - Rotary dryer (gas / diesel fired);
 - Hot asphalt elevators and screens;
 - 120t hot aggregate storage bins (5); •
 - Dust extraction system and baghouse;
 - 6 x 13m³ roofed cold feed bins (RAP) and feeders;
 - 2 x 40t hot RAP storage bins;
 - 5000 kg mixer;
 - 1 x 40m³ reclaimed filler silo;
 - 3 x 56m³ imported filler silo;
 - 600t hot asphalt storage bins;
 - 6 x 60 m³ bitumen storage tanks in tank farm;
 - Diesel tank;
 - Weighbridge;
 - Above ground (roofed) bays for aggregate and sand storage;
 - Above ground (roofed) bays for RAP storage;
 - Other site infrastructure will include:
 - Office, Laboratory and Crew Amenities;
 - Production Office;
 - Driver Amenities;
 - Landscaping.
- **Stage 3** is the Reconomy (Detritus) Facility, which will typically include:
 - Feed hopper and trash skip;
 - Conveyors;
 - Magnets;
 - Trommel;
 - Classifier and Hydrocyclone;
 - Combined water and sediment tank;
 - G:MAX, including screen and hydro cyclone;
 - Eddy current separator;
 - Picking station;
 - Water clarifier / treatment plant;
 - Roofed above ground bays (3 x 1,000m³) for the storage of incoming spadeable material;
 - Roofed inground pits (2 x 240m³) for the storage of incoming slurry and quarantined materials;
 - Roofed above ground bays for organics and sludge discharges;

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- Other site infrastructure will include:
 - Weighbridge;
 - Office and Amenities.
- **Stage 4** is upgrades and expansions to the Asphalt Plant and Reconomy (Detritus) Facility.

