

MINUTES

BANANA SHIRE COUNCIL SPECIAL MEETING

Meeting Date: Wednesday, 5 April 2023
Venue: Council Chambers, 62 Valentine Plains Road, Biloela
Time: 11:30 am

1.0 Opening of Meeting

“Council recognises that this meeting is held on the Land of the Gaangalu Nation and that the Banana Shire also includes land of the Iman People, Wulli Wulli People, Wadja People, Wakka Wakka People and Darumbal People.”

2.0 Attendance including Apologies & Leave of Absence

3.0 Declaration of Interest on Matters on the Agenda

4.0 COM002-14/15 - Request For Change Existing Approval (Minor Change) In S81 Of The Planning Act 2016 - Development Application For Preliminary Approval For A Material Change Of Use (S.242 Seeking To Vary The Effect Of A Local Planning Instrument) For The Biloela Shopping World Development Code; Material Change Of Use For Retail / Commercial Complex (Incorporating Commercial Premises, Shop, Showroom And Food Premises) and Food Premises (Restaurant); Reconfiguring a Lot (5 into 2 Lots and New Road) and Operational Works (Advertising Devices) Located at 2 Gladstone Road Biloela and 34 Kariboe Street Biloela Described as Lot 30 on SP322214, formerly known as Lot 30 on SP293577, Lot 1 on SP301589, Lot 53 on SP126772, and as Lot 211 on SP119237, Lot 30 on SP122571, Lot 2 on Sp121353, Lot 30 on CP894250 and Lot 53 on SP126772.

5.0 Close of Meeting

1.0 Opening of Meeting

The meeting commenced at 11:29am.

2.0 Attendance including Apologies & Leave of Absence

Councillors – Mayor Nev Ferrier and Crs Semple, Pender, Casey and Ramsey, and on phone Crs Leo & Boyce.

Officers - Chief Executive Officer, Director Corporate & Community Services, Manager Infrastructure Works.

Apologies – Director Council Services, Acting Director Council Services, Acting Director Infrastructure Services.

3.0 National Anthem & Prayer

Following the National Anthem, Cr Ramsey led Council in prayer.

4.0 Declaration of Interest on Matters on the Agenda

It was noted there are no declaration of interest on matters on the agenda.

5.0 COM002-14/15 - REQUEST FOR CHANGE EXISTING APPROVAL (MINOR CHANGE) IN S81 OF THE PLANNING ACT 2016 - DEVELOPMENT APPLICATION FOR PRELIMINARY APPROVAL FOR A MATERIAL CHANGE OF USE (S.242 SEEKING TO VARY THE EFFECT OF A LOCAL PLANNING INSTRUMENT) FOR THE BILOELA SHOPPING WORLD DEVELOPMENT CODE; MATERIAL CHANGE OF USE FOR RETAIL / COMMERCIAL COMPLEX (INCORPORATING COMMERCIAL PREMISES, SHOP, SHOWROOM AND FOOD PREMISES) AND FOOD PREMISES (RESTAURANT); RECONFIGURING A LOT (5 INTO 2 LOTS AND NEW ROAD) AND OPERATIONAL WORKS (ADVERTISING DEVICES) LOCATED AT 2 GLADSTONE ROAD BILOELA AND 34 KARIBOE STREET BILOELA DESCRIBED AS LOT 30 ON SP322214, FORMERLY KNOWN AS LOT 30 ON SP293577, LOT 1 ON SP301589, LOT 53 ON SP126772, AND AS LOT 211 ON SP119237, LOT 30 ON SP122571, LOT 2 ON SP121353, LOT 30 ON CP894250 AND LOT 53 ON SP126772.

Date: 14 March 2023

Author: Rentia Robertson

File ID: COM002-14/15

Letter ID:

Attachment: Attachment 1 - Conditions of Approval (ID1787764)
Attachment 2 - Proposed Plans (ID1787765)
Attachment 3 - Location Map (ID1611126)
Attachment 4 - Original Decision Notice –16 December 2015– (ID36331)
Attachment 5 - Applicants Representations – 30 November 2022 and 6 February 2023 (ID1763259 & 1763582 & 1776275 & 1778579)
Attachment 6 - Ergon – Affected Entity Response – (ID1764093)
Attachment 7 - Infrastructure Charges Notice (ID1788067)

Minute No: SM001147

Resolution:

That Council approve the request to change and existing approval (minor change) in s 81 of the Planning Act 2016 made by Biloela Square PT Ltd C/- Urbis Pty Ltd on 30 November 2022, properly made on the 10 March 2023 for Development Permit COM002-14/15 - Preliminary Approval under Section 241 and 242 of the Sustainable Planning Act 2009 to override the Banana Shire Planning Scheme 2005 to establish the 'Biloela Shoppingworld Plan of Development' (Impact Assessable) and for a Material Change of Use (Impact Assessable) for a Retail and Commercial Complex – incorporating Commercial Premises, Shop, Showroom and Food Premises and for Reconfiguring a Lot (Code Assessable) 5 Lots into 2 Lots and New Road and Operational Works (Code Assessable) Advertising Devices and located at 2 Gladstone Road, Biloela, 34 Kariboe Street, Biloela, Part of Railway Corridor, Biloela and Part of Road Reserve described as Lot 30 on SP322214, formerly known as Lot 30 on SP293577, Lot 1 on SP301589, Lot 53 on SP126772, and as Lot 30 on SP122571, Lot 2 on SP121353, Lot 53 on SP126772, Lot 30 on CP894250 and Lot 211 on SP119237 to the extent detailed below:

A. Council agrees to amend the following aspects of the Decision Notice relating to the description:

Development Permit for Preliminary Approval for a Material Change of Use (s.242 seeking to vary the effect of a local planning instrument) for the 'Biloela Shoppingworld Development Code', Development Permit for a Material Change of Use for Retail / Commercial Complex (incorporating Commercial Premises, Shop, Showroom and Food Premises) and Food Premises (~~McDonald's Family Restaurant~~), Development Permit for a Reconfiguration of a

Lot (5 into 2 Lots and New Road), and Development Permit for Operational Works (Advertising Devices).

