



# AGENDA

## Coordination Committee Meeting

**Tuesday 27 February 2018**  
commencing at 10.30am

Caboolture Chambers  
2 Hasking Street, Caboolture

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**COUNCILLOR:**

NOTICE IS HEREBY GIVEN, that a meeting of the Coordination Committee will be held on Tuesday 27 February 2018 commencing at 10.30am in Caboolture Chambers, 2 Hasking Street, Caboolture to give consideration to the matters listed on this agenda.

Daryl Hitzman  
Chief Executive Officer

22 February 2018

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

[Agenda for public distribution](#)

## LIST OF ITEMS

### 1 GOVERNANCE SESSION (Cr Allan Sutherland, Mayor)

### 2 PLANNING & DEVELOPMENT SESSION (Cr Mick Gillam)

#### ITEM 2.1

6

DA/35498/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 1 KAMALA STREET, BANKSIA BEACH (LOT 379 SP291531) - DIVISION 1

REPORT DETAIL

SUPPORTING INFORMATION

#1 Locality Plan

#2 Zoning Map

#3 Material Change of Use Plans

#4 Deed of Agreement Plan

#### ITEM 2.2

44

DA/35500/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 11 BEARBERRY STREET, BANKSIA BEACH (LOT 365 SP291531) - DIVISION 1

REPORT DETAIL

SUPPORTING INFORMATION

#1 Locality Plan

#2 Zoning Map

#3 Material Change of Use Plans

#4 Deed of Agreement Plan

#5 Submissions

#### ITEM 2.3

85

DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1

REPORT DETAIL

SUPPORTING INFORMATION

#1 Locality Plan

#2 Zoning Map

#3 Proposed Material Change of Use Plans

#4 Deed of Agreement Plan

#5 Submissions

### 3 CORPORATE SERVICES SESSION (Cr Adrian Raedel)

**4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr Peter Flannery)**

- ITEM 4.1** **127**  
TENDER - NORTH LAKES ACTIVITY CENTRE SMART CAR PARKING TRIAL DESIGN,  
IMPLEMENT AND OPERATE - DIVISION 4  
REPORT DETAIL  
SUPPORTING INFORMATION  
Confidential #1 Tender Evaluation

**5 PARKS, RECREATION & SPORT SESSION (Cr Darren Grimwade)**

- ITEM 5.1** **133**  
DECEPTION BAY - ESPLANADE SOUTH/BOAMA PARK - PLACE NAMING - DIVISION 2  
REPORT DETAIL

**6 LIFESTYLE & AMENITY SESSION (Cr Matt Constance)**

**7 ECONOMIC DEVELOPMENT & TOURISM SESSION (Cr Julie Greer)**

**8 GENERAL BUSINESS**

**CLOSED SESSION (Confidential items)**

- ITEM C.1 – CONFIDENTIAL** **138**  
PROPERTY ACQUISITION - CABOOLTURE - DIVISION 3  
REPORT DETAIL  
SUPPORTING INFORMATION

## ATTENDANCE & APOLOGIES

### Attendance:

#### Committee Members:

Cr Allan Sutherland (Mayor) (Chairperson)

#### Officers:

### Apologies:

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**The Mayor is the Chairperson of the Coordination Committee.**

**Coordination Committee meetings comprise of Sessions chaired by Council's nominated Spokesperson (or Proxy) for that portfolio, as follows:**

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Session	Spokesperson	Proxy
1 Governance	Cr Allan Sutherland (Mayor)	Cr Mike Charlton (Deputy Mayor)
2 Planning & Development	Cr Mick Gillam	Cr Adam Hain
3 Corporate Services	Cr Adrian Raedel	Cr Allan Sutherland (Mayor)/ Cr Mike Charlton (Deputy Mayor)
4 Asset Construction & Maintenance	Cr Peter Flannery	Cr Allan Sutherland (Mayor)/ Cr Mike Charlton (Deputy Mayor)
5 Parks, Recreation & Sport	Cr Darren Grimwade	Cr Denise Sims
6 Lifestyle & Amenity	Cr Matt Constance	Cr Brooke Savige
7 Economic Development & Tourism	Cr Julie Greer	Cr Allan Sutherland (Mayor)/ Cr Mike Charlton (Deputy Mayor)
8 General Business	Cr Allan Sutherland (Mayor)	Cr Mike Charlton (Deputy Mayor)

**1 GOVERNANCE SESSION**

**(Cr Allan Sutherland, Mayor)**

No items for consideration.

**2 PLANNING & DEVELOPMENT SESSION**

(Cr Mick Gillam)

**ITEM 2.1**

**DA/35498/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 1 KAMALA STREET, BANKSIA BEACH (LOT 379 SP291531) - DIVISION 1**

**APPLICANT: Vizion Group QLD C/- Emerge Planning & Development**

**OWNER: Vercorp Pty Ltd**

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A16583912 : 27 February 2018 – Refer Supporting Information A165910944

Responsible Officer: TA, Development Planner (PED Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Vizion Group QLD C/- Emerge Planning & Development
<b>Lodgement Date:</b>	21 December 2017
<b>Properly Made Date:</b>	2 January 2018
<b>Confirmation Notice Date:</b>	8 January 2018
<b>Information Request Date:</b>	Not Applicable
<b>Info Response Received Date:</b>	Not Applicable
<b>Public Notification Dates:</b>	15 January 2018 - 6 February 2018
<b>No. of Submissions:</b>	Properly Made: Zero (0) Not Properly Made: Zero (0)
<b>Decision Due Date:</b>	28 March 2018
<b>Prelodgement Meeting Held:</b>	No

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 1
<b>Property Address:</b>	1 Kamala Street, Banksia Beach
<b>RP Description</b>	Lot 379 SP 291531
<b>Land Area:</b>	733m <sup>2</sup>
<b>Property Owner</b>	Vercorp Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	MBRC Planning Scheme
<b>Planning Locality / Zone</b>	General Residential Zone - Suburban Neighbourhood Precinct
<b>Level of Assessment:</b>	Impact Assessable

This application seeks a Material Change of Use - Development Permit for Dual Occupancy situated at the abovementioned property. It is proposed to establish two (2) by three (3) bedroom units on the site. Each unit is provided with two (2) car spaces and rear facing private open space.

The application was publicly advertised with no submissions received. The proposed development is considered to accord with the intent of the MBRC Planning Scheme and the 1992 Rezoning Deed applying to this portion of the Golf Course Estate. The application is recommended to be approved subject to conditions.

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### 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 Dual Occupancy at 1 Kamala Street, Banksia Beach, described as Lot 379 SP 291531, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Lot 379 Sheet 1/11	Vizion Group	8 December 2017
Ground Floor Plan	Lot 379 Sheet 2/11	Vizion Group	8 December 2017
Fence Plan	Lot 379 Sheet 5/11	Vizion Group	8 December 2017
Landscape Plan	Lot 379 Sheet 6/11	Vizion Group	8 December 2017
Elevations 1 & 2	Lot 379 Sheet 9/11	Vizion Group	8 December 2017
Elevations 3 & 4	Lot 379 Sheet 10/11	Vizion Group	8 December 2017

### Conditions

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Community Management Statement</b>	
	Ensure that any Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> <li>1. Car parking provisions;</li> <li>2. Landscaping requirements;</li> <li>3. Communal Open Space and Recreation areas;</li> <li>4. Bin storage requirements and collection locations; and</li> <li>5. Stormwater Management requirements.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>3</b>	<b>Extent of Dwellings</b>	
	Develop the Dwellings on the site as follows: <ol style="list-style-type: none"> <li>1. Two (2) Units containing three (3) bedrooms</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>4</b>	<b>On-Site Car Spaces</b>	
A	Provide at least four (4) vehicle spaces on site.	Prior to commencement of use and to be maintained at all times.

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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.
<b>5</b>	<b>Bicycle Parking Facilities</b>	
	Install secure bicycle parking facilities for a minimum of two (2) 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.
<b>6</b>	<b>Street Numbering and Building Names</b>	
	Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
<b>7</b>	<b>Front Fencing</b>	
	Ensure that any front fencing is constructed to no less than the following: <ol style="list-style-type: none"> <li>1. 0% transparency and does not exceed 1.2 metres in height; or</li> <li>2. Minimum 50% transparent and does not exceed 1.5 metres in height; or</li> <li>3. Minimum 85% transparent and does not exceed 1.8 metres in height.</li> </ol>	Prior to commencement of the use and to be maintained at all times.
<b>8</b>	<b>Screen Fencing</b>	
A	Construct a screen fence along the southern and eastern boundaries of the site where none already exists. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber. Fencing along the southern and eastern sides of the site that extends beyond the main building line is to taper to 1.2 metres; and	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
B	Construct a screen fence between the private open spaces of each dwelling to the south of the site. The screen fence is to be 1.8 metres in height and constructed of treated timber.	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
<b>9</b>	<b>Pedestrian Lighting - Minor</b>	
	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.



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<b>10</b>	<b>Waste Management</b>	
	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>11</b>	<b>Landscaping Dual Occupancy</b>	
	Provide landscaping general in accordance with the Landscaping Plan to both dwellings that is to include as a minimum: <ol style="list-style-type: none"> <li>1. Top dressing and turf to all areas that are not landscaped or paved;</li> <li>2. A landscape strip with an average depth of 2.0 metres that abuts the front boundary and runs for the entire length of the front property boundary for each dwelling;</li> <li>3. Minimum 5% site cover of deep planting.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>12</b>	<b>On Site Services</b>	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are: <ol style="list-style-type: none"> <li>1. Located in the rear setback; or</li> <li>2. located in the side setbacks and include screening (e.g. fencing or landscaping) from view of any road frontage; or</li> <li>3. entirely underground where located in the front setback.</li> </ol> <p>Note: Rainwater tanks are not permitted within easements.</p>	Prior to commencement of use and to be maintained.
<b>13</b>	<b>Storage</b>	
	Ensure storage area is provided to each unit in accordance with the approved plans at a minimum capacity of 8m <sup>3</sup>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>14</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
<b>15</b>	<b>Fibre Ready Telecommunications – Single</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with	Prior to commencement of use or Council's

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	<p>NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that:</p> <ol style="list-style-type: none"> <li>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</li> <li>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.</li> </ol>	endorsement of any Community Management Statement, whichever occurs first.
B	<p>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.</p> <p>Note: A template for certification is available from council for the purpose of this condition.</p>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>16</b>	<b>Telecommunications Internal Wiring</b>	
A	<p>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 dwelling 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.</p>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	<p>Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.</p> <p>Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.</p>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>DEVELOPMENT ENGINEERING</b>		
<b>17</b>	<b>Replace Existing Council Infrastructure</b>	
	<p>Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of construction works, to a standard which is consistent with Council's standards.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
<b>18</b>	<b>Alterations and Relocation of Existing Services</b>	
	<p>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</p>	Prior to submitting to the Council any request for approval of a plan of

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	the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.	subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
<b>19</b>	<b>Dual Accommodation (Duplex) Driveway Cross Over</b>	
	Design and construct a driveway crossover from the constructed road to the site in accordance with IPWEAQ Standard Driveway Crossover Drawing RS-049 and 050.  Note: The internal access works must be designed to ensure the correct line, level and layout is achieved for the driveway crossover.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
<b>20</b>	<b>Stormwater Drainage - Lawful Discharge</b>	
	Ensure that stormwater from the proposed development is lawfully discharged from the subject land without causing nuisance and annoyance to any person.	At all times.

### ADVICES

<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>	
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p> <p>Details of how to fulfill the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>	
<b>2</b>	<b>Adopted Charges</b>	
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 7) dated 11 December 2017 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</p>	

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

### Decision Notice information

	Details to Insert
<b>Application Type</b>	Material Change of Use - Development Permit for Dual Occupancy
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	Building Works – Development Permit
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	Not applicable

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**REPORT DETAIL**

**1. Background**

On 24 November 1992, Council (Caboolture Shire) consented to a Deed of Agreement across the land to become the Golf Course Estate. The Deed of Agreement removed the land from the Rural Zone under the Town Planning Scheme to be included in the zones listed in the First Schedule of the Agreement. The First Schedule outlined the zone as Special Facilities for the purpose of Detached Housing, Duplex Housing, Condominiums, Golf Course, Club House, Residential Club and Sports Complex). The Deed of Agreement has no expiry date and because it has been given effect to by the commencement of the golf course estate the Deed of Agreement continues.

The Deed of Agreement established the use rights for Duplex Housing within the Golf Course Estate in accordance with a Plan of Development but did not establish separate assessment or design criteria for the listed uses. Under the Deed of Agreement the Plan of Development prepared for the Golf Course estate was indicative only and does not reflect final lot layout being developed on the ground. As such, the assessment falls to the planning instrument, in place at the time development is occurring. As such, the proposed Dual Occupancy is required to be assessed against the Table of Assessment and design provisions listed for a Dual Occupancy Dwelling within General Residential zone - Suburban Precinct of the Moreton Bay Regional Council (MBRC) Planning Scheme and the Residential Uses Code.