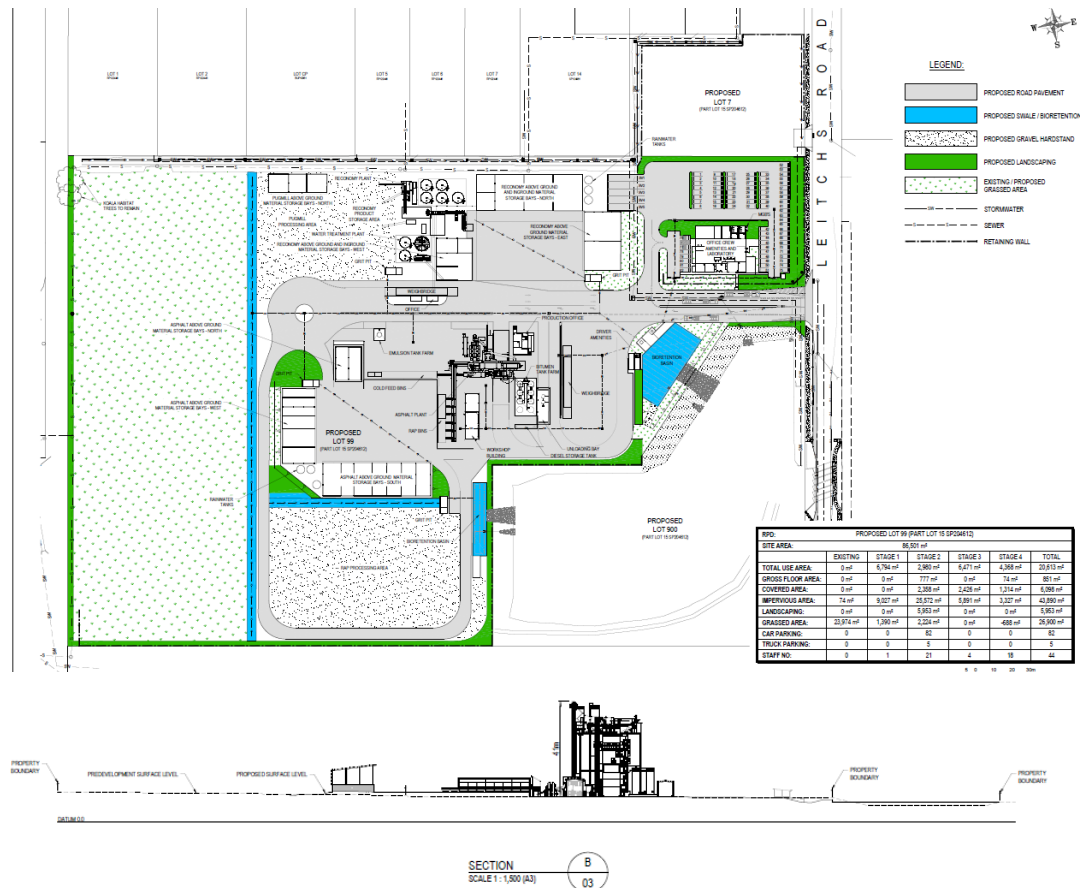


Figure 3: Proposal

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

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

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

2. Background

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

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



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

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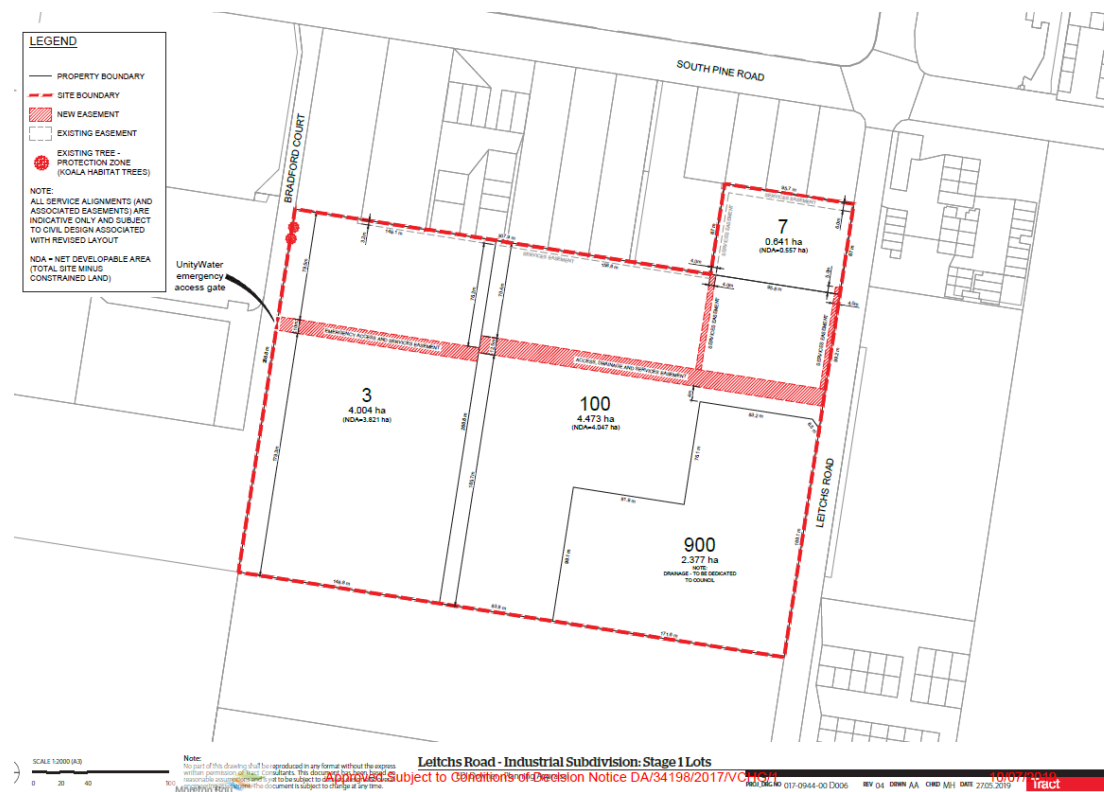


Figure 5: Stage 1



Figure 6: Stage 2

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

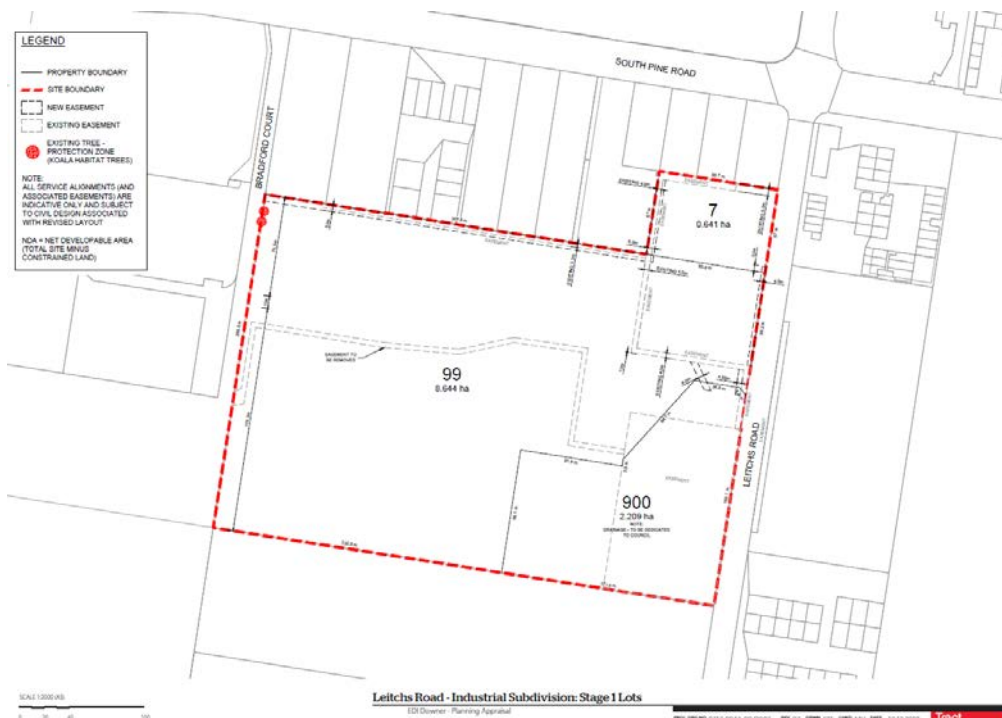


Figure 7: Stage 1 - creation of proposed lot 7, balance lot 99 and adjusted drainage lot 900