- B. Council agrees to amend the following aspects of the Approval relating to:
Section 3 – Development Permit – Material Change of Use (Shopping Centre) –
COM002-1415**

Council agrees to amend Condition 1 Approved plans in accordance with the following:

Plan/Document number	Plan/Document name	Date
PLAN REF: BA1398 PP_03_v2	Biloela Shoppingworld Reconfiguration of a Lot	21 August 2012
Project No. 7142, Sheet No. DA02 & DA03, Revision 2 Project No. 16311, sheet DA-1001, issue 6	Proposed Site Plan	09-12-2014
DA-1001 Issue 14	Proposed Site Plan – Stage 01 & Stage 02	2023.02.03
DA-1002 Issue 1	Proposed Site Plan - Stage 3	2023.02.03
Project No. 7142, Sheet No. DA03, Revision 2 Project No. 16311, Sheet DA-1002, Issue 1	Proposed Basement Plan	09-12-2014 2020.10.16
Project No. 7142, Sheet No. DA05 & DA06, Revision 1 Project No. 16311, Sheet DA-2001, Issue 1	Elevations Proposed Elevations	01-10-2014 2020.10.16
Project No. 16311, Sheet DA-2002, Issue 1	Proposed Elevations	2020.10.16
DA-2001 Issue 4 DA-2002 Issue 4	Proposed Elevations Proposed Elevations	2023.02.03 2023.02.03
Project No. 7142, Sheet No. DA07, Revision 1 Project No. 16311, Sheet DA-3001, Issue 1 DA-3001 Issue 4	Sections Sections	01-10-2014 2020.10.16 2023.02.03

2 is to be maintained until the commencement of construction of Stage 3. All customer parking spaces are to be provided in accordance with AS2890.1.

Council agrees to amend Condition 58 (Off-street Parking and Manoeuvring Areas) in accordance with the following:

- 58** Adjoining centre ~~isle~~ **aisle** car parks within the on grade car parking area must not include vertical concrete kerb or similar obstructions to allow longer vehicles the ability to park within the car park.

Council agrees to delete Condition 59 (Off-street Parking and Manoeuvring Areas) in accordance with the following:

- 59** ~~Provide the following within the proposed basement car park:~~

- ~~a) Clear signage so users can locate vehicles in a timely manner; and~~
- ~~b) A network of designated, well lit and signposted pedestrian routes linking users to main entrances of the development.~~

Council agrees to amend Condition 60 (Off-street Parking and Manoeuvring Areas) in accordance with the following:

- 60** Trolley collection bays are to be provided within the ~~basement and~~ on grade car parking area in accordance with the approved plans.

Council agrees to delete Condition 61 (Off-street Parking and Manoeuvring Areas) in accordance with the following:

- 61** ~~Sumps and pumps must be provided to drain the basement area of any seepage or stormwater inflows, to discharge to the Council stormwater system.~~

Council agrees to delete Condition 69 e) (Off-street Parking and Manoeuvring Areas) in accordance with the following:

- 69 e)** ~~Basement car park accesses are designed to achieve a suitable grade to avoid vehicles scraping or bottoming out.~~

Council agrees to amend Condition 71 (On street Parking)) in accordance with the following:

- 71** Design, construct and delineate or sign (as required) the following requirements for on-street parking, in the locations generally shown on the approved plan(s):

- a) ~~26~~ **22** angle car parks on Barrett Street;
- b) ~~12~~ **17** angle car parks and 3 motor cycle parking spaces on Kariboe Street;
- c) ~~14 car parking spaces (in addition to caravan / RV spaces) within the~~ **proposed** Tourist Information Centre Site; and
- d) bus stop, taxi and loading bays on Kariboe Street, mail zone on Kariboe Street;
- e) 15 minute parking zone on Gladstone Road/Dawson Highway.

Council agrees to amend Condition 81 Callide Street Road Closure) in accordance with the following:

- 81** Maintain vehicle access between Barrett Street and Gladstone Road / Dawson Highway (i.e. former Callide Street road reserve) up and until the commencement of any works associated with Stage 3b (Construction of on-grade car parking). ~~Interim traffic control arrangements are to be designed and implemented to allow safe vehicle movements within the site including at the~~

~~Barrett Street and intersection and Gladstone Road / Dawson Highway intersection. Details, plans and specifications of the proposed interim arrangements are to be submitted with the amended staging plans required under condition 7. with Stage 01 of approved plan DA-9100. Development Staging Plan Issue 2 dated 2020.11.16 Development Staging Plan, DA-9100, Issue 1 dated 2023.0203.~~

Council agrees to amend Condition 101 (Stormwater) in accordance with the following:

- 101** ~~Stormwater runoff is to discharge to a legal point of discharge (Brown's Gully). A detailed Stormwater Management Plan, and associated engineered drawings, is to be created that is in accordance with the Site Based Stormwater Management Plan (written by Farr Engineers Associates Pty Ltd and dated 29 30September 2014 2020 24 November 2022). This detailed plan is to be provided to Council as part of the operational works application and must comply with the requirements of the Capricorn Municipal Development Guidelines.~~

~~The detailed Stormwater Management Plan is to include the installation of additional stormwater infrastructure required to transport the stormwater from the development to Brown's Gully (legal point of discharge) or calculations showing that the existing 600mm diameter stormwater pipe has sufficient capacity to allow for the addition of the stormwater from the proposed development.~~

And Issue the relevant Notice under the Planning Act 2016.

Moved: Cr Pender

Seconded: Cr Casey

Carried

Report

Applicant:	Biloela Square Pty Ltd C/- Urbis Pty Ltd
Owner/s:	Biloela Square Pty Ltd
Subject Site:	Lot 1 on SP301589, Lot 30 on SP293577
Application Lodged:	20 October 2020
Planning Scheme:	Banana Planning Scheme 2005
Zone and Overlays:	Town Zone Commercial and Industrial precinct
Applicable Codes:	Town Zone Code; Commercial Code; Development Standards Code; Development Design Code; Reconfiguring a Lot Code.
Referral Agencies:	State Assessment and Referral Agency (SARA)
Submissions:	261
Summary:	The proposed request is consistent with the overall intent and provisions of the Banana Planning Scheme 2005 and the <i>Planning Act 2016</i> .

Background

Council issued a Development Permit for Preliminary Approval under Section 241 and 242 of the *Sustainable Planning Act 2009* to override the Banana Shire Planning Scheme 2005 to establish the 'Biloela Shoppingworld Plan of Development' (Impact Assessable) and for a Material Change of Use (Impact Assessable) for a Retail and Commercial Complex – incorporating Commercial Premises, Shop, Showroom and Food Premises and for Reconfiguring a Lot (Code Assessable) 5 Lots into 2 Lots and New Road and Operational Works (Code Assessable) Advertising Devices and located at 2 Gladstone Road, Biloela, 34 Kariboe Street, Biloela, Part of Railway Corridor, Biloela and Part of Road Reserve : Lot 30 on SP293577, Lot 1 on SP301589, Lot 53 on SP126772 and formerly described as Lot 30 on SP122571, Lot 2 on SP121353, Lot 53 on SP126772, Lot 30 on CP894250 and Lot 211 on SP119237 by Decision Notice (ID36331) dated 16 December 2015. The development was decided at Council's ordinary meeting held on 9 December 2015 (Minute Number: OM003304).