Under the MBRC Planning Scheme, Dual Occupancies require an Impact Assessable application where the minimum lot size of 1000m<sup>2</sup> is not achieved. The property at 1 Kamala Street, Banksia Beach is 733m<sup>2</sup>.

**2. Explanation of Item**

**2.1 Description of the Site and Surrounds**

Directions	Planning Scheme Zone	Current Land Use
North	General Residential Zone - Suburban Neighbourhood Precinct	Vacant
South	General Residential Zone - Suburban Neighbourhood Precinct	Vacant
East	General Residential Zone - Suburban Neighbourhood Precinct	Vacant
West	General Residential Zone - Suburban Neighbourhood Precinct	Vacant

**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.

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

### 2.2.1 State Planning Policy

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

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not Applicable
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not Applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not Applicable
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: (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: (2) Development supports and does not hinder disaster management	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply  <u>Flood Hazard Area</u>  The lot is located within the Flood Hazard Area (Local Government) under the State Interests in the SPP.

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	<p>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>From a review of Council mapping a policy, the lot is located wholly outside the flood area. The proposal avoids areas of natural hazards.</p>
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not Applicable

**2.2.2 South East Queensland Regional Plan**

The site is located in the Urban Footprint.

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

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

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

**2.3.1 Strategic Framework**

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework. The applicable Strategic Outcomes under the Themes for the planning scheme are discussed as follows:

<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
<b>Theme - Sustainability and Resilience</b>		
Buildings on lots are interspersed with private open space and trees to respond to local climate conditions by	<b>Y</b>	The wider region as well as the site represent a built form that is consistent with interspersed buildings on larger

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<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
allowing flow of breezes, natural ventilation and light;		lots with sufficient open space and ventilation.
Lots associated with detached housing and footpaths retain shade trees and native and ornamental vegetation that contribute to the amenity and micro-climate of the area;	<b>Y</b>	The lot is located within an established estate with predominantly detached houses. The proposed Dual Occupancy will provide landscaping to the streetscape that will enhance the amenity and mirco-climate of the area.
Residential developments are designed to allow solar access, ventilation and flow of breezes and provide open space and footpaths suitable for extensive native vegetation and appropriate shade trees;	<b>Y</b>	The proposed residential development is designed to allow solar access and ventilation to each unit, while not prohibiting or limiting the same access to adjoining neighbours.
Dwelling units are designed and sited so as to minimise energy requirements, incorporate renewable energy systems and provide a high standard of residential amenity; and	<b>Y</b>	The proposed development creates the ability to minimise energy requirements while providing a high standard of residential amenity.
New development is designed to avoid exposure to riverine flood and storm tide inundation events and coastal erosion.	<b>Y</b>	The proposed development is located outside of areas of constraint of riverine flooding and stormtide inundation events.
<b>Theme - Natural Environment and Landscape</b>		
Open space network incorporates natural and semi-natural parklands that form part of environmental corridors within the green infrastructure network;	<b>Y</b>	The proposed development does not adversely impact on the open space network.
A high level of vegetation is retained on both public and private land to provide native flora and fauna habitat and to ensure the ongoing provision of ecosystem services, in line with the green infrastructure network. Where native vegetation is to be cleared to achieve high quality urban design outcomes and offsets are required these are to be located within environmental offset areas as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy;	<b>Y</b>	No vegetation will be removed as part of this proposal with the Dual Occupancy located on an existing lot. The proposed development will provide landscaping to the streetscape.
Open space and natural environmental areas within Suburban neighbourhoods are complemented by the private 'greening' of yard space on private property and street trees; and	<b>Y</b>	The proposed Dual Occupancy introduces greening of the front yards, to increase the amenity of the streetscape.



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<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
Development is designed to incorporate natural features and respond to topography.	<b>Y</b>	The development is located on a flat site. The proposal responds to the natural topography.
<b>Theme - Strong Communities</b>		
Schools, pre-schools, child care centres, places of worship, community health services and other community activities provide informal and safe meeting places for residents whilst partly serving daily convenience needs;	<b>Y</b>	The proposed development is located within an established neighbourhood, with access to a sufficient level of community infrastructure.
Other facilities not provided within walking distance of homes may be provided in adjacent neighbourhoods as shared facilities; and	<b>Y</b>	A wide array of non-residential uses are located within the neighbourhood. Adjacent neighbourhoods provide for other uses within shared facilities.
An extensive range of active and passive open space, sport and recreation areas for use by residents are an integral part of Suburban neighbourhood places within walking distance of most homes along lineal green corridors and tree lined streets.	<b>Y</b>	The proposed development does not compromise the provision of open space within the precinct. The existing residential development of the area have adequate access to water front land and linear connections to open space areas.
<b>Theme - Settlement Pattern and Urban Form</b>		
Suburban neighbourhood places cater for predominately low density detached housing;	<b>Y</b>	The Suburban Neighbourhood precinct in this area remains predominantly low density detached housing.
New residential development will comprise a mix of detached dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing with the preferred grid like street pattern;	<b>Y</b>	New residential development proposed as a part of this application introduces a variety to the housing product within the wider locality.
Development across a Suburban neighbourhood place type is characterised by a net residential density of 11 dwellings per hectare or development occurs in a manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties;	<b>Y</b>	The net residential density of the wider area is consistent with the intent of the code, being a maximum of 11 lots per hectare, and maintains the required level of density the introduction of the Dual Occupancy.
Other housing types in the form of dual occupancies will also occur at dispersed locations in the area;	<b>Y</b>	The proposed Dual Occupancy is located within an area that subject to approval will have a total of five (5) dual occupancies (1 already approved and 4 being proposed). The Dual Occupancies are all located on corner sites, and are dispersed adequately through the locality.
Low rise multiple dwellings and housing for older persons may also be included adjacent to a local centre or	<b>N/A</b>	The proposal is not for a multiple dwelling.

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PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE		
Strategic Outcome	Complies	Assessment
community facilities and bus stops on main through streets and overlooking public open space;		
Adaptable housing is encouraged in response to changing housing needs;	Y	The proposed development results in a housing product that is varied from the existing predominant built form that assists in responding to changing housing needs.
Community activities (schools, pre-schools, child care centres, places of worship, community health services, other community activities) are designed to have a low rise built form on landscaped sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;	N/A	The development does not include the provision of community activities. The wider area is well serviced with community activities.
New development is sympathetic to the existing character of the particular Suburban neighbourhood location.	Y	The proposed development presents a consistent built form with the existing neighbourhood. The Dual Occupancy has been located on a corner lot, as such represents the visual of a single dwelling to each street frontage.
Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met: <ul style="list-style-type: none"> <li>a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services and community activities;</li> <li>b. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses;</li> <li>c. it is conveniently located on a main through street and/or adjoining or is opposite to a public transport node;</li> <li>d. a new local centre or neighbourhood hub is to service</li> </ul>	N/A	The proposal does not include or propose to expand a neighbourhood hub.

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<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
<p>an unserviced catchment and is located to form 15 minute walkable neighbourhoods, with the Local centre central to that neighbourhood; and</p> <p>e. they are appropriately designed to have high quality urban design outcomes.</p>		
<b>Theme - Employment Location</b>		
Appropriate local employment opportunities are encouraged in the form of home based businesses operated within residential premises and opportunities within a local centre or neighbourhood hub.	<b>Y</b>	The design and siting of the proposed development creates the opportunity to work from home. Alternate employment opportunities are found within the wider locality.
<b>Theme - Integrated Transport</b>		
Main through streets provide access to schools, local shops, community facilities, neighbourhood and district sports and recreation facilities and are the main bus routes through the area;	<b>Y</b>	The existing road network provides a main street to the non-residential uses within the area.
Suburban neighbourhood places are intended to have a well-connected network of active transport linkages to encourage residents to walk and cycle; and	<b>Y</b>	The area is well serviced by active transport opportunities, that encourage residents to walk and cycle within the area.
Roads of collector or higher order include line-marked shoulders to accommodate cyclists with particular attention to uphill sections.	<b>Y</b>	Higher order roads are line marked with shoulders to accommodate cyclists. The topography of the area is flat.
<b>Theme - Infrastructure</b>		
The level of infrastructure service provision to Suburban neighbourhood place types is maintained; and	<b>Y</b>	The infrastructure provision to the wider Suburban neighbourhood precinct is maintained. The level of infrastructure is appropriate to the suburban neighbourhood precinct.
Suburban neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.	<b>Y</b>	The suburban neighbourhood precinct is provided with connections to the available infrastructure.
<b>Theme - Water Management</b>		
Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments;	<b>Y</b>	The suburban neighbourhood precinct is connected to the relevant unitywater infrastructure.

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PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE		
Strategic Outcome	Complies	Assessment
Water sensitive urban design (WSUD) measures are incorporated into development including the retention and rehabilitation of riparian vegetation; and	Y	The proposed development presents an adequate WSUD design. Vegetation will be introduced on site.
The potable water supply catchments and storage areas are protected and maintained in a fit state for continued water quality and economically efficient potable water storage or water harvesting purposes.	Y	The suburban neighbourhood precinct is connected to the relevant and adequate supply of potable water.

### 2.3.2 Assessment of Applicable Codes

#### Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Suburban Neighbourhood Precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO47
<b>Development Codes</b>		
Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO8

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

### 2.3.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code - Suburban Neighbourhood Precinct</b>	
<b>PO47</b> Dual Occupancies are infrequent and dispersed within the streetscape and are not located within 200m (measured along the street alignment) of a lot containing an existing, approved or a	<b>E47</b> Are located on lots with an area of 1000m <sup>2</sup> or greater.

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Performance Outcome	Example
properly made application for a Dual Occupancy.	
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an alternative outcome to Performance Outcome 47 of the General Residential Zone Code. It is proposed to establish a Dual Occupancy on a lot of 733m<sup>2</sup>, located 40m to the closest Dual Occupancy.</p> <p>The proposal is unable to meet the Performance Outcome as the site does not have a 200m dispersal from other Dual Occupancies sites. As such, assessment against the overall outcomes is required.</p>	

Residential Uses Code	
<p><b>PO8</b> Driveways, pedestrian entries and internal access ways are located and designed to:</p> <ol style="list-style-type: none"> <li>provide lawful access;</li> <li>not detract from the creation of active street frontages and positively contribute to the intended streetscape character;</li> <li>not negatively impact adjoining uses;</li> <li>provide a safe pedestrian environment;</li> <li>not result in excessive crossovers and hardstand areas;</li> <li>provide safe access onto an appropriate order road;</li> <li>not interfere with infrastructure owned by Council or a utility provider;</li> <li>allow adequate space for on-street parking;</li> <li>allow adequate space for street planting and street trees;</li> <li>allow for garbage collection and street infrastructure.</li> </ol>	<p><b>E8.1</b> Dual occupancies provide:</p> <ol style="list-style-type: none"> <li>a maximum crossover width of 4m or for a shared driveway a maximum crossover width of 5m;</li> <li>a maximum of one crossover per street frontage; or where more than 1 crossover per street frontage, they are to be at least 12m apart to allow for on-street parking and street trees.</li> </ol>
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an alternative solution to Performance Outcome 8 of the General Residential Zone Code. It is proposed to have two (2) driveway crossovers, one with a width of 4.4m and the other a width of 5m, in lieu 4m limit. It is noted that there is only one driveway per frontage.</p> <p>The proposed driveways to the development provides sufficient siting to allow lawful access to each dwelling, without detracting from the streetscape or negatively impact adjoining uses. The proposed driveways do not result in excessive crossovers or hardstand areas providing access to an appropriate order road. The driveways will not interfere with infrastructure owned by Council or similar utility provider and also maintains sufficient on street car parking within</p>	

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Performance Outcome	Example
the street. Provision of garbage collection, street infrastructure and street trees are also able to be provided on site.	
The proposed alternative outcome is accepted as compliant with the Performance Outcome in this instance.	

**2.3.4 Overall Outcome Assessment**

The development proposal does not comply with Performance Outcome 47 of the General Residential Zone Code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

<b>6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct</b>		
Overall Outcomes	Complies Y/N	Comments
A. The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density of 75 dwellings per hectare if complying with b. v. below.	N	The proposed Dual Occupancy results in a site density of 26 Dwellings per hectare. The development site is not located within the walking distance catchment to a higher order centre, as such is required to accord to the maximum of 15 dwellings per hectare. The proposal does not comply with Overall Outcome A. An assessment of the Strategic Framework is required. It is noted that Dual Occupancy land use has already been established by the historic rezoning deed approval and the overall density of 11 dwellings per hectare I maintained across the site.
B. Residential activities consist of: i. Detached dwelling houses, predominantly on traditional lots; ii. Detached dwelling houses on narrow lots and Dual Occupancies where they are dispersed within the streetscape or are located within easy walking distance to services (centre, public transport node, community facilities) or park; iii. Domestic outbuildings are subordinate in appearance and function to the dwelling; iv. Retirement facilities, Residential care facilities, and Relocatable home parks are located within easy walking distance of a centre; v. Multiple dwellings Rooming accommodation short-term accommodation and tourist park only establish where	Y	The proposed development seeks to establish a Dual Occupancy within the Golf Course Estate of Pacific Harbour. The Dual Occupancy is located on a corner lot that is well located and connected within the wider subdivision. Subject to approval a total of five (5) dual occupancies have been identified within Stage 6 area of the Golf Course Estate. Each Dual Occupancy is located on a corner lot, and well dispersed within the landscape.