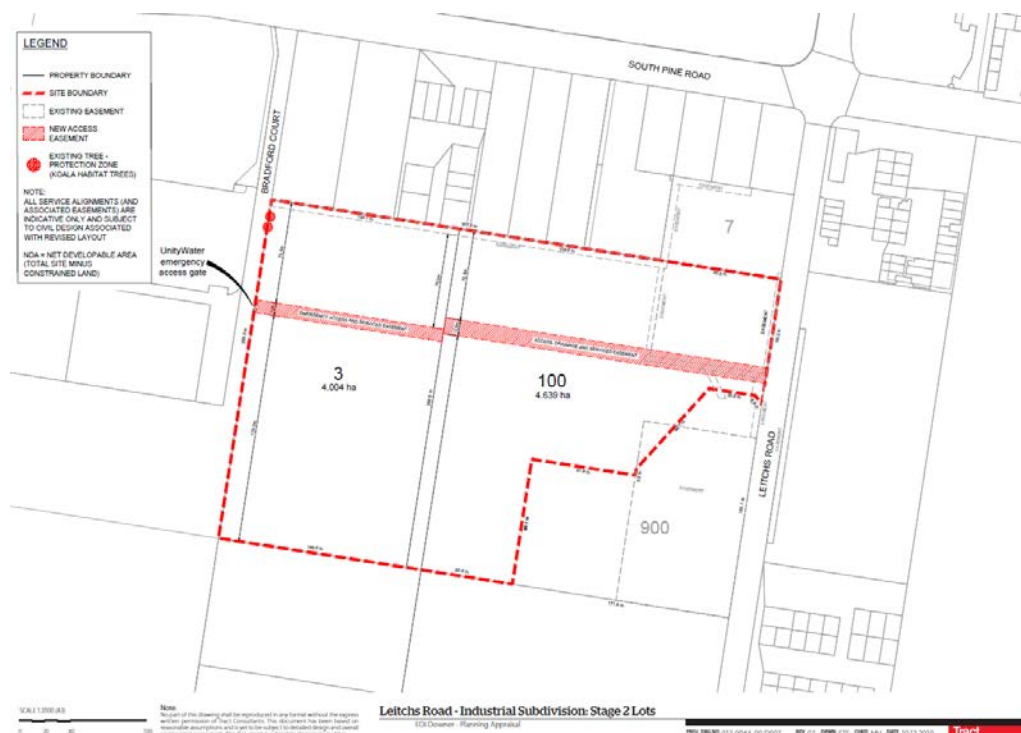


Figure 8: Stage 2 - creation of proposed lots 3 and 100

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

3. Explanation of Item

3.1 Description of the Site and Surrounds

3.1.1 Current use of the subject land and surrounding land

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



Figure 10: Aerial

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3.1.2 Topography

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

3.1.3 Vegetation

The site is materially cleared of vegetation.

3.1.4 Access improvements

The development application proposes access to Leitchs Road.

3.2 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

3.2.1 State Planning Policy

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

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

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

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

3.2.2 South East Queensland Regional Plan (ShapingSEQ)

The site is located in the Urban Footprint designation.

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

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

Koala Habitat Area

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

3.3 Assessment Benchmarks applicable from the MBRC Planning Scheme

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

3.3.1 Assessment

3.3.1.1 Code Compliance Summary

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


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

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

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

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3.3.1.2 Performance Outcome Assessment

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

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Figure 12: Superimposed view north along Leitchs Road



Figure 13: Superimposed view from Brendale Park

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

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Figure 14: Existing Powerlink Structures in the Brendale area

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

PO23

Emissions do not significantly increase air turbulence, reduce visibility or compromise the operation of aircraft engines in Brisbane airport's operational airspace.

Note - Refer to State Planning Policy December 2013 mapping to identify Brisbane airport's operational airspace.

E23.1

Development does not emit a gaseous plume into the airport's operational airspace at a velocity exceeding 4.3m per second.

E23.2

Development emitting smoke, dust, ash, steam or a gaseous plume exceeding 4.3m per second is designed and constructed to mitigate adverse impacts of emissions upon operational airspace.

Performance Outcome Assessment

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

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

Therefore, the proposal complies with Performance Outcome PO23.

PO58

High impact industry activities:

- are located at least 500m from a sensitive land use or sensitive zone;
- do not compromise the function or viability of existing and future industrial uses in the precinct;
- do not adversely impact on the amenity, health or safety of adjoining industrial workers or sensitive land uses.

No example provided.

Performance Outcome Assessment

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

Means:

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

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

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

Means each of the following defined land uses:

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

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

Lot 15 Leichs Road, Brendale

IMPORTANT NOTES:
(These notes are an integral part of the plan)
This plan has been prepared for the discussion purposes. It is not to be used for any other purposes.
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February 2020

These plans are unclassified and not subject to the provisions of the Environmental Planning and Assessment Act 1979.