The application was for a Development Permit for a Material Change of Use for a 'retail / commercial complex' incorporating commercial premises, shop, showroom and food premises and food premises (stand-alone restaurant) – Biloela Shopping World Expansion. A proposal to vary the effect of the Banana Shire Planning Scheme 2005 (Preliminary Approval under Section 242 of the *Sustainable Planning Act 2009*) was also included in the application. Further Development Permits were also sought to reconfigure the subject site and for Advertising Devices associated with the proposed use.

The proposed expansion of the Biloela Shopping World (Material Change of Use) comprised:

- Expansion of the existing supermarket.
- A new Discount Department Store (DDS).
- Additional specialty shops and food premises.
- A stand-alone food premises with drive-thru.
- Re-location of the existing service station.

The expansion will increase the Gross Lease Area (GLA) of the development from 7,508m² to 13,967m² which are made up of:

- Supermarket – 4,255m²;
- DDS – 4,500m²;
- Specialty shops – 4,548m²;
- Kiosks – 125 m²;
- Existing food premise – 219m²;
- Proposed food premise – 320m².

Proposed building works include a combination of new works and refurbishment of the existing Shoppingworld building. New works extend to construction of a new Kariboe Street Entrance, upgrades to the Dawson Highway façade, a new Burnett Highway façade and entrance, basement car park, DDS and stand-alone restaurant. Existing awnings and columns along the Dawson Highway and other design features will be retained. All building works is proposed to be within the twelve (12) metre height limit for the Town Zone – Commercial Precinct.

New signage will consist of a range of new pylon signs, pillar signs and wall signs. These are sited variously within the site.

A total of 634 car parking spaces at a rate of 4.5 car parks per 100m² are proposed including a basement level car park (293 spaces); on-ground level (233), staff (34) and off-street (52).

Vehicle access to the development is proposed from the following locations:

- Kariboe Street – basement access and loading areas. Basement access is also provided within the ground level / fast food premises car park.
- Barrett Street –ground level / fast food premises car park.
- Burnett Highway - ground level / fast food premises car park (left in / left out only).
- Gladstone Road – existing KFC drive through exit and ground level / fast food premises car park (left in / left out only).

Upgrades to the surrounding pathway network are proposed including a continuous perimeter pedestrian pathway.

New landscaping, street-scaping and entry statements are proposed including upgrades to the Kariboe Street frontage (street-scaping), screen planting along the Barrett Street frontage, shade trees and landscaping along the Burnett Highway frontage and improvements to existing garden beds. A landscaping concept plan (attached) details the extent of proposed landscaping and its likely impact on the aesthetics of the development.

The following external road works have been completed in preparation of the expansion of the shopping centre:

- Completion of the Callide Street Road closure,
- Opening of the Barrett Street and Burnett Highway intersection,
- Relocation of the tourist visitor information centre, and
- All other associated infrastructure: including kerb, channelling, and underground services such as water and sewer.

The reconfiguration of a lot component created the following lots:

- Lot 30 on SP293577 (future Lot 1) – 26 920m²;
- Lot 2 on SP301589 (future Lot 2) – 2231m² balance rail corridor land; and,
- New Road (837m²) for the extension of Barrett Street through to the Burnett Highway (requirement for the closure of Callide Street).

Biloela Shoppingworld expansion site has been consolidated into a single allotment (Lot 30 on SP293577).

A request to change the development approval under Request to extend currency period in section 86 (**An extension application**) was made by Urbis under letter received by Council on 29 January 2020 (ID1529201). This request sought an extension to the approval period for a further four (4) years from the date from which the existing Development Permit would lapse, extending the currency period to 11 March 2024. This request was approved at Council's Ordinary Meeting (Minute No. OM004637) dated 18 March 2020.

A request to change the development approval under section 81 (**Minor Change**) was made by Urbis under letter received by Council on 20 October 2020 (ID1586088). This request sought a minor change for the following:

- Reduction of the overall Gross Lettable Area (GLA): from 13,947m² down to 11,622m²
- Reduction of the overall Gross Floor Area (GFA): from 15,344m² down to 12,094m²
- Proposed additional fast food outlet (420m²) at the corner of Burnett Highway and Barrett Street
- Reconfiguration of a selection of retail tenancies, including swapping of the supermarket and DDS tenancies, as well as the introduction of a Mini Major tenancy:
- New transformer and substation to electrical within BOH (back of house) loading area;
- New pad-mounted substation with standalone RMU (ring main unit);
- Reduced car parking spaces from 628 to 484 car parking spaces;
- Relocation of basement ramp entry from Burnett Highway to Barrett Street;
- Relocation of travelators; and
- Woolworths tenancy will be provided with adjoining dedicated 'pick-up' area.
- to include updated Preliminary Approval and associated plans, which incorporates the majority of amendments sought within Condition 8 of the Material Change of Use (Preliminary Approval) this component of the approval has a currency period of ten (10) years.
- to delete all conditions within Section 4 (Advertising Devices) as this component of the approval has now lapsed.

The assessment of the above proposed changes, specifically the request to include an additional fast food outlet to the current centre raised concerns with Council in that the proposed changes had to satisfy the *minor change* definition. On gaining legal advice from King and Co on the 2 November 2020 (ID1589138) it was concluded that the proposed changes as set out above does not constitute a *minor change* in regards to the addition of an additional fast food outlet.

Based on the legal advice received and discussions held on the 5 November 2020 with the applicant, the application was amended by removing the additional fast food outlet from the *minor change* application. On the 24 February 2021 at Council's Ordinary Meeting (Minute Number OM004930) the request was approved.