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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<p>they will support a higher order or district centre or a train station by being adjacent (within 400m walking distance) to that higher order or district centre or train station.</p> <p>vi. The built form of concentrated residential uses and managed communities (e.g. townhouse developments, retirement facility, residential care facility, relocatable home parks) are designed to integrate with the surrounding neighbourhood.</p>		
<p>C. The design, siting and construction of residential uses are to:</p> <p>i. contribute to an attractive streetscape with priority given to pedestrians;</p> <p>ii. encourage passive surveillance of public spaces;</p> <p>iii. result in privacy and residential amenity consistent with the low density residential character of the area;</p> <p>iv. provide a diverse and attractive built form;</p> <p>v. provide a low rise built form compatible with its surrounds;</p> <p>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</p> <p>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</p> <p>viii. incorporate natural features and respond to site topography;</p> <p>ix. cater for appropriate car parking and manoeuvring areas on site;</p> <p>x. be of a scale and density consistent with the low density residential character of the area;</p>	Y	<p>The proposed Dual Occupancy is designed to contribute to attractive streetscape, encourages passive surveillance of public spaces through habitable room windows addressing the street. The proposed Dual Occupancy is designed to maintain and create residential amenity and privacy for the future occupants that is consistent with the intent for a low density residential character of the area.</p> <p>The proposed development creates a diverse and attractive built form that is compatible with the low rise surrounding development.</p> <p>The design of the Dual Occupancy incorporates subtropical design elements that respond to the local climate.</p> <p>The development also caters for appropriate car parking and maneuvering on site to meet the anticipated demand for the uses.</p> <p>The proposed use is consistent with the scale and density of the existing area. The development will be connected to an appropriate level of infrastructure.</p>

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<b>6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure.		
D. Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.	N/A	Not establishing a Non-Residential Use.
E. Community activities: a. establish in a location that may be serviced by public transport; b. do not negatively impact adjoining residents or the streetscape; c. do not undermine the viability of existing or future centres.	N/A	Not establishing a Non-Residential Use.
F. Corner stores may establish as standalone uses (not part of a neighbourhood hub) where: a. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region; b. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre; c. they are appropriately designed and located to include active frontages.	N/A	Not establishing a Non-Residential Use.
G. Retail and commercial activities (forming part of a neighbourhood hub): a. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub; b. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;	N/A	Not establishing a Non-Residential Use.



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<b>6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
<ul style="list-style-type: none"> <li>c. are of a small scale, appropriate for a neighbourhood hub;</li> <li>d. do not negatively impact adjoining residents or the streetscape;</li> <li>e. are subordinate in function and scale to all centres within the region.</li> </ul>		
<p>H. The design, siting and construction of non-residential uses:</p> <ul style="list-style-type: none"> <li>a. maintains a human scale, through appropriate building heights and form;</li> <li>b. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces;</li> <li>c. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</li> <li>d. promotes active transport options and ensures an oversupply of car parking is not provided;</li> <li>e. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.</li> </ul>	N/A	Not establishing a Non-Residential Use.
<p>I. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:</p> <ul style="list-style-type: none"> <li>a. it is of a scale that remains subordinate to all centres within the region;</li> <li>b. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</li> <li>c. clear separation from existing neighbourhood hubs and centres within the</li> </ul>	N/A	Not establishing a Non-Residential Use.



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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>iv. avoid off-site adverse impacts from stormwater.</li> <li>c. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</li> <li>d. the development ensures the safety, efficiency and useability of access ways and parking areas;</li> <li>e. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</li> </ul>	<p>Y</p> <p>Y</p> <p>N/A</p>	<p>The proposal does not result in an unacceptable impact on the safety or efficiency of the road network.</p> <p>The proposed development maintains and ensures access ways and parking areas are safe and useable.</p> <p>Proposal does not include any earthworks.</p>
K. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	Y	The proposed Dual Occupancy will not create any further nuisance than a single detached dwelling.
L. Noise generating uses are designed, sited and constructed to minimize the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.	N/A	The proposed Dual Occupancy is not a noise generating use.
M. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	Y	The proposed residential use is located within an established residential area, subject to acceptable levels of noise. The development is not located in proximity to a noise generating use.
N. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	N/A	The proposed development is not located within the Water Supply Buffer.
<ul style="list-style-type: none"> <li>O. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:                             <ul style="list-style-type: none"> <li>a. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area</li> </ul> </li> </ul>	Y	The proposed development is located outside of areas of natural hazard or constraint.

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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<p>subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</p> <p>b. ensuring no further instability, erosion or degradation of the land, water or soil resource;</p> <p>c. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</p> <p>d. 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>i. the provision of replacement, restoration, rehabilitation planting and landscaping;</p> <p>ii. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p>iii. the requiring of environmental offsets in accordance with the <i>Environmental Offsets Act 2014</i>.</p> <p>e. protecting native species and protecting and enhancing species habitat;</p> <p>f. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</p>		

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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>g. 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;</li> <li>h. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</li> <li>i. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</li> <li>j. ensuring effective and efficient disaster management response and recovery capabilities;</li> <li>k. where located in an overland flow path:               <ul style="list-style-type: none"> <li>i. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</li> <li>ii. 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;</li> <li>iii. 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;</li> <li>iv. 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,</li> </ul> </li> </ul>		

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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
watercourses, roads or infrastructure.		
P. Development in the Suburban neighbourhood precinct includes 1 or more of the following:  <i>Dual Occupancy is listed as use under this table.</i>	Y	Dual Occupancy is a use that is to be included within the Suburban Neighbourhood. The proposal complies with Overall Outcome P.
Q. Development in the Suburban Neighbourhood precinct does not include any of the following:  <i>Dual Occupancy is not listed as a use under this table.</i>	N/A	Dual Occupancy is not a listed use. Overall Outcome Q is not applicable.
R. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcome of the zone.	N/A	Dual Occupancy is listed a use that is to be included within the Suburban Neighbourhood Precinct, as such, does not need to be assessed on its merits.

Based on the assessment above, the proposal is inconsistent with Overall Outcome A of the code(s) relating to site density but in the wider neighbourhood is able to meet the required density anticipated for the Suburban neighbourhood. Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 2.3.1 of this report.

In addition, section 45 (5) of the *Planning Act 2016* states the assessment may be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise. The other relevant matters to justify any approval of the proposal, are discussed in section 2.8 of this report.

#### 2.4 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the 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. 6 commencing on 3 July 2017 (CR).

##### 2.4.1 *Levied Charge*

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

##### 2.4.2 *Levied Charge Credit*

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

*ITEM 2.1 DA/35498/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 1 KAMALA STREET, BANKSIA BEACH (LOT 379 SP291531) - DIVISION 1 - A16583912 (Cont.)*

(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 \$17,001.54 (excluding quarterly indexation) based on the proportional split stated in Table 3 of the CR.

*2.4.3 Levied Charge Offset or Refund*

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

*2.4.4 Additional Trunk Infrastructure Costs*

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

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

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*

No council referrals were required as a part of this application.

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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 January 2018.
- (b) The development application was advertised in the Bribie Weekly on 12 January 2018.
- (c) A notice in the prescribed form was posted on the relevant land on 14 January 2018 and maintained for a period of 15 business days until 6 February 2018.

2.7.2 *Submissions Received*

There were no submissions received about this development application.

2.7.3 *Notice of Compliance*

The Notice of Compliance was received by Council on 7 February 2018. 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

The existing Deed of Agreement established in 1992 for the majority of the Golf Course Estate, was subject to a public notification process and provided for residential lots to be developed for the purpose for Dual Occupancies. The now Superseded Caboolture ShirePlan included and referenced the existing Deed of Agreement (Schedule 10). The Caboolture Shire Plan zoning reflected the general intent outlined under the Deed of Agreement when it commenced in 2005, by zoning the Golf Course Estate as Residential A, in lieu of the previous Rural Zoning.

The MBRC Planning Scheme, has carried over the Residential A intent, by implementing the General Residential Zone - Suburban Neighbourhood Precinct. The General Residential zone introduced dispersal requirements for Dual Occupancy's as well as different types of Detached Housing product including the ability for a secondary dwelling. In this instance, the proposed Dual Occupancy does not meet the dispersal requirements under the MBRC Planning Scheme, however will remain consistent with the density requirement envisaged for the Suburban Precinct. In this, the recommendations of this report are to give weight to the existing Deed of Agreement by providing for Dual Occupancy within the Golf Course Estate on suitable sites.



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### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

The applicant 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

Not applicable.

#### 3.5 Delegated Authority Implications

This development application could have been decided under delegation given that no submissions were received.

#### 3.6 Financial Implications

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

#### 3.7 Economic Benefit

Infill development creating two (2) houses in an established area.

#### 3.8 Environmental Implications

The proposal will not have a negative impact on the environmental values of the area.

#### 3.9 Social Implications

The proposal has a neutral social impact on the community.

#### 3.10 Consultation / Communication

Refer to clause 2.7.

**SUPPORTING INFORMATION**

**Ref: A165910944**

The following list of supporting information is provided for:

**ITEM 2.1**

**DA/35498/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 1 KAMALA STREET, BANKSIA BEACH (LOT 379 SP291531) - DIVISION 1**