Date Issued: _____
Author: _____
Revised: _____

Scale	
1:1000	1:1000
1:2000	1:2000
1:5000	1:5000
1:10000	1:10000

Locality: Brendale
Local Authority: WBC
Scale: 1:5000 GDA
Drawn: CH
Checked: CH
Print Date: 14 Feb, 2020
Copyright Plan Ref: 31780-GP01-A.dwg

Sensitive and other relevant land uses near proposed asphalt plant

LEGEND

600m from proposal

veris

BRENDALDE WANTSUNDAYS
071 288 4102 071 868 110
BACKEY LAMBER
071 482 1811 071 430 810

071 288 4102
071 482 1811
071 430 810

31780-GP02 A

The chiropractor, pharmacy, occupational therapy, GP, dentist, psychology and physiotherapist are all within the definition of health care services and are located within 500m of the proposal. The music school is likely to fall within the definition of educational establishment and is located within 500m of the proposal. Therefore, on balance, the proposal does not accord with Performance Outcome PO2 and an assessment of the Overall Outcomes of Section 6.2.7.3.1 of the MBRC Planning Scheme is required.

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

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<p>as possible from environmental areas and corridors;</p> <p>e. landscaping with native plants of local origin.</p> <p><i>Editor's note - Edge effects are factors of development that go to detrimentally affecting the composition and density of natural populations at the fringe of natural areas. Factors include weed invasion, pets, public and vehicle access, nutrient loads, noise and light pollution, increased fire frequency and changes in the groundwater and surface water flow.</i></p>	
<p>Performance Outcome Assessment</p>	
<p>On 1 March 2018, Council gave a development permit for the land to be subdivided into numerous lots with associated bulk earthworks to fill the land.</p> <p>Relevantly, retaining walls were approved for approximately 230m on the southern boundary of the site for bulk earthworks purposes and were constructed along the southern boundary of the site in August 2019.</p> <p>In addressing PO86, the existing retaining wall provides a delineation between the development and realigned waterway corridor to the south and therefore limits the possibility of edge effects, as no development is permitted south of the existing retaining wall and the status quo will be maintained.</p>	
<p>PO87</p> <p>Development avoids adverse microclimate change and does not result in increased urban heat island effects. Adverse urban heat island effects are minimised by:</p> <ol style="list-style-type: none"> pervious surfaces; providing deeply planted vegetation buffers and green linkage opportunities; landscaping with local native plant species to achieve well-shaded urban places; increasing the service extent of the urban forest canopy. 	<p>No example provided.</p>
<p>Performance Outcome Assessment</p>	
<p>On 1 March 2018, Council gave a development permit for the land to be subdivided into numerous lots with associated bulk earthworks to fill the land.</p> <p>Relevantly, retaining walls were approved for approximately 230m on the southern boundary of the site for bulk earthworks purposes and were constructed along the southern boundary of the site in August 2019.</p> <p>In addressing PO86, the existing retaining wall provides a delineation between the development and realigned waterway corridor to the south and therefore limits the possibility of edge effects, as no development is permitted south of the existing retaining wall and the status quo will be maintained.</p>	

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

3.3.1.3 Overall Outcome Assessment

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

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

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

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

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

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

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

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

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<p>iv. Management in Drinking Water Catchments 2012. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:</p> <p>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</p> <p>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p>C. the requiring of environmental offsets in accordance with the <i>Environmental Offsets Act 2014</i>.</p> <p>v. protecting native species and protecting and enhancing species habitat;</p> <p>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</p> <p>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</p>		
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<p>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p> <p>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</p> <p>x. ensuring effective and efficient disaster management response and recovery capabilities;</p> <p>xi. where located in an overland flow path:</p> <p>A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</p> <p>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</p> <p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
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r. Development in the General industry precinct includes one or more of the uses listed.	Y	The proposal is policy neutral.
s. Development in the General industry precinct does not include any of the uses listed.	Y	The proposal is policy neutral.
t. Development not listed above may be considered on its merits and where it reflects and supports the outcomes of the precinct	Y	Complies.

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

3.3.1.4 **Strategic Framework**

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

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

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

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

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

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

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

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

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

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

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

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

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

3.4 Trunk Infrastructure

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

3.4.1 Levied Charge

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

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3.4.2 Levied Charge Credit

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

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

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

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

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

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

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

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

3.4.3 Levied Charge Offset or Refund

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

3.4.4 Additional Trunk Infrastructure Costs

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

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

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

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

3.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

3.6 Referrals

3.6.1 *Council Referrals*

3.6.1.1 Development Engineering

Traffic, Access & Parking

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

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

Stormwater / Flooding

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

3.6.1.2 Environmental Health

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

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3.6.1.3 Environmental Planning

Environmental Areas Overlay and Riparian and Wetland Setbacks

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

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

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

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

Heritage and Landscape Character Overlay

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

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

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

Development in koala habitat area

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

MSES under the SPP

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

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

Town Planning response to Environmental Planning comments

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

The Environmental Planning comments provide that in order:

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

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

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

3.6.2 Referral Agencies

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

The Department is a Concurrence agency for:

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

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

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

3.6.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

3.6.2.3 Third Party Agencies

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

3.7 Public Consultation

3.7.1 Public Notification Requirements under the Development Assessment Rules

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

3.7.2 Submissions Received

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

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

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

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

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Submissions in support

construction material sources are located far away from projects, the haulage costs dramatically increase the cost of supply.