On the 6 May 2021 Council received a request to change the development approval (minor change) under section 81 of the *Planning Act 2016* made by Urbis Pty Ltd (ID1626808). The request sought

changes to the development approval, relating to condition 77 where it requires a 30mm asphalt overlay to be completed on Kariboe Street, from the Gladstone Road intersection to Barrett Street intersection. The request was considered at Council's ordinary meeting dated 23 June 2021, and refused based on the following:

- The development proposes a change in the nature of traffic as heavy vehicles will place an increase load on the pavement as heavy vehicle manoeuvring will occur on and off site as demonstrated by the turning templates of the heavy vehicles. This will place an increased strain on the overlay causing this section of Kariboe Street to deteriorate prematurely.
- Articulated vehicles will now use Kariboe Street to access the delivery and loading bays of the shopping centre that is only accessible from Kariboe Street. Kariboe Street was not designed to accommodate Articulated vehicles.

With the number of changes to approval that this development has gone through including the number of negotiations of approval, this condition has remained since it was first placed on the decision notice in 2015. If the condition was unfair or unreasonable it would have been requested to be removed long before this point in time. To add to this the location of the loading bay has not changed with the changing of the development plans and therefore it was unreasonable to consider that this condition should change or be removed.

On the 30 November 2022, Council received a request to change the development approval (ID1763259). The change as presented to Council was listed as a minor change and proposes modifications to the reconfiguration of the internal tenancy layout and changes to the car park including removal of basement level carpark.

The requested changes involve modifications to the existing site layout to accommodate additional tenancies and provide a wider retail offering within the shopping centre. The proposed changes are as follows:

- Removal of the approved fast food tenancy on the corner of Burnett Highway and Gladstone Road;
- Reconfiguration of internal tenancy layout resulting in a net loss of 849m² GFA;
- Modification of the food court to provide a total of 175 seats;
- Modification of amenities, management offices and store layout; and
- Removal of approved basement level carpark, escalator, and ramp.

On the 14 December 2022, Council issued a letter (ID1766476) expressing concerns relating to the request being a minor change and informed the applicant that the proposed changes to the development approval are not considered a "Minor Change" as per Schedule 1 of the Development Assessment Rules and may result in a substantially different development. As the below extract from Council's letter notes that Council disagrees with the following 2 criteria as addressed in the application:

Guideline Criteria	Applicants Response provided with the request:	Council response in relation to the proposed change result in a substantially different development due to: -
Changes the ability of the proposed development to operate as intended.	The proposed change does not change the ability of the existing shopping centre to operate as intended. The proposal will retain the existing shopping centre complex and its ability to continue to operate with the existing and future	Disagree. The proposed change reduces the floor area of the supermarket, DDS and Mini Major by approximately 3,500sqm. This has the potential to affect the centre's ability to service the catchment as intended in the original approval. For reference, refer to Footnote 29 of Schedule 1 of the DA Rules.

Guideline Criteria	Applicants Response provided with the request:	Council response in relation to the proposed change result in a substantially different development due to: -
	tenancies on site as a retail, shop and food and drink outlet etc.	
Removes a component that is integral to the operation of the development.	The proposed development removed the basement level car park. As demonstrated in the sections above, removal of the car park combined with an overall decrease of GFA ensures that the car parking ratio to GFA remains relatively the same as the existing approved car parking provision. As such, the removal of the basement car park level does not represent removal of a component integral to the operation of the development.	Disagree. The proposed removal of the Fast-Food premise and associated drive-through facility removes an integral part of the approved development, noting that the approved use includes 'Food Premises (McDonalds Family Restaurant)'. This has removed the ability for members of the public to access food services from their vehicle as originally approved.

Following Council's letter, a response was provided by letter received on the 7 February 2023 (ID1776275) to each of the above items raised, and are detailed as follows:

Item 1- The ability of the proposed development to operate as intended.

Further to discussions with Council, it was agreed the referenced reduction (3,500m²) was incorrect due to various changes since the approval was granted and the reduction was approximately 850m². Revised plans of the development introducing a Stage 3 is submitted and thereby retaining the approved Food premises. The revised plans outline a total proposed reduction of 478m² Gross Floor Area (GFA). This reduction in GFA is not considered to adversely impact the ability of the approved development to operate as intended.

Item 2 - Component that is integral to the operation of the development.

In response to Council's concerns regarding the removal of an approved Food premises from the site, amended plans have been prepared retaining the approved fast food premises as 'Stage 3' of the development, with the ability to use the pad site area for temporary parking during (Stage 1 & 2) prior to undertaking Stage 3 of the development. This is demonstrated in Sheet DA-9100 of the revised plans of development shown in Figure 1.

The proposed introduction of Stage 3 as an element of the minor change application has flow on effects on parking provision throughout the site. A revised transport engineering statement (ID1778579) analysing the proposed parking rates with the introduction of Stage 3 has been provided with the application. The revised statement demonstrates sufficient parking is provided and concludes that there does not appear to be any transport engineering reason to preclude approval of the Minor Change Application.

Further to discussions with Council, we proposed to change the approved use 'Food Premises (McDonald's Family Restaurant)' to 'Food Premises' in accordance with the definition of the Banana Shire Planning Scheme. Specific banding should not be included within the defined land uses, and this provides flexibility for the Food premises to accommodate another fast-food operator if required into

the future. The above amendments to the proposed plans of development and transport engineering statement ensure that the proposed minor change does not remove a component of the approved development integral to its operation.

Other changes

The detailed design phase of the shopping centre expansion has necessitated some minor changes to the external façade of the shopping centre. The proposed changes are considered generally in accordance with the previous proposed drawings, however, updated elevations have been included for completeness.

Based on the above justification to the amendments to the proposed changes to the approval, Council is to assess whether this request is a minor change. Therefore, the proposed change is to be considered in accordance with Schedule 1 of the Development Assessment Rules, made by the Minister under section 68 of the Planning Act 2016, and provides guidance in relation to what may result in substantially different development.

In determining whether the proposed change would result in substantially different development, the assessment manager must consider the individual circumstances of the development, in the context of the change proposed.