**#1 Locality Plan**

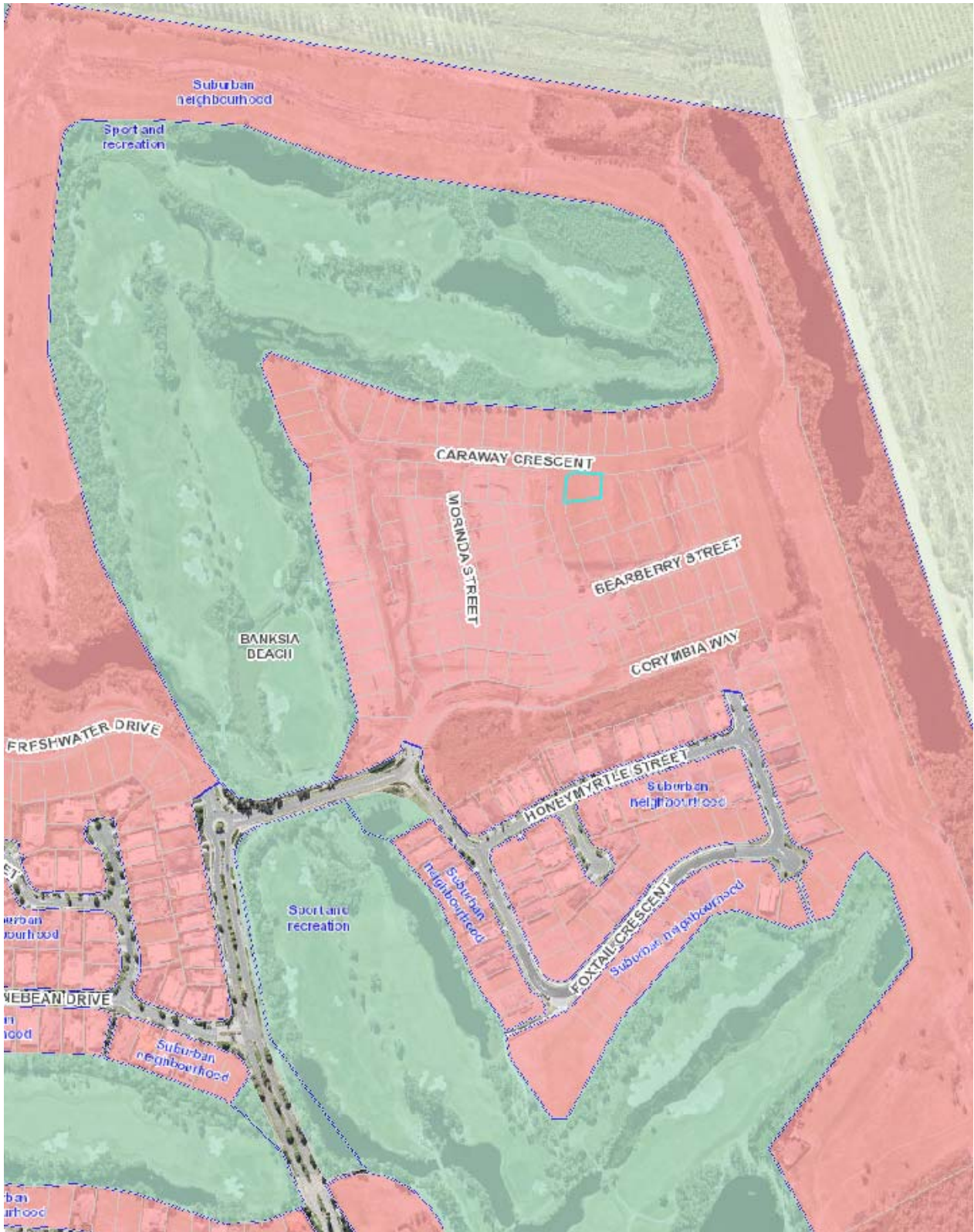
**#2 Zoning Map**

**#3 Material Change of Use Plans**

**#4 Deed of Agreement Plan**

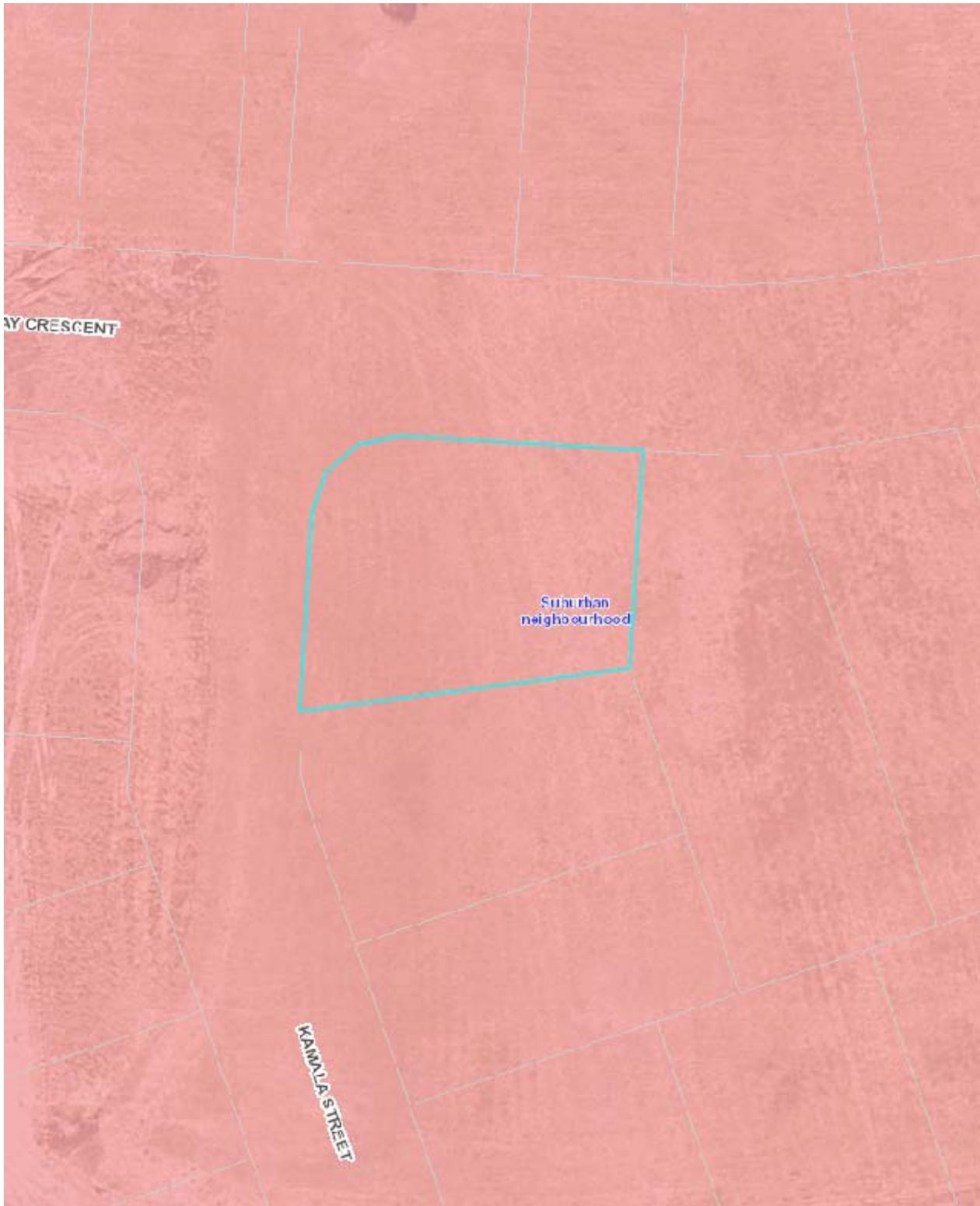
ITEM 2.1 DA/35498/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY  
- 1 KAMALA STREET, BANKSIA BEACH (LOT 379 SP291531) - DIVISION 1 (Cont.)

**#1 Locality Plan**



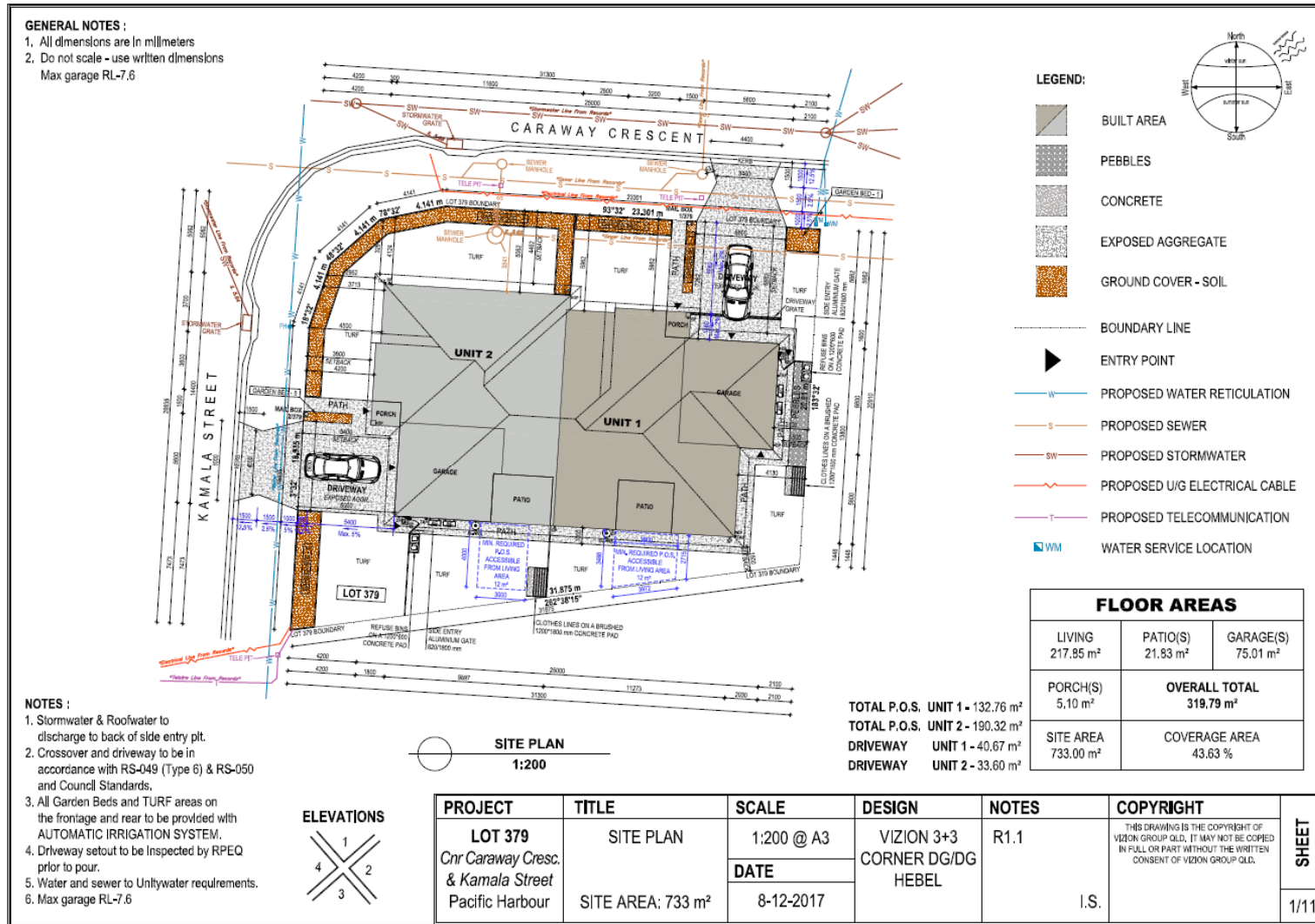
ITEM 2.1 DA/35498/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPNACY  
- 1 KAMALA STREET, BANKSIA BEACH (LOT 379 SP291531) - DIVISION 1 (Cont.)