Downer has successfully operated from Kremzow Road for many years and this plant will upgrade and modernise the technology, allowing this plant to close.

With the intended closure of Downer's Kremzow Road plant, this proposal will secure local jobs that families rely on.

The project is proposed on land that is zoned industrial which is appropriate for this use.

Please register this submission as support for Downer's development application.

The remaining submission in support was:

I support Downer's application to establish a new Asphalt production facility at Brendale.

The new generation plant will apply the latest technology and reduce waste which burdens our landfill.

The production processes make good use of waste materials to create new asphalt, including road profiling materials from old roads when they are milled and replaced.

The plant is proposed within an industrial estate near a wastewater treatment plant, so there are no impacts on the community. There are also many mitigations proposed within the development application to help ensure there is minimal nuisance to local businesses. Government regulations will also ensure the plant is run to high environmental standards.

The production will generate local onsite jobs producing employment certainty for workers and associated ancillary service contractors who are currently engaged on the Downer site at Kremzow Road, Strathpine.

Submissions in opposition

Issue 1 - Inappropriate Use / Environmentally Relevant Activity

A common thread of the submissions lodged in opposition to the proposal was that the location is not appropriate for the proposed use. The submissions specify that the site is located within proximity of sporting fields and associated clubs, residential areas, golf course, schools, child care centres and the Eatons Hill Hotel and shopping precinct and that the perceived pollutants (noise, smell and light) from the proposal will influence the existing uses negatively.

As required by the *Planning Act 2016*, the application was referred to the State Assessment and Referral Agency (**SARA**) as the assessing authority responsible for assessing the prescribed Environmentally Relevant Activity (**ERA**) component of the development application, specifically:

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

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Submissions in opposition

The proposal also required an approval for an environmental authority from the Department of Environment and Sciences (DES) under section 115 of the *Environmental Protection Act 1994*. These referrals and assessments of any potential environmental impacts were administered by DES who have the ongoing responsibility of ensuring compliance.

On 12 February 2020, the DES gave an environmental authority (EA0002154) to the applicant that approved the use in the location under the *Environmental Protection Act 1994*.

In the context of land use planning, the SARA advised MBRC on 14 February 2020 that under the *Planning Act 2016* it had no objection to the application subject to the application of conditions to any approval given.

This is not sufficient grounds for refusal of the application.

Issue 2 - Increased Truck Activity

A submission raised concerns regarding a perceived increase in truck activity to South Pine Road / Leitchs Road and that Leitchs Road is not designed to be a heavy vehicle route.

South Pine Road is a State controlled road and therefore the SARA has imposed a condition that there are to be no B-double vehicles exiting from the site travelling east or west on South Pine Road, and no Truck and Dog vehicles exiting from the site travelling east on South Pine Road.

In respect to Leitchs Road, Council engineers do not have any significant concerns and have confirmed the road can accommodate the additional truck movements.

This is not sufficient grounds for refusal of the application.

Issue 3 - Insufficient Public Notification in accordance with the *Planning Act 2016*

A submission also questioned the public notification procedures undertaken by the applicant under the *Planning Act 2016*.

On 24 January 2020, the applicant commenced public notification in accordance with section 17.2 of the Development Assessment Rules. The public notification ran for a period of 16 business days till 18 February 2020. During the public notification period, MBRC received 18 properly made submissions, of which 13 were in support of the application and 5 against. Post the conclusion of the public notification period, Council received an additional 6 not properly made submissions against the proposal.

The submission referenced the Albany Creek Cricket Club (ACCC) specifically as an organisation that was not individually notified of the development application and in the submitters view, should have been.

Section 17.1(a) of the Development Assessment Rules states that the applicant must give notice to the adjoining owners of all lots adjoining the premises subject of the application. The ACCC is not an adjoining owner and therefore was not consulted directly.

This is not sufficient grounds for refusal of the application.

Issue 4 - Insufficient Public Notification in accordance with the *Environmental Protection Act 1994*

A submission also questioned the public notification procedures undertaken by the applicant under the *Environmental Planning Act 1994*. Specifically, the submitter made reference to

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Submissions in opposition

Section 6 of the *Environmental Protection Act 1994* being community involvement in administration of the *Environmental Protection Act 1994*.

Section 6 of the *Environmental Protection Act 1994* states:

This Act is to be administered, as far as practicable, in consultation with, and having regard to the views and interests of, industry, Aborigines and Torres Strait Islanders under Aboriginal tradition and Island custom, interested groups and persons and the community generally.

Council is not the administering authority of the *Environmental Planning Act 1994*.

Further, the proposal is for a prescribed ERA (as defined under section 19 of the *Environmental Protection Act 1994*). No public notification is required under the *Environmental Planning Act 1994* in this instance, with the public notification requirements limited to those determined under the *Planning Act 2016* and Development Assessment Rules.

This is not sufficient grounds for refusal of the application.