A change may be considered to result in a substantially different development if any of the following apply to the proposed change:

Guideline Criteria	Applicants' response	Council response
(a) involves a new use; or	The proposed minor change does not involve a new land use. The proposed minor change involves the staging of the approval to allow the fast food to occur at stage 3 of the approval.	Not applicable.
(b) results in the application applying to a new parcel of land; or	The proposal does not involve applying to a new parcel of land; however it is acknowledged the real property descriptions have changed as a result of completing the reconfiguration of a lot component of the approval	Not applicable.
(c) dramatically changes the built form in terms of scale, bulk and appearance; or	The proposed changes do not alter the overall built form of the shopping centre in terms of scale, bulk and appearance. Changes to the elevations are proposed to establish a more contemporary architectural vernacular, including revised entry statement treatments	Not applicable. The proposed changes do not alter the overall built form of the shopping centre in terms of scale, bulk and appearance. The proposed minor change involves the removing of the basement level car park, a reconfiguration of internal tenancy layout and minor changes to the external façade of the shopping centre.
(d) changes the ability of the proposed development to operate as intended; or	The proposed change does not change the ability of the existing shopping centre to	Not applicable. The proposed change does not change the ability of the

	operate as intended. The proposal will retain the existing shopping centre complex and its ability to continue to operate with the existing and future tenancies on site as a retail, shop and food and drink outlet etc.	existing shopping centre to operate as intended. The proposal will retain the fast-food premises to be developed during stage 3. The removal of the basement level car park includes the reconfiguration of the general car park layout. A transport engineering statement was provided in support of the changes to the car parking. (ID1778579). The existing shopping centre complex and its ability to continue to operate with the existing and future tenancies on site as a retail, shop and food and drink outlet etc is not affected by this change.
(e) removes a component that is integral to the operation of the development; or	The proposed development removed the basement level car park. As demonstrated in the sections above, removal of the car park combined with an overall decrease of GFA ensures that the car parking ratio to GFA remains relatively the same as the existing approved car parking provision. As such, the removal of the basement car park level does not represent removal of a component integral to the operation of the development.	Not applicable. The proposal will retain a number of existing tenancies and land uses approved within the complex. The proposed minor change involves removing the basement level car park, reduce GFA with 478m ² and stage the development to allow the fast-food premises to occur at stage 3, with a reconfiguration of the car parking layout. The proposed changes do not impact the overall site access and functioning of the shopping centre.
(f) significantly impacts on traffic flow and the transport network, such as increasing traffic to the site; or	The accompanying updated traffic report confirms that the proposed change does not significantly impact on the traffic flow and network. Full details are provided in ID1778579.	Not applicable. The updated Traffic Report was assessed by Council's Engineering Officers and have amended condition 57 a to accommodate the changes.
(g) introduces new impacts or increase the severity of known impacts; or	The proposed changes will not result in any new impact, nor will then increase the severity of known impacts. The applicant has provided a traffic report which demonstrate how the impacts on the surrounding traffic network are generally consistent to that of the approved 2015 layout.	Not applicable. No new impacts have been identified because of the proposed changes. Conditions amended to reflect the proposed changes.

(h) removes an incentive or offset component that would have balanced a negative impact of the development; or	No incentives are being removed. The proposed development still relates to a retail/commercial complex and there are no critical components that have been removed as part of the revised layout.	Not applicable. The proposed fast-food premises is now to be staged and is included as stage 3 of the development.
(i) impacts on infrastructure provisions.	The proposal does not impact the current infrastructure provision. Notably, the proposed changes are aligned with the recently completed external roadworks undertaken as part of the original 2015 approval. The proposed changes do not result in further external works other than minor changes where identified in the specialist consultant reporting.	Not applicable. No new impacts as a result of this minor change have been identified by Council.

The request seeks the following changes to Section 3 of the development approval.

Section 3 – Development Permit – Material Change of Use (Shopping Centre) – COM002-1415

Condition 1

Approved Plans

- The Material Change of Use (Shopping Centre) authorised under this Development Permit is to be completed and carried out generally in accordance with the following approved plans and reports submitted with the Development Application, except where modified by the conditions contained within Attachment 1, Section 3 of this Development Approval –

Plan/Document number	Plan/Document name	Date
PLAN REF: BA1398 PP_03_v2	Biloela Shoppingworld Reconfiguration of a Lot	21 August 2012
Project No. 7142, Sheet No. DA02 & DA03, Revision 2 Project No. 16311, sheet DA-1001, issue 6	Proposed Site Plan Proposed Site Plan	09-12-2014 2021.01.21
Project No. 7142, Sheet No. DA03, Revision 2 Project No. 16311, Sheet DA-1002, Issue 1	Proposed Basement Plan	09-12-2014 2020.10.16
Project No. 7142, Sheet No. DA05 & DA06, Revision 1	Elevations	01-10-2014

Plan/Document number	Plan/Document name	Date
Project No. 16311, Sheet DA-2001, Issue 1	Proposed Elevations	2020.10.16
Project No. 16311, Sheet DA-2002, Issue 1	Proposed Elevations	2020.10.16
Project No. 7142, Sheet No. DA07, Revision 1 Project No. 16311, Sheet DA-3001, Issue 1	Sections	01-10-2014 2020.10.16
Project No. 7142, Sheet No. DA08, Revision 1 Project No. 16311, Sheet DA-6000, Issue 1	Details	01-10-2014 2020.10.16
Project No. 7142, Sheet No. ST01 – ST05, Revision P1 Project No. 16311, Sheet DA-9001, Issue 2	Staging Plans (Stages 1 to 4) Development Staging Plans	10-03-15 2020.11.16
Project No. BA1398, Drawing No. LP01 to LP03, Revision D	Proposed Landscape Concept Plan; Proposed Landscape Elevations & Plant Species and Plant Palette Biloela Shoppingworld Landscape Report; Landscape Design Intent, Landscape Elevations, Plant Species	29-08-2012 19 Jan 2021
Project No. 7142, Sheet No. DA11, Revision 1	Proposed Tourist Facilities	July 2012
3234-PR88, Rev B	External Roadworks Shopping Centre	Sept 2015

Proposed Condition 1:

Approved Plans

- The Material Change of Use (Shopping Centre) authorised under this Development Permit is to be completed and carried out generally in accordance with the following approved plans and reports submitted with the Development Application, except where modified by the conditions contained within Attachment 1, Section 3 of this Development Approval –