**#2 Zoning Map**

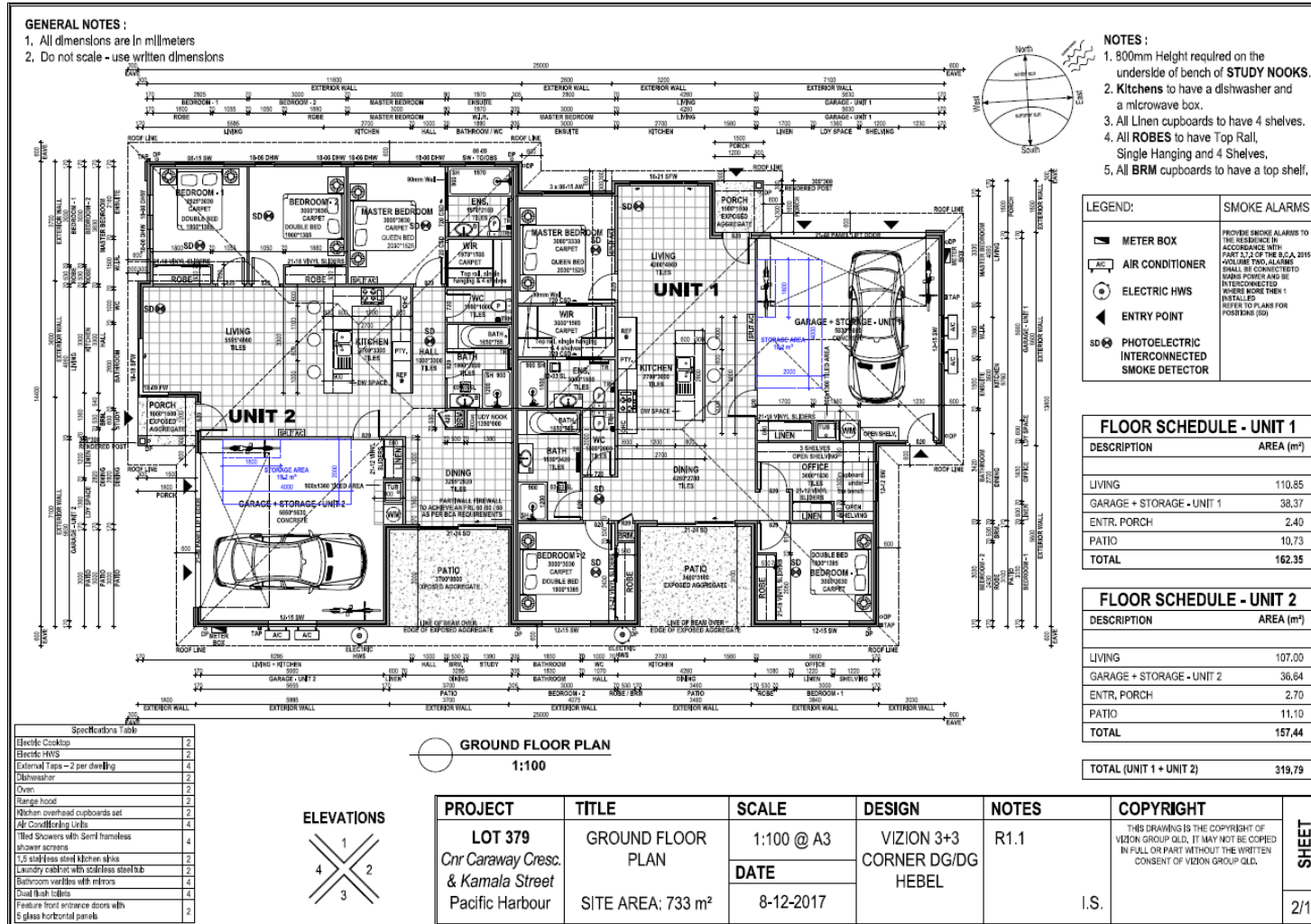


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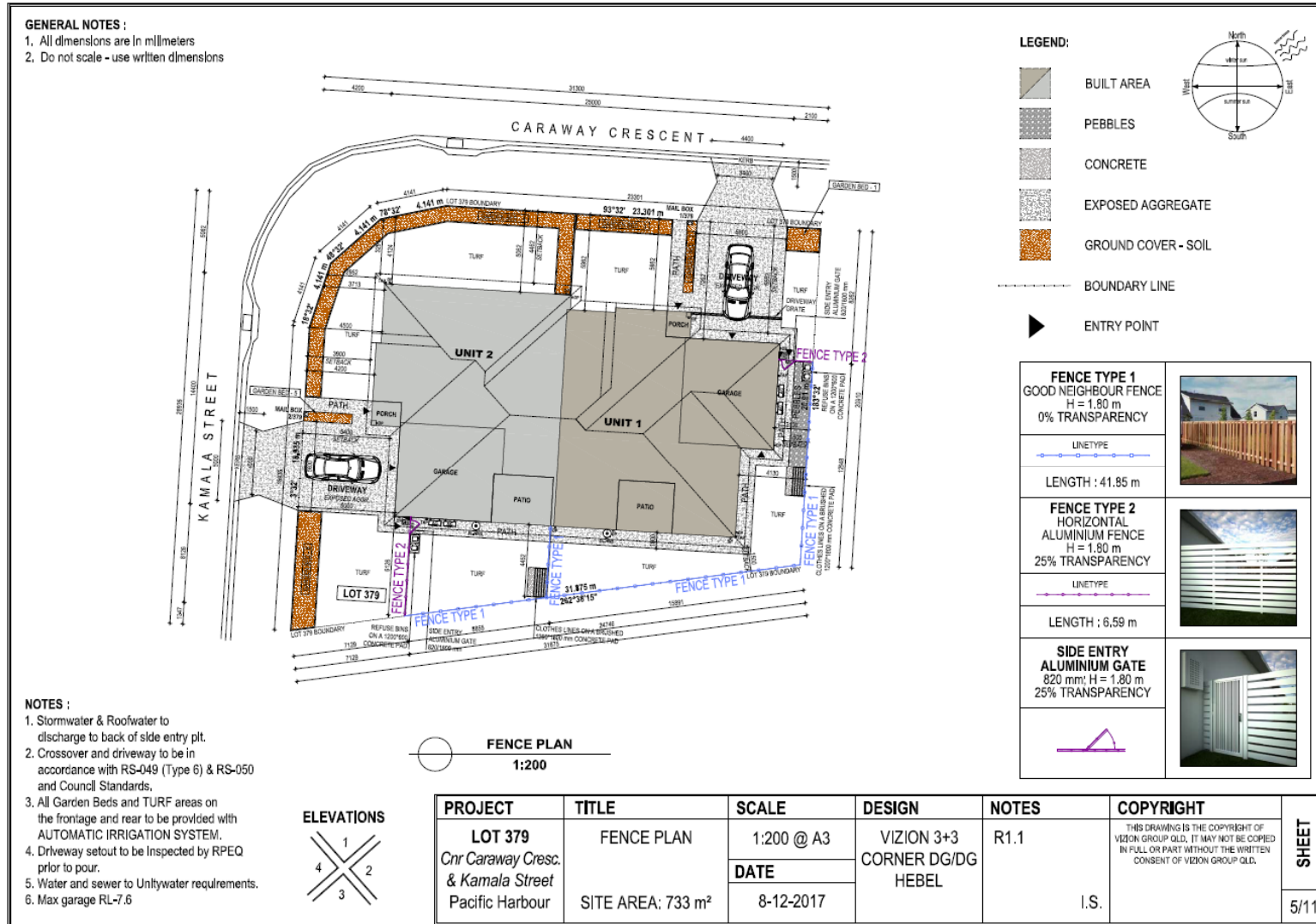
#3 Material Change of Use Plans



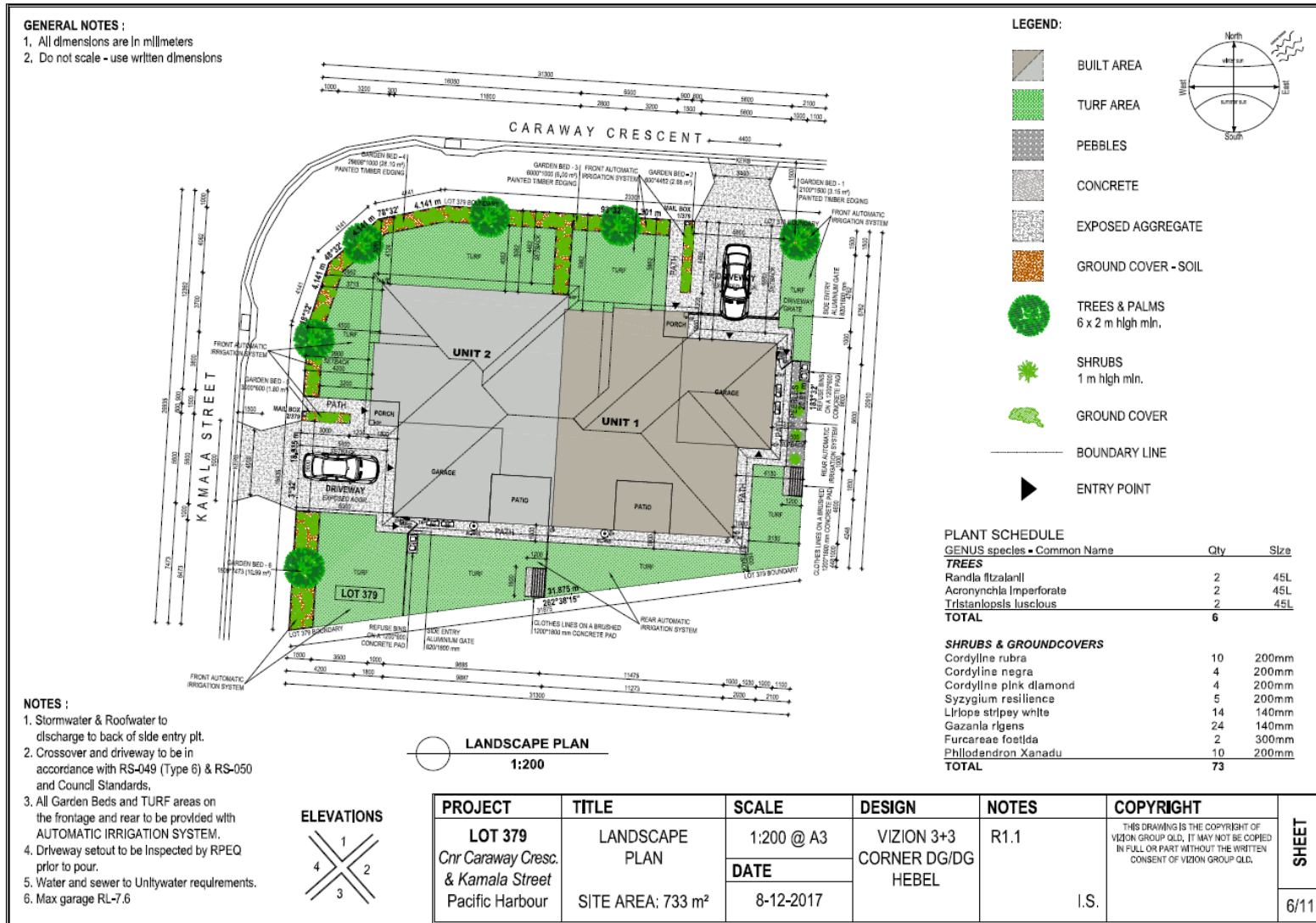
ITEM 2.1 DA/35498/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 1 KAMALA STREET, BANKSIA BEACH (LOT 379 SP291531) - DIVISION 1 (Cont.)



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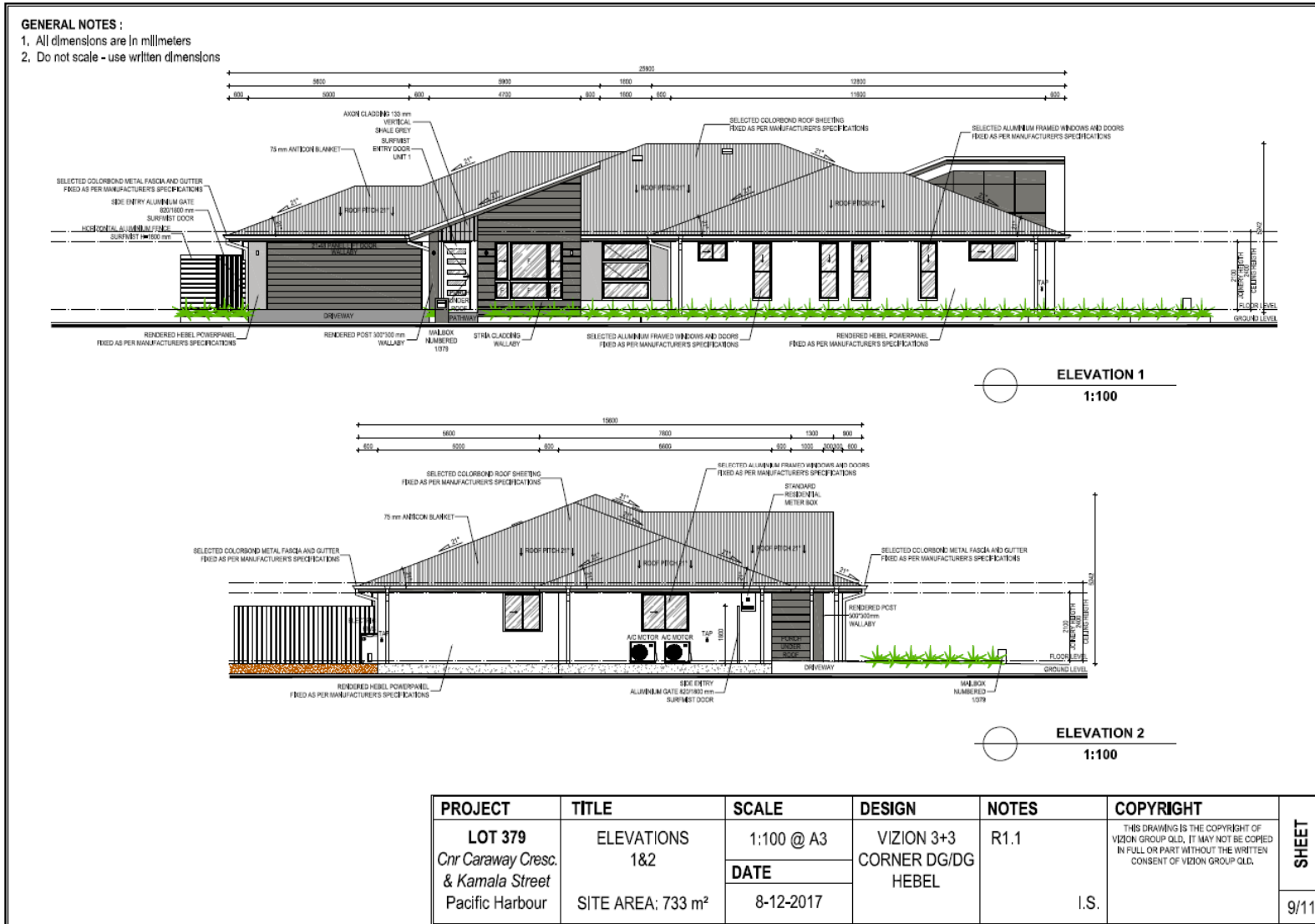


ITEM 2.1 DA/35498/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 1 KAMALA STREET, BANKSIA BEACH (LOT 379 SP291531) - DIVISION 1 (Cont.)





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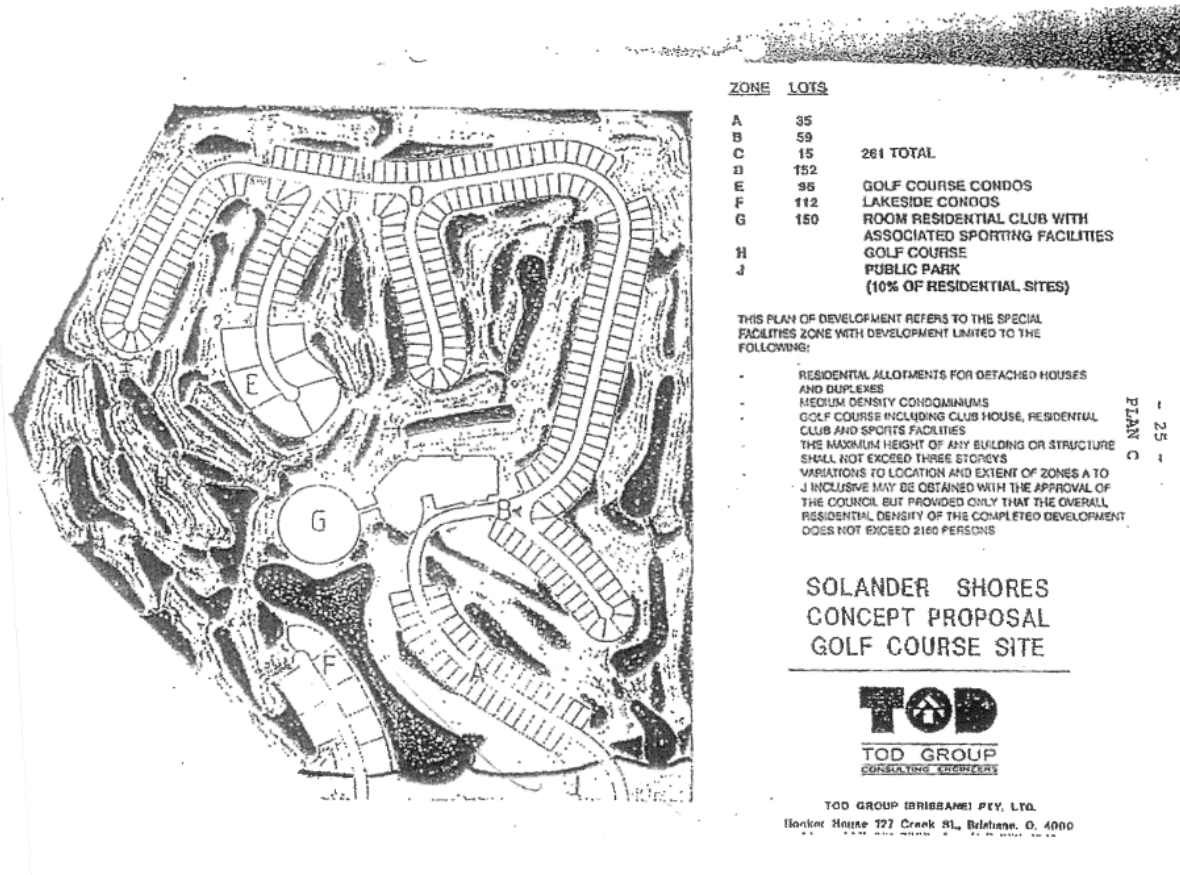