Issue 5 - Hours of Operation

A submitter concern was also that the Asphalt Plant / Bitumen Operating Plant will be operating 24 hours a day, 7 days a week.

There are 3 components of the development - an Asphalt Plant, a Reconomy Plant and a RAP processing plant dealing with different parts of the process. While some components of the development may operate 24 hours a day, 7 days a week - not all components will.

The Asphalt Plant will operate 24 hours per day, 7 days a week; however, it will only operate between 10pm and 7am if the Reconomy Plant is not in operation at the same time.

The Reconomy (Detritus) Plant will operate between the hours of 7.00am and 10.00pm for 7 days per week, however it may also operate nights between 10.00pm and 7.00am (Monday 10pm to Saturday 7am), if the Asphalt Plant is not in operation at the same time.

The RAP processing plant will only operate between the hours of 7.00am and 6.00pm, 7 days per week however operations on Saturday and Sunday will only occur if there is a 4m high stockpile provided to the south and east of the RAP plant.

The site is within the Industry Zone - General Industry Precinct of the MBRC Planning Scheme. There are a number of provisions within Industry Zone Code - General Industry Precinct which provide qualifications regarding hours of operation. The proposal is compliant with the relevant provisions of the Industry Zone Code - General Industry Precinct and is further administered by a Construction Environmental Management Plan.

This is not sufficient grounds for refusal of the application.

Issue 6 - Inconsistent with the MBRC Planning Scheme

A submitter quoted Overall Outcome i.i. of Section 6.2.7.3.1 of the MBRC Planning Scheme, being the Industrial zone - General industry precinct:

i. High impact industry activities only establish in the precinct where:

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Submissions in opposition

i. there is a minimum separation distance of 500m from an existing or approved sensitive land use or sensitive zone;

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

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

This is not sufficient grounds for refusal of the application.

Issue 7 - Piecemeal application

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

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

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

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

73 Attachment to the premises

While a development approval is in effect, the approval—

(a) attaches to the premises, even if—

(i) a later development (including reconfiguring a lot) is approved for the premises; or

(ii) the premises are reconfigured; and

(b) binds the owner, the owner's successors in title, and any occupier of the premises.

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

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

These are not sufficient grounds for refusal of the application.

3.7.3 Notice of Compliance

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

3.8 Other Matters

None identified.

4. Strategic Implications

4.1 Legislative/Legal Implications

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

4.2 Corporate Plan / Operational Plan

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

4.3 Policy Implications

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

4.4 Risk Management Implications

☒ Nil identified

4.5 Delegated Authority Implications

☒ Nil identified

4.6 Financial Implications

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

4.7 Economic Benefit Implications

☒ Nil identified

4.8 Environmental Implications

☒ Nil identified

4.9 Social Implications

☒ Nil identified

4.10 Consultation / Communication

Refer to clause 3.7.

ATTENDANCE

Mr Dan Staley and Mr Marco Alberti left the meeting after consideration of Item 4.4.

ADJOURNMENT

The meeting adjourned at 10.52am for morning tea.

The meeting resumed at 11.17am.

MAYORAL MINUTE

(Cr Peter Flannery, Mayor)

The Mayor tabled a Mayoral Minute making the following statement:

MAYORAL MINUTE #1

CORONAVIRUS (COVID-19) COMMUNITY AND LOCAL BUSINESS RECOVERY

We know large parts of our community are suffering from the impacts of COVID-19 which is why council acted swiftly to implement an initial \$15 million COVID-19 Community and Local Business Support Package (resolved on 25 March 2020).

We have commenced work on a COVID-19 Recovery Plan for the Moreton Bay Region. Beyond economic recovery, we know we need to support the emotional, social and physical wellbeing of our community. The regeneration of our community from an economic and human and social perspective beyond our previous condition, will create a more resilient community. To ensure this roadmap to recovery is responsive to local business and community needs, the Moreton Recovery Group has been activated to finalise the Recovery Plan, and to oversee its implementation.

As the Chairperson of the Moreton Recovery Group, I will work with local business and community leaders to deliver recovery activities throughout the region without unnecessary delays to support local residents, community groups and businesses.

Already, Council has taken decisive action to support community groups and clubs through \$8.5 million in grants. Over 140 Community Organisation Hardship and Assistance Grants have been approved and 191 applications for Community Infrastructure Revitalisation Grants have been received. I am advised that the CEO has reallocated \$3.5 million to ensure that vital community organisations can survive to ensure we maintain our social fabric. As a Council, we have issued fourteen times more in funding for grants and funded three times the number of projects we would normally approve in an entire financial year. To stimulate new opportunities for residents to participate in arts and cultural activities, \$50,000 has been redirected from the Regional Arts Development Fund to a new Continue Creating program. Our grants program is one of the most significant in South-East Queensland, which reinforces the emphasis we place on the value of the community sector in our community.