Plan/Document number	Plan/Document name	Date
PLAN_REF: BA1398 — PP_03_v2	Biloela Shoppingworld Reconfiguration of a Lot	21 August 2012
Project_No. 7142, Sheet_No. DA02 & DA03, Revision 2 Project_No. 16311, sheet DA-1001, issue 6 DA-1001 Issue 14 DA-1002 Issue 1	Proposed Site Plan Proposed Site Plan Proposed Site Plan – Stage 01 & Stage 02 Proposed Site Plan - Stage 3	09-12-2014 2021.01.21 2023.02.03 2023.02.03
Project_No. 7142, Sheet_No. DA03, Revision 2 Project_No. 16311, Sheet DA-1002, Issue 1	Proposed Basement Plan	09-12-2014 2020.10.16
Project_No. 7142, Sheet_No. DA05 & DA06, Revision 1 Project_No. 16311, Sheet DA-2001, Issue 1 Project_No. 16311, Sheet DA-2002, Issue 1 DA-2001 Issue 4 DA-2002 Issue 4	Elevations Proposed Elevations Proposed Elevations Proposed Elevations Proposed Elevations	01-10-2014 2020.10.16 2020.10.16 2023.02.03 2023.02.03
Project_No. 7142, Sheet_No. DA07, Revision 1 Project_No. 16311, Sheet DA-3001, Issue 1 DA-3001 Issue 4	Sections Sections	01-10-2014 2020.10.16 2023.02.03
Project_No. 7142, Sheet_No. DA08, Revision 1 Project_No. 16311, Sheet DA-6000, Issue 1 DA-6000 Issue 3 DA-6000 Issue 4	Details Details 3D Views & Details	01-10-2014 2020.10.16 2022.11.19 2023.02.03

Plan/Document number	Plan/Document name	Date
Project No 7142 , Sheet No ST01 ST05 , Revision P1 Project No. 16311 , Sheet DA-9001 , Issue 2	Staging Plans (Stages 1 to 4)	10-03-15
DA-9100 Issue 1	Development Staging Plan	2023.02.03
Project No: BA1398 , Drawing No: LP01 to LP03 , Revision D	Proposed Landscape Concept Plan; Proposed Landscape Elevations & Plant Species and Plant Palette	29-08-2012
	Biloela Shoppingworld Landscape Report; Landscape Design Intent, Landscape Elevations, Plant Species	19 Jan 2021
Project No. 7142 , Sheet No. DA11 , Revision 1	Proposed Tourist Facilities	July 2012
3234 PR88 , Rev B	External Roadworks Shopping Centre	Sept 2015

Applicant's response:

Amend document references to reflect revised plans of development.

Council response:

Council agrees to the amend Condition 1 to include the amendments made to the approved plans.

Condition 8

8 *The development is to be staged and carried out generally in accordance with the Council approved **Development Staging Plan DA-9100, 16311 Issue 2 dated 2020.11.16.***

Proposed condition 8:

8 *The development is to be staged and carried out generally in accordance with the Council approved **Development Staging Plan DA-9100, 16311 Issue 2 dated 2020.11.16. Development Staging Plan DA-9100, 16311 Issue 1 dated 2023.02.03.***

Council response:

Council agrees to amend Condition 8 to retain the approved fast food premises to be development at Stage 3 of the approval.

Condition 57a

Off-street Parking and Manoeuvring Areas

57 Design, construct and delineate or sign (as required) the following requirements for off-street parking and manoeuvring areas, in the locations shown on the approved plan(s):

- a) a minimum of ~~560~~ **521**(includes 34 spaces at Kariboe Street) customer car parking spaces in accordance with AS2890.1; **and resubmit an amended plans DA-1001 and DA-1002 with an**

updated car parking schedule to reflect the correct number of car parks as shown on the approved plans;

Proposed Condition 57a

57 Design, construct and delineate or sign (as required) the following requirements for off-street parking and manoeuvring areas, in the locations shown on the approved plan(s):

- a) a minimum of ~~560~~ ~~524~~ **467** (includes 34 spaces at Kariboe Street) customer car parking spaces in accordance with AS2890.1; **and resubmit an amended plans DA-1001 and DA-1002 with an updated car parking schedule to reflect the correct number of car parks as shown on the approved plans;**

Applicant's response:

Revise minimum car parks based on revised plans of development.

Council's response:

Council disagreed with the request to reduce the number of car parking, based on the initial change to remove the fast food premises from the approval. However, with the amendments proposed during the assessment of the request, the applicant now proposes to retain the fast food premises as a staged development and have undertaken a revised transport engineering statement analysing the proposed parking rates with the introduction of stage 3. The updated Transport Engineering statement received on the 15 February 2023 (ID1778579) concluded that 468 car spaces are required for stage 1 and 2, and with the commencement of stage 3 this number will reduce to 425 spaces.

Council therefore proposes the following amended wording in relation to Condition 57 a:

Amend as follows:

- 57 a) A minimum of ~~560~~ ~~524~~ **468** (includes 34 spaces at Kariboe Street) customer car parking spaces *is to be achieved following the completion of Stages 1 and 2. and resubmit amended plans DA-1001 and DA-1002 with updated car parking schedule to reflect the correct number of car parks as shown on the approved plans; A minimum of 425 customer car parking spaces is to be achieved following the completion of Stage 3. The conditioned total for Stage 1 and 2 is to be maintained until the commencement of construction of Stage 3. All customer parking spaces are to be provided in accordance with AS2890.1.***

Condition 58

- 58** Adjoining centre isle car parks within the on grade car parking area must not include vertical concrete kerb or similar obstructions to allow longer vehicles the ability to park within the car park.

A typing error has been identified in the wording of Condition 58, this is to be corrected as follows:

Proposed condition 58:

- 58** Adjoining centre ~~isle~~ **aisle** car parks within the on grade car parking area must not include vertical concrete kerb or similar obstructions to allow longer vehicles the ability to park within the car park.

Council response:

Council agrees to correct the typing error in the wording of Condition 58.

Condition 59

- 59** Provide the following within the proposed basement car park:

- a) Clear signage so users can located vehicles in a timely manner; and

- b) A network of designated, well lit and signposted pedestrian routes linking users to main entrances of the development.

Council response:

Condition 59 is to be deleted as it is of no consequence as the proposed basement level car park is herewith requested to be deleted from the approval.

59 ~~Provide the following within the proposed basement car park:~~

- ~~a) Clear signage so users can locate vehicles in a timely manner; and~~
- ~~b) A network of designated, well lit and signposted pedestrian routes linking users to main entrances of the development.~~

Condition 60

60 Trolley collection bays are to be provided within the basement and on grade car parking area in accordance with the approved plans.

Council agrees to amend Condition 60 as it requires to provide trolley bays in the basement, however as the basement level car park is to be deleted from the approval with this request, there is no longer a requirement for trolley bays in the basement.

60 Trolley collection bays are to be provided within the ~~basement and~~ on grade car parking area in accordance with the approved plans.

Condition 61

61 Sumps and pumps must be provided to drain the basement area of any seepage or stormwater inflows, to discharge to the Council stormwater system.

Council agrees to delete Condition 61 as the basement level car park is to be removed from the approval, there is no requirement to provide sumps and pumps related to the basement as required under Condition 61.