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#4 Deed of Agreement Plan



**ITEM 2.2**

**DA/35500/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 11 BEARBERRY STREET, BANKSIA BEACH (LOT 365 SP291531) - DIVISION 1**

**APPLICANT: Vizion Group QLD C/- Emerge Planning & Development**

**OWNER: Vercorp Pty Ltd**

Meeting / Session: 2 PLANNING & DEVELOPMENT  
Reference: A16591346. : 16 February 2018 – Refer Supporting Information A16592273  
Responsible Officer: TA, Development Planner (PED Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Vizion Group QLD C/- Emerge Planning & Development
<b>Lodgement Date:</b>	21 December 2017
<b>Properly Made Date:</b>	2 January 2018
<b>Confirmation Notice Date:</b>	8 January 2018
<b>Information Request Date:</b>	Not Applicable
<b>Info Response Received Date:</b>	Not Applicable
<b>Public Notification Dates:</b>	15 January 2018 - 6 February 2018
<b>No. of Submissions:</b>	Properly Made: One (1) Not Properly Made: Zero (0)
<b>Decision Due Date:</b>	16 April 2018
<b>Prelodgement Meeting Held:</b>	No

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 1
<b>Property Address:</b>	11 Bearberry Street, Banksia Beach
<b>RP Description</b>	Lot 365 SP 291491
<b>Land Area:</b>	700m <sup>2</sup>
<b>Property Owner</b>	Vercorp Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	MBRC Planning Scheme
<b>Planning Locality / Zone</b>	General Residential Zone - Suburban Neighbourhood Precinct
<b>Level of Assessment:</b>	Impact Assessable.

This application seeks a Material Change of Use - Development Permit for Dual Occupancy situated at the abovementioned property. It is proposed to establish two (2) by three (3) bedroom units on the site. Each unit is provided with two (2) car spaces and rear facing private open space.

The application was publicly advertised with one (1) submission received. The proposed development is considered to accord with the intent of the Moreton Bay Regional Council (MBRC) Planning Scheme and the 1992 Rezoning Deed applying to this portion of the Golf Course Estate. The application is recommended to be approved subject to conditions.

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### 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 Dual Occupancy at 11 Bearberry Street, Banksia Beach, described as Lot 365 SP 291531, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Lot 365 Sheet 1/11	Vizion Group	8 December 2017
Ground Floor Plan	Lot 365 Sheet 2/11	Vizion Group	8 December 2017
Fence Plan	Lot 365 Sheet 5/11	Vizion Group	8 December 2017
Landscape Plan	Lot 365 Sheet 6/11	Vizion Group	8 December 2017
Elevations 1 & 2	Lot 365 Sheet 9/11	Vizion Group	8 December 2017
Elevations 3 & 4	Lot 365 Sheet 10/11	Vizion Group	8 December 2017

### Conditions

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Community Management Statement</b>	
	Ensure that any Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> <li>1. Car parking provisions;</li> <li>2. Landscaping requirements;</li> <li>3. Communal Open Space and Recreation areas;</li> <li>4. Bin storage requirements and collection locations;</li> <li>and</li> <li>5. Stormwater Management requirements.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>3</b>	<b>Extent of Dwellings</b>	
	Develop the Dwellings on the site as follows: <ol style="list-style-type: none"> <li>1. Two (2) Units containing three (3) bedrooms</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.

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<b>4</b>	<b>On-Site Car Spaces</b>	
A	Provide at least four (4) 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.	Prior to commencement of use and to be maintained at all times.
<b>5</b>	<b>Bicycle Parking Facilities</b>	
	Install secure bicycle parking facilities for a minimum of two (2) 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.
<b>6</b>	<b>Street Numbering and Building Names</b>	
	Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
<b>7</b>	<b>Front Fencing</b>	
	Ensure that any front fencing is constructed to no less than the following: <ol style="list-style-type: none"> <li>1. 0% transparency and does not exceed 1.2 metres in height; or</li> <li>2. Minimum 50% transparent and does not exceed 1.5 metres in height; or</li> <li>3. Minimum 85% transparent and does not exceed 1.8 metres in height.</li> </ol>	Prior to commencement of the use and to be maintained at all times.
<b>8</b>	<b>Screen Fencing</b>	
A	Construct a screen fence along the northern and western boundaries of the site where none already exists. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber. Fencing along the northern and western sides of the site that extends beyond the main building line is to taper to 1.2 metres; and	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
B	Construct a screen fence between the private open spaces of each dwelling to the west of the site. The screen fence is to be 1.8 metres in height and constructed of treated timber.	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.

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<b>9</b>	<b>Pedestrian Lighting - Minor</b>	
	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>10</b>	<b>Waste Management</b>	
	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>11</b>	<b>Landscaping Dual Occupancy</b>	
	Provide landscaping general in accordance with the Landscaping Plan to both dwellings that is to include as a minimum: <ol style="list-style-type: none"> <li>1. Top dressing and turf to all areas that are not landscaped or paved;</li> <li>2. A landscape strip with an average depth of 2.0 metres that abuts the front boundary and runs for the entire length of the front property boundary for each dwelling;</li> <li>3. Minimum 5% site cover of deep planting.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>12</b>	<b>On Site Services</b>	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are: <ol style="list-style-type: none"> <li>1. Located in the rear setback; or</li> <li>2. located in the side setbacks and include screening (e.g. fencing or landscaping) from view of any road frontage; or</li> <li>3. entirely underground where located in the front setback.</li> </ol> <p>Note: Rainwater tanks are not permitted within easements.</p>	Prior to commencement of use and to be maintained.
<b>13</b>	<b>Storage</b>	
	Ensure storage area is provided to each unit in accordance with the approved plans at a minimum capacity of 8m <sup>3</sup>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>14</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> </ol>	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.

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	<ul style="list-style-type: none"> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ul>	
<b>15</b>	<b>Fibre Ready Telecommunications – Single</b>	
A	<p>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:</p> <ul style="list-style-type: none"> <li>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</li> <li>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.</li> </ul>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	<p>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.</p> <p>Note: A template for certification is available from council for the purpose of this condition.</p>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>16</b>	<b>Telecommunications Internal Wiring</b>	
A	<p>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 dwelling 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.</p>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	<p>Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.</p> <p>Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.</p>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>DEVELOPMENT ENGINEERING</b>		
<b>17</b>	<b>Replace Existing Council Infrastructure</b>	
	<p>Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as</p>	Prior to submitting to the Council any request for approval of a plan of



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(Cont.)

	part of construction works, to a standard which is consistent with Council's standards.	subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
<b>18</b>	<b>Alterations and Relocation of Existing Services</b>	
	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 the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
<b>19</b>	<b>Dual Accommodation (Duplex) Driveway Cross Over</b>	
	Design and construct a driveway crossover from the constructed road to the site in accordance with IPWEAQ Standard Driveway Crossover Drawing RS-049 and 050.  Note: The internal access works must be designed to ensure the correct line, level and layout is achieved for the driveway crossover.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
<b>20</b>	<b>Stormwater Drainage - Lawful Discharge</b>	
	Ensure that stormwater from the proposed development is lawfully discharged from the subject land without causing nuisance and annoyance to any person.	At all times.

### ADVICES

<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p> <p>Details of how to fulfill the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>

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<b>2</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 7) dated 11 December 2017 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

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

### Decision Notice information

	Details to Insert
<b>Application Type</b>	(a) Material Change of Use - Development Permit for Dual Occupancy
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Building Works – Development Permit</li> </ul>
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There was one (1) properly made submissions about this application.

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**REPORT DETAIL**

**1. Background**

On 24 November 1992, Council (Caboolture Shire) consented to a Deed of Agreement across the land to become the Golf Course Estate. The Deed of Agreement removed the land from the Rural Zone under the Town Planning Scheme to be included in the zones listed in the First Schedule of the Agreement. The First Schedule outlined the zone as Special Facilities for the purpose of Detached Housing, Duplex Housing, Condominiums, Golf Course, Club House, Residential Club and Sports Complex). The Deed of Agreement has no expiry date and because it has been given effect to by the commencement of the golf course estate the Deed of Agreement continues.

The Deed of Agreement established the use rights for Duplex Housing within the Golf Course Estate in accordance with a Plan of Development but did not establish separate assessment or design criteria for the listed uses. Under the Deed of Agreement the Plan of Development prepared for the Golf Course estate was indicative only and does not reflect final lot layout being developed on the ground. As such, the assessment falls to the planning instrument, in place at the time development is occurring. As such, the proposed Dual Occupancy is required to be assessed against the Table of Assessment and design provisions listed for a Dual Occupancy Dwelling within General Residential zone - Suburban Precinct of the Moreton Bay Regional Council (MBRC) Planning Scheme and the Residential Uses Code.

Under the MBRC Planning Scheme Dual Occupancies are identified as requiring an Impact Assessable application where the minimum lot size of 1000m<sup>2</sup> is not achieved. The property at 11 Bearberry Street, Banksia Beach is 700m<sup>2</sup>.

**2. Explanation of Item**

2.1 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	General Residential Zone - Suburban Neighbourhood Precinct	Vacant
South	General Residential Zone - Suburban Neighbourhood Precinct	Vacant
East	General Residential Zone - Suburban Neighbourhood Precinct	Vacant
West	General Residential Zone - Suburban Neighbourhood Precinct	Vacant

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.

<b>Applicable Assessment Benchmarks:</b>	<u>State Planning Policy</u>
	<ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul>
	<u>Regional Plan</u>
	<ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul>
	<u>From Schedule 10 of the Regulation:</u>

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	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>Urban Footprint</li> </ul>
<b>Koala Habitat Designation:</b>	<ul style="list-style-type: none"> <li>Nil</li> </ul>

### 2.2.1 State Planning Policy

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

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not Applicable
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not Applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not Applicable
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: (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:	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply  <u>Flood Hazard Area</u>  The lot is located within the Flood Hazard Area (Local Government) under the

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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>State Interests in the SPP. From a review of Council mapping a policy, the lot is located wholly outside the flood area. The proposal avoids areas of natural hazards.</p>
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not Applicable

**2.2.2 South East Queensland Regional Plan**

The site is located in the Urban Footprint.

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

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

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

**2.3.1 Strategic Framework**

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework. The applicable Strategic Outcomes under the Themes for the planning scheme are discussed as follows:

<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
<b>Theme - Sustainability and Resilience</b>		

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<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
Buildings on lots are interspersed with private open space and trees to respond to local climate conditions by allowing flow of breezes, natural ventilation and light;	<b>Y</b>	The wider region as well as the site represent a built form that is consistent with interspersed buildings on larger lots with sufficient open space and ventilation.
Lots associated with detached housing and footpaths retain shade trees and native and ornamental vegetation that contribute to the amenity and micro-climate of the area;	<b>Y</b>	The lot is located within an established estate with predominantly detached houses. The proposed Dual Occupancy will provide landscaping to the streetscape that will enhance the amenity and micro-climate of the area.
Residential developments are designed to allow solar access, ventilation and flow of breezes and provide open space and footpaths suitable for extensive native vegetation and appropriate shade trees;	<b>Y</b>	The proposed residential development is designed to allow solar access and ventilation to each unit, while not prohibiting or limiting the same access to adjoining neighbours.
Dwelling units are designed and sited so as to minimise energy requirements, incorporate renewable energy systems and provide a high standard of residential amenity; and	<b>Y</b>	The proposed development creates the ability to minimise energy requirements while providing a high standard of residential amenity.
New development is designed to avoid exposure to riverine flood and storm tide inundation events and coastal erosion.	<b>Y</b>	The proposed development is located outside of areas of constraint of riverine flooding and stormtide inundation events.
<b>Theme - Natural Environment and Landscape</b>		
Open space network incorporates natural and semi-natural parklands that form part of environmental corridors within the green infrastructure network;	<b>Y</b>	The proposed development does not adversely impact on the open space network.
A high level of vegetation is retained on both public and private land to provide native flora and fauna habitat and to ensure the ongoing provision of ecosystem services, in line with the green infrastructure network. Where native vegetation is to be cleared to achieve high quality urban design outcomes and offsets are required these are to be located within environmental offset areas as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy;	<b>Y</b>	No vegetation will be removed as part of this proposal. The proposed development will introduce significant landscaping to the streetscape.
Open space and natural environmental areas within Suburban	<b>Y</b>	The proposed Dual Occupancy introduces greening of the front yards,