Through our partnership with Moreton Bay Industry and Tourism (MBRIT), we will launch a \$240,000 destination campaign to support tourism and hospitality businesses get back on track as we welcome people back to Moreton Bay. We will also supercharge our events program including Australia Day at Bribie Island, The Hills Festival, Redcliffe Kite Fest and the Lunar New Year to ensure that when we can safely deliver these events, they will be able to cater for an influx of residents and visitors which is great news for local businesses. MBRIT will continue to roll out professional development for local businesses through the Business Moreton Bay Program. Over the last month, we have seen some brilliant examples of our local resilience through the Moreton Bay Tough campaign another great partnership between Council and MBRIT supporting businesses adapting to a new way of operating. A great example of this is Norths Leagues Clubs who have partnered with Meals on Wheels.

Mayoral Minute #1 (Cont.)

We continue to work with the State and Federal Governments to fast track infrastructure investment to stimulate the local economy. The LGAQ's Battle Plan is an excellent example of this with the potential to fast track almost \$300 million in community infrastructure projects, roads and green army projects and create 2,893 direct and 762 indirect local jobs over the next three years. This investment would be on projects like the Moreton Connector, a new Caboolture PCYC and a new \$125 million Knowledge and Innovation Centre at the heart of the Mill site, a partnership through the SEQ City Deal with all levels of government and the University of the Sunshine Coast creating a new home for local innovation businesses.

All of these initiatives will help support our community as we recover and I recommend the following motion to supplement the work already undertaken, particularly supporting ratepayers struggling to pay their rates at this time.

RESOLUTION

Moved by Cr Peter Flannery (Mayor)

CARRIED 13/0

1. **That the Moreton Recovery Group establish an Economic Recovery Taskforce and a Human/Social Recovery Taskforce to deliver a draft COVID-19 Recovery Plan to Council by 10 July 2020 in line with the Queensland Premier's Roadmap to Easing Restrictions Stage 3 timeline.**
2. **Council is satisfied that during the COVID-19 pandemic, the payment of rates or charges will cause hardship to landowners and that by granting the following concession it will encourage the economic development of the area.**
3. **That Council grants a rates concession under section 121 of the Local Government Regulation 2012:**
 - a. **to any ratepayers required to pay rates on property in the Moreton Bay Regional Council area who apply to Council and enter into a Council-approved payment plan; and**
 - b. **limited to a period of 6 months with interest on overdue rates and charges not applicable for the period 1 April 2020 to 30 September 2020.**
4. **That pursuant to section 257 of the Local Government Act 2009, Council delegates to the Chief Executive Officer the right to:**
 - a. **determine a ratepayer's eligibility for the concession under section 120(c) of the Local Government Regulation 2012;**
 - b. **enter into repayment plans with eligible ratepayers; and**
 - c. **determine the form of the Repayment Plan Agreement.**
5. **That Council bring forward an additional \$2 million worth of asset maintenance projects as soon as practicable, with preference being given to local suppliers in completing this work (\$4 million in total including \$2 million approved through Council's initial COVID-19 Community and Local Business Support Package).**
6. **That officers bring a report to the next general meeting to amend council's procurement policy to:**
 - a. **Provide for stronger participation by local suppliers and service companies in delivering asset maintenance and capital projects within the Moreton Bay Region; and**
 - b. **Having regard for COVID-19 economic impacts incorporate a stronger incentive for local suppliers with a sunset clause of 31 December 2020.**

The Mayor tabled a further Mayoral Minute making the following statement:

MAYORAL MINUTE #2 MAYOR AND COUNCILLOR SALARIES

Council historically has accepted the independent councillor and mayoral salary recommendations of the former Local Government Remuneration and Discipline Tribunal. However, we are in uncertain times and there is heightened community expectation on elected members to provide leadership and a problem-solving orientation to matters facing our economy. In my view, it is inappropriate to accept a pay increase while others take a pay cut or lose their job. The *Local Government Regulation 2012* allows Council to make a resolution to determine a lower amount than the maximum. We have already seen Brisbane City Council reject a pay rise for two years and Isaac Regional Council and Mackay Regional Councils for one.

Globally, coronavirus has killed hundreds of thousands of people. Millions are unemployed. And, right now there are many Moreton Bay families and businesses staring down the barrel of financial ruin. As such, I ask my fellow Councillors to forgo a pay rise this financial year in solidarity with the many households suffering the economic consequences of the coronavirus pandemic across our Region.

We need to take the lead and show this is not the right time to take a pay increase, we need to be in touch with our community and in particular those who are doing it really tough now and for many months and years to come. We do have a choice, and accepting an increase shows a lack of thought and understanding of what is going on around us.

Anxiety over our health and wellbeing is being matched by anxiety over our finances as the full force of the coronavirus becomes apparent across Australia. Australians have seen a devastating impact on their day-to-day finances as work dries up and growing uncertainty mounts about the long-term impact on their families' employment and ability to pay household bills

In a sign coronavirus is shifting from a health crisis to an economic one, an increasing number of Queensland businesses have gone into liquidation, administration or had winding up proceedings started. Figures from ANZ showed total job ads plunged 53.1 per cent in April, compared to a 10 per cent drop in March. The fall is almost five times larger than the previous record of 11.3 per cent in January 2009.

Numerous financial reports state that household spending is tipped to be down by 15 per cent by the end of June while housing investment is expected to be even worse, down by 17 per cent over the same period. It will not be back in positive territory until at least the middle of 2021. Business investment, already negative at the end of last year, is now forecast to bottom out at minus 13 per cent by December.