61 ~~Sumps and pumps must be provided to drain the basement area of any seepage or stormwater inflows, to discharge to the Council stormwater system.~~

Condition 69e

69 As part of the Operational Works application for each stage and prior to an application for Building Works where off-street car parking is required to be constructed, provide evidence that the proposed car park layout complies with the requirements of all relevant Australian Standards including confirmation that:

- e) Basement car park accesses are designed to achieve a suitable grade to avoid vehicles scraping or bottoming out.

Council agrees to delete Condition 69 e) as the basement level car park is to be removed from the approval, there is no requirement to provide evidence that the basement car park layout complies with the relevant Australian Standards as required under Condition 69 e).

- ~~e) Basement car park accesses are designed to achieve a suitable grade to avoid vehicles scraping or bottoming out.~~

Condition 71

On-street Parking

71 Design, construct and delineate or sign (as required) the following requirements for on-street parking, in the locations generally shown on the approved plan(s):

- a) 26 angle car parks on Barrett Street;
- b) 12 angle car parks and 3 motor cycle parking spaces on Kariboe Street;

- c) ~~14 car parking spaces (in addition to caravan / RV spaces) within the proposed Tourist Information Centre Site; and~~
- d) bus stop, taxi and loading bays on Kariboe Street. **mail zone on Kariboe Street;**
- e) **15 minute parking zone on Gladstone Road / Dawson Highway.**

Applicant response:

Revise street car parks based on revised plans of development.

Proposed condition:

- 71** Design, construct and delineate or sign (as required) the following requirements for on-street parking, in the locations generally shown on the approved plan(s):
- a) ~~26~~ **22** angle car parks on Barrett Street;
 - b) ~~42~~ **15** angle car parks and 3 motor cycle parking spaces on Kariboe Street;
 - d) bus stop, taxi and loading bays on Kariboe Street, mail zone on Kariboe Street;
 - e) 15 minute parking zone on Gladstone Road/Dawson Highway.

Council response:

Council agrees to amend Condition 71 in principal, however an assessment of the revised submitted plans dated 2023.0203 Proposed Site Plan stages 01,02, DA-1001, Issue 14 indicates the following number car parking spaces:

- Kariboe Street: 17 angle on street parking, 3 motor cycle and 2 PWD bays;
- Barrett Street: 22 angle on street parking

Based on the information noted on the update proposed site plans submitted with the request, Council agrees to amend Condition 71 as follows:

- 71** Design, construct and delineate or sign (as required) the following requirements for on-street parking, in the locations generally shown on the approved plan(s):
- a) ~~26~~ **22** angle car parks on Barrett Street;
 - b) ~~42~~ **17** angle car parks and 3 motor cycle parking spaces on Kariboe Street;
 - c) ~~14 car parking spaces (in addition to caravan / RV spaces) within the proposed Tourist Information Centre Site; and~~
 - d) bus stop, taxi and loading bays on Kariboe Street, mail zone on Kariboe Street;
 - e) 15 minute parking zone on Gladstone Road/Dawson Highway.

Condition 81

Callide Street Road Closure

- 81** Maintain vehicle access between Barrett Street and Gladstone Road / Dawson Highway (i.e. former Callide Street road reserve) up and until the commencement of any works associated with Stage 3b (Construction of on-grade car parking). Interim traffic control arrangements are to be designed and implemented to allow safe vehicle movements within the site including at the Barrett Street and intersection and Gladstone Road / Dawson Highway intersection. Details, plans and specifications of the proposed interim arrangements are to be submitted with the amended staging plans required under condition 7. **with Stage 01 of approved plan DA-9100. Development Staging Plan Issue 2 dated 2020.11.16**

Council response:

Based on the amendments made with the request with the inclusion of stage 3 to the development, the approved Development Staging Plan as referenced in Condition 81 is to be replaced with the updated staging plans as provided with this request. Therefore, it is recommended to amend Condition 81 to include the reference to the updated staging plans.

Proposed Condition 81

Amend

- 81 Maintain vehicle access between Barrett Street and Gladstone Road / Dawson Highway (i.e. former Callide Street road reserve) up and until the commencement of any works associated with Stage 3b (Construction of on-grade car parking). Interim traffic control arrangements are to be designed and implemented to allow safe vehicle movements within the site including at the Barrett Street and intersection and Gladstone Road / Dawson Highway intersection. Details, plans and specifications of the proposed interim arrangements are to be submitted with the amended staging plans required under condition 7. ~~with Stage 01 of approved plan DA-9100. Development Staging Plan Issue 2 dated 2020.11.16~~ **Development Staging Plan, DA-9100, Issue 1 dated 2023.0203.**

Condition 101 Stormwater

- 101 Stormwater runoff is to discharge to a legal point of discharge (Brown's Gully). A detailed Stormwater Management Plan, and associated engineered drawings, is to be created that is in accordance with the Site Based Stormwater Management Plan (written by Farr Engineers Associates Pty Ltd and dated 29 ~~30~~September 2014 **2020**). ~~This detailed plan is to be provided to Council as part of the operational works application and must comply with the requirements of the Capricorn Municipal Development Guidelines.~~

~~The detailed Stormwater Management Plan is to include the installation of additional stormwater infrastructure required to transport the stormwater from the development to Brown's Gully (legal point of discharge) or calculations showing that the existing 600mm diameter stormwater pipe has sufficient capacity to allow for the addition of the stormwater from the proposed development.~~

Council response:

On review of the Stormwater Management Plan as submitted with the request received the 30 November 2022, the 'Stormwater Management Plan for Modification to the Development Approval' as prepared by Farr Engineers did not include updated stormwater calculations relating to Stage 3 of the development. Hence the requirement to provide an updated the Stormwater Management Plan as required under Condition 101.

Proposed Condition 101 Stormwater

- 101 Stormwater runoff is to discharge to a legal point of discharge (Brown's Gully). A detailed Stormwater Management Plan, and associated engineered drawings, is to be created that is in accordance with the Site Based Stormwater Management Plan (written by Farr Engineers Associates Pty Ltd and dated 29 ~~30~~September 2014 **2020 24 November 2022**). ~~This detailed plan is to be provided to Council as part of the operational works application and must comply with the requirements of the Capricorn Municipal Development Guidelines.~~

~~The detailed Stormwater Management Plan is to include the installation of additional stormwater infrastructure required to transport the stormwater from the development to Brown's Gully (legal point of discharge) or calculations showing that the existing 600mm diameter stormwater pipe has sufficient capacity to allow for the addition of the stormwater from the proposed development.~~

PUBLIC NOTIFICATION

The original application was subject to Public Notification. A total of 261 of properly made submissions were received about the application. Consideration of submitters views about the original application form part of the assessment of this request.