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<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
neighbourhoods are complemented by the private 'greening' of yard space on private property and street trees; and		to increase the amenity of the streetscape.
Development is designed to incorporate natural features and respond to topography.	<b>Y</b>	The development is located on a flat site. The proposal responds to the natural topography.
<b>Theme - Strong Communities</b>		
Schools, pre-schools, child care centres, places of worship, community health services and other community activities provide informal and safe meeting places for residents whilst partly serving daily convenience needs;	<b>Y</b>	The proposed development is located within an established neighbourhood, with access to a sufficient level of community infrastructure.
Other facilities not provided within walking distance of homes may be provided in adjacent neighbourhoods as shared facilities; and	<b>Y</b>	A wide array of non-residential uses are located within the neighbourhood. Adjacent neighbourhoods provide for other uses within shared facilities.
An extensive range of active and passive open space, sport and recreation areas for use by residents are an integral part of Suburban neighbourhood places within walking distance of most homes along lineal green corridors and tree lined streets.	<b>Y</b>	The proposed development does not compromise the provision of open space within the precinct. The existing residential development of the area have adequate access to water front land and linear connections to open space areas.
<b>Theme - Settlement Pattern and Urban Form</b>		
Suburban neighbourhood places cater for predominately low density detached housing;	<b>Y</b>	The Suburban Neighbourhood precinct in this area remains predominantly low density detached housing.
New residential development will comprise a mix of detached dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing with the preferred grid like street pattern;	<b>Y</b>	New residential development proposed as a part of this application introduces a variety to the housing product within the wider locality.
Development across a Suburban neighbourhood place type is characterised by a net residential density of 11 dwellings per hectare or development occurs in a manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties;	<b>Y</b>	The net residential density of the wider area is consistent with the intent of the code, being a maximum of 11 lots per hectare, and maintains the required level of density the introduction of the Dual Occupancy.
Other housing types in the form of dual occupancies will also occur at dispersed locations in the area;	<b>Y</b>	The proposed Dual Occupancy is located within an area that subject to approval will have a total of five (5) dual occupancies (1 already approved and 4 being proposed). The Dual Occupancies are all located on corner

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<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
		sites, and are dispersed adequately through the locality
Low rise multiple dwellings and housing for older persons may also be included adjacent to a local centre or community facilities and bus stops on main through streets and overlooking public open space;	<b>N/A</b>	The proposal is not for a multiple dwelling.
Adaptable housing is encouraged in response to changing housing needs;	<b>Y</b>	The proposed development results in a housing product that is varied from the existing predominant built form that assists in responding to changing housing needs.
Community activities (schools, pre-schools, child care centres, places of worship, community health services, other community activities) are designed to have a low rise built form on landscaped sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;	<b>N/A</b>	The development does not include the provision of community activities. The wider area is well serviced with community activities.
New development is sympathetic to the existing character of the particular Suburban neighbourhood location.	<b>Y</b>	The proposed development presents a consistent built form with the existing neighbourhood. The Dual Occupancy has been located on a corner lot, as such represents the visual of a single dwelling to each street frontage.
Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met: <ul style="list-style-type: none"> <li>a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services and community activities;</li> <li>b. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses;</li> </ul>	<b>N/A</b>	The proposal does not include or propose to expand a neighbourhood hub.



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<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
<p>c. it is conveniently located on a main through street and/or adjoining or is opposite to a public transport node;</p> <p>d. a new local centre or neighbourhood hub is to service an unserviced catchment and is located to form 15 minute walkable neighbourhoods, with the Local centre central to that neighbourhood; and</p> <p>e. they are appropriately designed to have high quality urban design outcomes.</p>		
<b>Theme - Employment Location</b>		
Appropriate local employment opportunities are encouraged in the form of home based businesses operated within residential premises and opportunities within a local centre or neighbourhood hub.	<b>Y</b>	The design and siting of the proposed development creates the opportunity to work from home. Alternate employment opportunities are found within the wider locality.
<b>Theme - Integrated Transport</b>		
Main through streets provide access to schools, local shops, community facilities, neighbourhood and district sports and recreation facilities and are the main bus routes through the area;	<b>Y</b>	The existing road network provides a main street to the non-residential uses within the area.
Suburban neighbourhood places are intended to have a well-connected network of active transport linkages to encourage residents to walk and cycle; and	<b>Y</b>	The area is well serviced by active transport opportunities, that encourage residents to walk and cycle within the area.
Roads of collector or higher order include line-marked shoulders to accommodate cyclists with particular attention to uphill sections.	<b>Y</b>	Higher order roads are line marked with shoulders to accommodate cyclists. The topography of the area is flat.
<b>Theme - Infrastructure</b>		
The level of infrastructure service provision to Suburban neighbourhood place types is maintained; and	<b>Y</b>	The infrastructure provision to the wider Suburban neighbourhood precinct is maintained. The level of infrastructure is appropriate to the suburban neighbourhood precinct.
Suburban neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.	<b>Y</b>	The suburban neighbourhood precinct is provided with connections to the available infrastructure.

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PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE		
Strategic Outcome	Complies	Assessment
<b>Theme - Water Management</b>		
Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments;	Y	The suburban neighbourhood precinct is connected to the relevant unitywater infrastructure.
Water sensitive urban design (WSUD) measures are incorporated into development including the retention and rehabilitation of riparian vegetation; and	Y	The proposed development presents an adequate WSUD design. Vegetation will be introduced on site.
The potable water supply catchments and storage areas are protected and maintained in a fit state for continued water quality and economically efficient potable water storage or water harvesting purposes.	Y	The suburban neighbourhood precinct is connected to the relevant and adequate supply of potable water.

### 2.3.2 Assessment of Applicable Codes

#### Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Suburban Neighbourhood Precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO47
<b>Development Codes</b>		
Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO8

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

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2.3.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code - Suburban Neighbourhood Precinct</b>	
<p><b>PO47</b> Dual Occupancies are infrequent and dispersed within the streetscape and are not located within 200m (measured along the street alignment) of a lot containing an existing, approved or a properly made application for a Dual Occupancy.</p>	<p><b>E47</b> Are located on lots with an area of 1000m<sup>2</sup> or greater.</p>
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an alternative outcome to Performance Outcome 47 of the General Residential Zone Code. It is proposed to establish a Dual Occupancy on a lot of 733m<sup>2</sup>, located 40m to the closest Dual Occupancy.</p> <p>The proposal is unable to meet the Performance Outcome as the site does not have a 200m dispersal from other Dual Occupancies sites. As such, assessment against the overall outcomes is required.</p>	
<b>Residential Uses Code</b>	
<p><b>PO8</b> Driveways, pedestrian entries and internal access ways are located and designed to:</p> <ol style="list-style-type: none"> <li>provide lawful access;</li> <li>not detract from the creation of active street frontages and positively contribute to the intended streetscape character;</li> <li>not negatively impact adjoining uses;</li> <li>provide a safe pedestrian environment;</li> <li>not result in excessive crossovers and hardstand areas;</li> <li>provide safe access onto an appropriate order road;</li> <li>not interfere with infrastructure owned by Council or a utility provider;</li> <li>allow adequate space for on-street parking;</li> <li>allow adequate space for street planting and street trees;</li> <li>allow for garbage collection and street infrastructure.</li> </ol>	<p><b>E8.1</b> Dual occupancies provide:</p> <ol style="list-style-type: none"> <li>a maximum crossover width of 4m or for a shared driveway a maximum crossover width of 5m;</li> <li>a maximum of one crossover per street frontage; or where more than 1 crossover per street frontage, they are to be at least 12m apart to allow for on-street parking and street trees.</li> </ol>

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Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an alternative solution to Performance Outcome 8 of the General Residential Zone Code. It is proposed to have two (2) driveway cross overs, both with a width of 5m, in lieu 4m limit. There is only one driveway per frontage.</p> <p>The proposed driveways provide sufficient siting to allow lawful access to each dwelling, not detract from the streetscape or negatively impact adjoining uses. The proposed driveways do not result in excessive crossovers or hardstand areas providing access to an appropriate order road. The driveways will not interfere with infrastructure owned by Council or similar utility provider and sufficient on street car parking has also been demonstrated. Provision of garbage collection, street infrastructure and street trees is included.</p> <p>The proposed alternative outcome is accepted as compliant with the Performance Outcome in this instance.</p>	

2.3.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome 47 of the General Residential Zone Code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
A. The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density of 75 dwellings per hectare if complying with b. v. below.	N	The proposed Dual Occupancy results in a site density of 26 Dwellings per hectare. The development site is not located within the walking distance catchment, as such is required to accord to the maximum of 15 dwellings per hectare. The proposal does not comply with Overall Outcome A. An assessment of the Strategic Framework is required.
B. Residential activities consist of: i. Detached dwelling houses, predominantly on traditional lots; ii. Detached dwelling houses on narrow lots and Dual Occupancies where they are dispersed within the streetscape or are located within easy walking distance to services (centre, public transport node, community facilities) or park; iii. Domestic outbuildings are subordinate in appearance and function to the dwelling; iv. Retirement facilities, Residential care facilities,	Y	The proposed development seeks to establish a Dual Occupancy within the Golf Course Estate of Pacific Harbour. The Dual Occupancy is located on a corner lot that is well located and connected within the wider subdivision. Subject to approval a total of five (5) dual occupancies have been identified within Stage 6 area of the Golf Course Estate. Each Dual Occupancy is located on a corner lot, and well dispersed within the landscape.

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<b>6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
<p>v. and Relocatable home parks are located within easy walking distance of a centre; Multiple dwellings Rooming accommodation short-term accommodation and tourist park only establish where they will support a higher order or district centre or a train station by being adjacent (within 400m walking distance) to that higher order or district centre or train station.</p> <p>vi. The built form of concentrated residential uses and managed communities (e.g. townhouse developments, retirement facility, residential care facility, relocatable home parks) are designed to integrate with the surrounding neighbourhood.</p>		
<p>C. The design, siting and construction of residential uses are to:</p> <p>i. contribute to an attractive streetscape with priority given to pedestrians;</p> <p>ii. encourage passive surveillance of public spaces;</p> <p>iii. result in privacy and residential amenity consistent with the low density residential character of the area;</p> <p>iv. provide a diverse and attractive built form;</p> <p>v. provide a low rise built form compatible with its surrounds;</p> <p>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</p> <p>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</p>	Y	<p>The proposed Dual Occupancy is designed to contribute to attractive streetscape, encourages passive surveillance of public spaces through habitable room windows addressing the street. The proposed Dual Occupancy is designed to maintain and create residential amenity and privacy for the future occupants that is consistent with the intent for a low density residential character of the area.</p> <p>The proposed development creates a diverse and attractive built form that is compatible with the low rise surrounding development.</p> <p>The design of the Dual Occupancy incorporates subtropical design elements that respond to the local climate.</p> <p>The development also caters for appropriate car parking and maneuvering on site to meet the anticipated demand for the uses.</p>

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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on site;</li> <li>x. be of a scale and density consistent with the low density residential character of the area;</li> <li>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure.</li> </ul>		The proposed use is consistent with the scale and density of the existing area. The development will be connected to an appropriate level of infrastructure.
D. Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.	N/A	Not establishing a Non-Residential Use.
E. Community activities: <ul style="list-style-type: none"> <li>a. establish in a location that may be serviced by public transport;</li> <li>b. do not negatively impact adjoining residents or the streetscape;</li> <li>c. do not undermine the viability of existing or future centres.</li> </ul>	N/A	Not establishing a Non-Residential Use.
F. Corner stores may establish as standalone uses (not part of a neighbourhood hub) where: <ul style="list-style-type: none"> <li>a. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region;</li> <li>b. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre;</li> <li>c. they are appropriately designed and located to include active frontages.</li> </ul>	N/A	Not establishing a Non-Residential Use.

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(Cont.)*

<b>6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
<p>G. Retail and commercial activities (forming part of a neighbourhood hub):</p> <ul style="list-style-type: none"> <li>a. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</li> <li>b. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</li> <li>c. are of a small scale, appropriate for a neighbourhood hub;</li> <li>d. do not negatively impact adjoining residents or the streetscape;</li> <li>e. are subordinate in function and scale to all centres within the region.</li> </ul>	N/A	Not establishing a Non-Residential Use.
<p>H. The design, siting and construction of non-residential uses:</p> <ul style="list-style-type: none"> <li>a. maintains a human scale, through appropriate building heights and form;</li> <li>b. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces;</li> <li>c. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</li> <li>d. promotes active transport options and ensures an oversupply of car parking is not provided;</li> <li>e. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.</li> </ul>	N/A	Not establishing a Non-Residential Use.
<p>I. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:</p>	N/A	Not establishing a Non-Residential Use.

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(Cont.)