The International Monetary Fund, in its 2020 World Economic Outlook released recently, forecasts the global economy to fall three per cent in 2020 because of the coronavirus crisis – compared with a fall of 0.1 per cent in 2009 at the height of the global financial crisis. The IMF Report indicated that it is very likely that this year the global economy will experience its worst recession since the Great Depression, surpassing that seen during the global financial crisis a decade ago.

We are all in this together and we need to show the people of our Region that we are with them as we get through this pandemic, some say the worst anyone has seen since the great depression some 90 years ago. I say, let our actions and commitment demonstrate that we have earned a pay rise next year by getting the community back on track.

Mayoral Minute #2 (Cont.)

RESOLUTION

Moved by Cr Peter Flannery (Mayor)

CARRIED 11/2

Crs Cath Tonks and Mick Gillam voted against the motion

1. That in accordance with section 247 of the Local Government Regulation 2012, Council resolves not to pay the maximum remuneration as recommended by the independent Local Government Remuneration Commission for the Mayor, Deputy Mayor and each Councillor, as a gesture of support for residents and local businesses during the COVID-19 for the financial year commencing 1 July 2020.
2. That Council resolves to apply the following remuneration from 1 July 2020:

	Councillor	Deputy Mayor	Mayor
From 1 July 2019 (Current)	\$138,745	\$158,332	\$228,521

Prior to the motion being put to the vote, the following amendments were proposed:

AMENDMENT MOVED

Cr Mick Gillam moved the following amendment:

That Council resolves to allow Councillors the choice to apply the following remuneration from 1 July 2020

The variation to the motion was not accepted by the Mayor as it was not consistent with the intent of the terms of the Mayor's motion.

AMENDMENT MOVED

Cr Darren Grimwade moved the following amendment:

That Councillors be encouraged to choose a local community group to provide support using the funds of the difference of the salary increase.

The variation to the motion was not accepted by the Mayor as it was not consistent with the intent of the terms of the Mayor's motion.

AMENDMENT MOVED

Cr Mick Gillam moved the following amendment:

That the decision be reviewed in December 2020.

The variation to the motion was not accepted by the Mayor as it was not consistent with the intent of the terms of the Mayor's motion.

AMENDMENT MOVED

Cr Matt Constance moved the following amendment:

That the maximum remuneration effective 1 July 2020, as recommended by the independent Local Government Remuneration Commission for the Mayor, Deputy Mayor and each Councillor, be paid from the half year commencing 1 January 2021.

The variation to the motion was not accepted by the Mayor as it was not consistent with the intent of the terms of the Mayor's motion.

5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION

(Cr Mick Gillam)

No items for consideration.

6 FINANCE & CORPORATE SERVICES SESSION

(Cr Matt Constance)

No items for consideration.

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

There were no notified general business items or responses to questions taken on notice.

12. CLOSED SESSION

(s275 of the Local Government Regulation 2012)

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

CLOSED SESSION

RESOLUTION

Moved by Cr Denise Sims (Deputy Mayor)

Seconded by Cr Jodie Shipway

CARRIED 13/0

That Council move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Items C.1 to C.2.

Members of the press and public gallery left the Chambers.
The closed session commenced at 11.57am.

OPEN SESSION

RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Brooke Savage

CARRIED 13/0

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

The open session resumed at 12.11pm.

12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL

ITEM C.1 – CONFIDENTIAL

CABOOLTURE - BROWN STREET CORRIDOR - ROAD CONSTRUCTION AND UPGRADE

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

Reference: A19887502 : 20 April 2020

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

Basis of Confidentiality

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

Executive Summary

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

RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Denise Sims (Deputy Mayor)

CARRIED 13/0

1. That a variation of the contract with CES Civil SEQ Pty Ltd is entered into for the sum of \$1,200,769 (nett \$ 748,490.89) for the completion of construction works at Brown Street Corridor, Caboolture, as described in this report.
2. That the budget for 101267 Caboolture - Brown Street Corridor - Road Construction and Upgrade project (20/21 draft budget allocation) be increased by the sum of \$470,000 (excluding GST).
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the variation of the contract with CES Civil SEQ Pty Ltd for the construction of works at Brown Street Corridor, Caboolture, and any further required variations of the agreement on Council's behalf.

ITEM C.2 – CONFIDENTIAL

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

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

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

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

Basis of Confidentiality

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

Executive Summary

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

RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Mark Booth

CARRIED 13/0

1. That Council resolves to enter into a lease at the premises known as 1a, 130 - 134 Gympie Road, Strathpine (Part of Lot 25 on SP203484) as described in this report.
2. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease on the Council's behalf, as described in this report.

12b. CONFIDENTIAL GENERAL BUSINESS

No items for consideration.

CLOSURE

There being no further business the Chairperson closed the meeting at 12.13pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 20/619 to 20/794 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 13 May 2020.

Greg Chemello
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 27 May 2020.

Greg Chemello
Chief Executive Officer

Councillor Peter Flannery
Mayor