Referral Agencies

The original development application required referral to SARA for matters relating to proposed development being within 25m of a state controlled road. On 17 September 2015, SARA issued its concurrence agency response with conditions. SARA conditions relate to the referral agencies

jurisdiction for the state-controlled road network including corridor protection, safety and efficiency and design standards for future work.

The request was given to the SARA on 29 October 2014. Their particular entity response is summarised below:

Particular Entity	Response
SARA	<ul style="list-style-type: none">• Approved plans showing the extent of the approved development and excluding specific works shown on the Applicant's proposal for the Burnett Highway.• Permitted road access location from the Burnett Highway with the following restrictions:<ul style="list-style-type: none">○ limited to vehicles not exceeding nineteen (19) metres in length.○ left-in / left-out only.• Design and construction standards for access works.• A requirement for traffic signalisation at the Dawson / Burnett Highway intersection.• Management of stormwater and discharge points.• Requirements to provide pedestrian footpaths shown on the approved plans.• A requirement for a 31 metre road corridor width for proposed Lot 3 and 4.

The minor change application was not referred to SARA for assessment based on the following as provided by the applicant:

If the development application, including the changes were to be made now, the development application would not require referral to any additional referral agencies. The changes would not trigger a need for any referral agency to have regard to any additional referral matters. As identified in the submitted Traffic report (ID1778879), the report concludes that there is negligible difference between the surrounding road network's operations under the Approval and Minor Change schemes and that the previous findings within the traffic report are still applicable. From a traffic perspective, the proposal is generally consistent with the current traffic arrangements and is largely consisted with the current approval.

In accordance with section 80 of the *Planning Act 2016*, the request for a minor change requires referral to an Affected Entity. In this instance the request was required to be referred to Ergon Energy as an affected entity due to the site containing a pad mount transfer within an easement a on SP301599.

A response from Ergon Energy was received on the 2 December 2022 indicating no adverse impact to Ergon's asset. (ID1764093)

Internal Referral Comments

The request was referred internally on 5 December 2022 (ID1764099)

Infrastructure Services – Comments received 10 March 2023 (ID1783683)

Environmental Sustainability – Comments received 6 March 2023 (ID1783682)

Comments, conditions and advice received during internal referral have been incorporated in the assessment, decision and conditions of approval.

Adopted Infrastructure Charges Resolution

Council's Adopted Infrastructure Charges Resolution (No. 1) 2015 is applicable to the proposed development. The request to change the approval requires for a re-calculation of the infrastructure charges. The adopted Infrastructure Charges calculations and amounts are provided below:

Infrastructure charges calculated previously:

Material Change of Use – Retail / Commercial Complex*

Infrastructure Network	Charge Amount (\$) Per Charge Unit	Equivalent Tenement	Infrastructure Charge (\$)
Water and Sewerage	\$40 per m ² of total use area.	13,967m ² - 7,508m ² = 6,459m ²	\$258,360.00
Total			\$258,360.00

Below calculations as per request received 20 October 2020 (ID1586088)

Infrastructure Network	Charge Amount (\$) Per Charge Unit	Equivalent Tenement	Infrastructure Charge (\$)
Water and Sewerage	\$ 45.53per m ² of total use area.	11,654m ² - 7,508m ² = 4,146m ²	\$188,767.38
Total			\$188,767.38

* The existing total use area is 7,508m² and the proposed total use area is 13,967m² and is part of area 1 and therefore charged at a rate of \$40 per m².

The request for a minor change has included changes to the floor areas of commercial component from 13,947m² to 11,654m² and the most recent change to 11,176m² including Stage 3 (Fast food premises) as per Proposed Site Plan- Stage 3 dated 2023.02.03. (These changes require revision of the adopted infrastructure charges attached to Decision Notice dated 16 December 2015 (ID36331).

Below is a justification for the re-calculation of the infrastructure charges as required because of the request for minor change to the development approval.

Infrastructure Network	Charge Amount (\$) Per Charge Unit	Equivalent Tenement	Infrastructure Charge (\$)
Water and Sewerage	\$ 44.29per m ² of total use area.	11,176m ² - 7,508m ² = 3,668m ²	\$162,455.72
Total			\$162,455.72

In accordance with section 119(6) of the PA, a local government may amend Infrastructure Charges Notice for a relevant development approval that is subject to a request to change. The amendment relates to the current Charges Resolution (No. 1) 2015 and subsequently Council has the power to issue an amended infrastructure charges notice in accordance with this resolution.

Assessment

Consideration of the request against the criteria provided under section 81 of the *Planning Act 2016* is included below:

Criteria under section 81 (2) PA	Comment
(a) the information the applicant included with the application; and	The applicant provided supporting information relating to the request, where upon Council raised concerns regarding the proposed changes being minor. On the 15 February 2023 the applicant provided an amended response (ID1778579)

Criteria under section 81 (2) PA	Comment
	addressing the concerns raised. The amended response received are considered suffice to be considered as a minor change to the approval.
<i>(b) if the responsible entity is the assessment manager—any properly made submissions about the development application or another change application that was approved; and</i>	There were 261 properly made submissions on the original approval. No further change application was considered for this development.
<i>(c) any pre-request response notice or response notice given in relation to the change application; and</i>	Not applicable. No formal pre-request response notice given.
<i>(d) if the responsible entity is, under section 78(3)(ba) or (bb) the Minister—all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and</i>	Not applicable.
<i>(da) if paragraph (d) does not apply—all matters the responsible entity would or may assess against or have regard to, if the change application were a development application; and</i>	The request will grant changes to the development approval that relates to the reconfiguration of the internal tenancy layout and changes to the car park including the removal of both the escalator to and basement level car park. The change also now proposes to stage the fast food tenancy as stage 3 development.
<i>(f) another matter that the responsible entity considers relevant.</i>	Not applicable.

Recommendation

In view of this, it is recommended that Council agrees to the changes requested by the applicant as detailed in the body of this report.

Communication

The Applicant will be advised of Council's decision in accordance with the requirements of the *Planning Act 2016*.

The meeting closed at 11:45am

To be confirmed at 26 April 2023 Ordinary Meeting.

MAYOR

CHIEF EXECUTIVE OFFICER