6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>a. it is of a scale that remains subordinate to all centres within the region;</li> <li>b. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</li> <li>c. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently unserved catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</li> <li>d. for a new neighbourhood hub, it is located on sub-arterial or collector road;</li> <li>e. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long-term development.</li> </ul>		
<ul style="list-style-type: none"> <li>J. General works associated with the development achieves the following:                             <ul style="list-style-type: none"> <li>a. 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);</li> <li>b. the development manages stormwater to:                                     <ul style="list-style-type: none"> <li>i. ensure the discharge of stormwater does not</li> </ul> </li> </ul> </li> </ul>	<p>Y</p> <p>Y</p>	<p>The proposed Dual Occupancy will be connected to a sufficient level of infrastructure, commensurate with the zone and use.</p> <p>The recommendations of this report include a condition requiring stormwater to be lawfully discharged</p>





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(Cont.)

6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
drinking water and aquatic ecosystem environmental values in those catchments.		
<p>O. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <ul style="list-style-type: none"> <li>a. 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;</li> <li>b. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>c. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</li> <li>d. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through: <ul style="list-style-type: none"> <li>i. the provision of replacement, restoration, rehabilitation planting and landscaping;</li> <li>ii. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</li> <li>iii. the requiring of environmental offsets in</li> </ul> </li> </ul>	Y	The proposed development is located outside of areas of natural hazard or constraint.

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(Cont.)

6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<p>accordance with the <i>Environmental Offsets Act 2014</i>.</p> <ul style="list-style-type: none"> <li>e. protecting native species and protecting and enhancing species habitat;</li> <li>f. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</li> <li>g. 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;</li> <li>h. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</li> <li>i. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</li> <li>j. ensuring effective and efficient disaster management response and recovery capabilities;</li> <li>k. where located in an overland flow path:               <ul style="list-style-type: none"> <li>i. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</li> <li>ii. 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;</li> </ul> </li> </ul>		

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(Cont.)

6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<p>iii. 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>iv. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
<p>P. Development in the Suburban neighbourhood precinct includes 1 or more of the following:</p> <p><i>Dual Occupancy is listed as use under this table.</i></p>	Y	Dual Occupancy is a use that is to be included within the Suburban Neighbourhood. The proposal complies with Overall Outcome P.
<p>Q. Development in the Suburban Neighbourhood precinct does not include any of the following:</p> <p><i>Dual Occupancy is not listed as a use under this table.</i></p>	N/A	Dual Occupancy is not a listed use. Overall Outcome Q is not applicable.
<p>R. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcome of the zone.</p>	N/A	Dual Occupancy is listed a use that is to be included within the Suburban Neighbourhood Precinct, as such, does not need to be assessed on its merits.

Based on the assessment above, the proposal is inconsistent with Overall Outcome A of the code(s) relating to site density but in the wider neighbourhood context meets the required density anticipated for the Suburban neighbourhood. Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 2.3.1 of this report.

In addition, section 45 (5) of the *Planning Act 2016* states the assessment may be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise. The other relevant matters to justify any approval of the proposal, are discussed in section 2.8 of this report.

#### 2.4 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 6 commencing on 3 July 2017 (CR).

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ITEM 2.2 DA/35500/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 11 BEARBERRY STREET, BANKSIA BEACH (LOT 365 SP291531) - DIVISION 1 - A16591346.  
(Cont.)

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 \$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 \$17,001.54 (excluding quarterly indexation) based on the proportional split stated in Table 3 of the CR.

2.4.3 *Levied Charge Offset or Refund*

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

2.4.4 *Additional Trunk Infrastructure Costs*

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

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

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.

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2.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

2.6 Referrals

2.6.1 *Council Referrals*

No council referrals were required as a part of this application.

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 January 2018
- (b) The development application was advertised in the Bribie Weekly on 12 January 2018.
- (c) A notice in the prescribed form was posted on the relevant land on 14 January 2018 and maintained for a period of 15 business days until 6 February 2018

2.7.2 *Submissions Received*

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

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

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The matters raised within the submission are outlined below:

<b>Assessment of Submissions</b>
<p><b>Issue - Access</b></p> <p>Concerns were raised through submissions that the road typology is too narrow to support Dual Occupancies. Furthermore, the access to the estate is via a single road in and out which is not suitable for increased densities.</p>
<p><b>Discussion</b></p> <p>The existing road typology is an 8m wide carriage way. This permits sufficient width to facility two (2) parked cars on either side of the road and a trafficable lane between. Further to this, each proposed unit is provided with two (2) car spaces in accordance with the proposed. It is anticipated that all proposed units will have sufficient on site car parking to cater for the residential use. In terms of wider access to the estate, the Deed of Agreement and Preliminary Approval over the Golf Course Estate permits the establishment of up to 1,247 residential dwellings within the entire estate. The access arrangements have been designed to cater for the total development of the site. As such, an increase of one (1) unit on this site will not result in a significant impact on the road capacity.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue - Character</b></p> <p>Concerns were raised through submissions that the master planned community has been sold and marketed as single unit blocks. The concern is that introducing Dual Occupancies will alter the character of the area.</p>
<p><b>Discussion</b></p> <p>Under the MBRC Planning Scheme, Dual Occupancies are a use that is permitted within the Suburban Neighbourhood Precinct. This proposed Dual Occupancy is on a lot less than 1,000sqm triggering Impact assessment. However, it is noted that the Historic 1992 Deed of Agreement established a range of residential uses, including Dual Occupancy but did not include a Table of Assessment or design criteria, instead relying on the assessment criteria listed in the Planning Scheme at that time.. In the absence of any specific design criteria listed within the rezoning deed the requirements outlined in the current Planning scheme being the MBRC Planning Scheme have been used to design and assess Dual Occupancies Applications. It is noted that the current application is consistent with the Continuing approval being the Rezoning deed.</p> <p>Under the criteria of the MBRC Planning Scheme Dual Occupancies are required to be dispersed within the streetscape for the Suburban Neighbourhood Precinct. The proposed Dual Occupancy is located on a corner block, and will appear as a single dwelling to each street frontage. Within the greater locality five (5) other Dual Occupancies are being considered (one approved under the previous Caboolture ShirePlan and four yet to be decided). The Dual Occupancies in the area have been designed to not detract or impact on the existing and planned streetscape. For the majority of the Estate the visual character of the streetscape will remain as single dwelling units.</p> <p>This is not sufficient grounds for refusal of the application.</p>

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<p><b>Issue - Tenure</b></p> <p>Concerns were raised regarding the potential for Dual Occupancies to be developed and converted to rental basis.</p>
<p><b>Discussion</b></p> <p>Tenure of properties is not an aspect of development that is regulated under the Planning Scheme.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue - Public Consultation</b></p> <p>Concerns were raised regarding the public consultation process of the proposed development. It was noted that the advertising signs were erected on a Sunday, and located behind a gated fence with a Do Not Enter sign erected by the Earthworks Company.</p>
<p><b>Discussion</b></p> <p>Confirmation from the applicant has been received by Council certifying that Public Notification was carried out correctly in accordance with <i>Planning Act 2016</i>. Notification signs were displayed on each road frontage. While it has been acknowledged that there was fencing on site, advice provided indicates the gates were at no time closed or locked. In accordance with the requirements of the Planning Act, written advice was provided to adjoining land owners and the application was advertised in the Bribie Weekly Newspaper.</p> <p>This is not sufficient grounds for refusal of the application.</p>

2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 13 February 2018. 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

The existing Deed of Agreement established in 1992 applies to the majority of the Golf Course Estate. The process for establishing the Deed was subject to a public notification process and provided for residential lots to be developed for a variety of housing types including for the purpose for Dual Occupancies. The now Superseded Caboolture ShirePlan included and referenced the existing Deed of Agreement (Schedule 10). The Caboolture ShirePlan zoning reflected the general intent outlined under the Deed of Agreement when it commenced in 2005, by zoning the Golf Course Estate as Residential A, in lieu of the previous Rural Zoning.

The MBRC Planning Scheme, has carried over the Residential A zone intent, by implementing the General Residential Zone - Suburban Neighbourhood Precinct. The General Residential zone introduced dispersal requirements for Dual Occupancy's as well as different types of Detached Housing product including the ability for a secondary dwelling. In this instance, the proposed Dual Occupancy does not meet the dispersal requirements listed under the MBRC Planning Scheme, however remains consistent with the residential density requirements envisaged for the Suburban Precinct. In this, the recommendations of this report are to give weight to the existing Deed of Agreement by providing for Dual Occupancy, on suitable sites within the Golf Course Estate.



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(Cont.)

**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

Not applicable.

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) Permit conditions require infrastructure contributions to Council.

3.7 Economic Benefit

Infill development creating two (2) houses in an established area.

3.8 Environmental Implications

The proposal will not have a negative impact on the environmental values of the area.

3.9 Social Implications

The proposal has a neutral social impact on the community.

3.10 Consultation / Communication

Refer to clause 2.7.

**SUPPORTING INFORMATION**

**Ref: A16592273**

The following list of supporting information is provided for:

**ITEM 2.2**

**DA/35500/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 11 BEARBERRY STREET, BANKSIA BEACH (LOT 365 SP291531) - DIVISION 1**

**#1 Locality Plan**

**#2 Zoning Map**

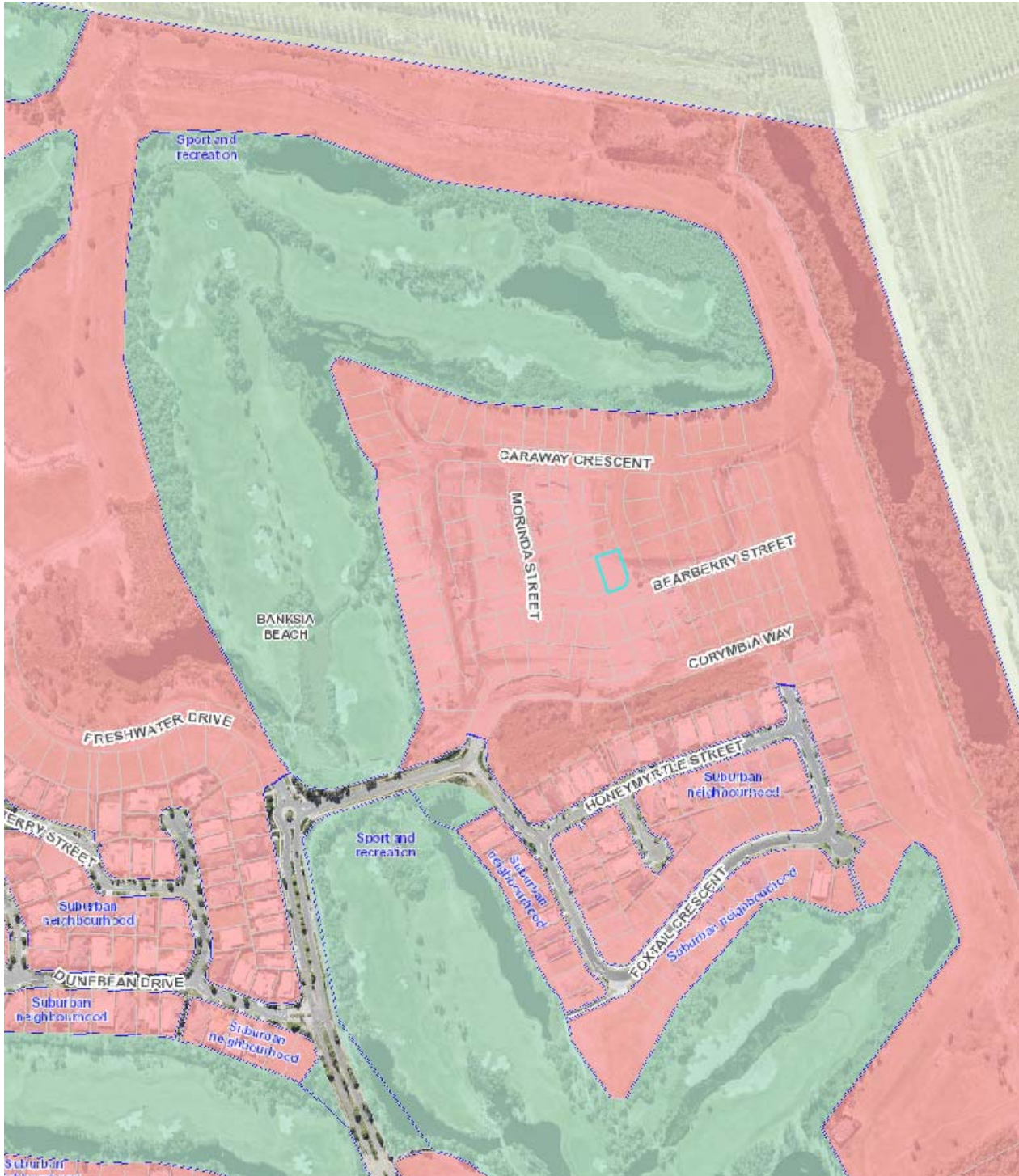
**#3 Material Change of Use Plans**

**#4 Deed of Agreement Plan**

**#5 Submissions**

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- 11 BEARBERRY STREET, BANKSIA BEACH (LOT 365 SP291531) - DIVISION 1 (Cont.)

**#1 Locality Plan**



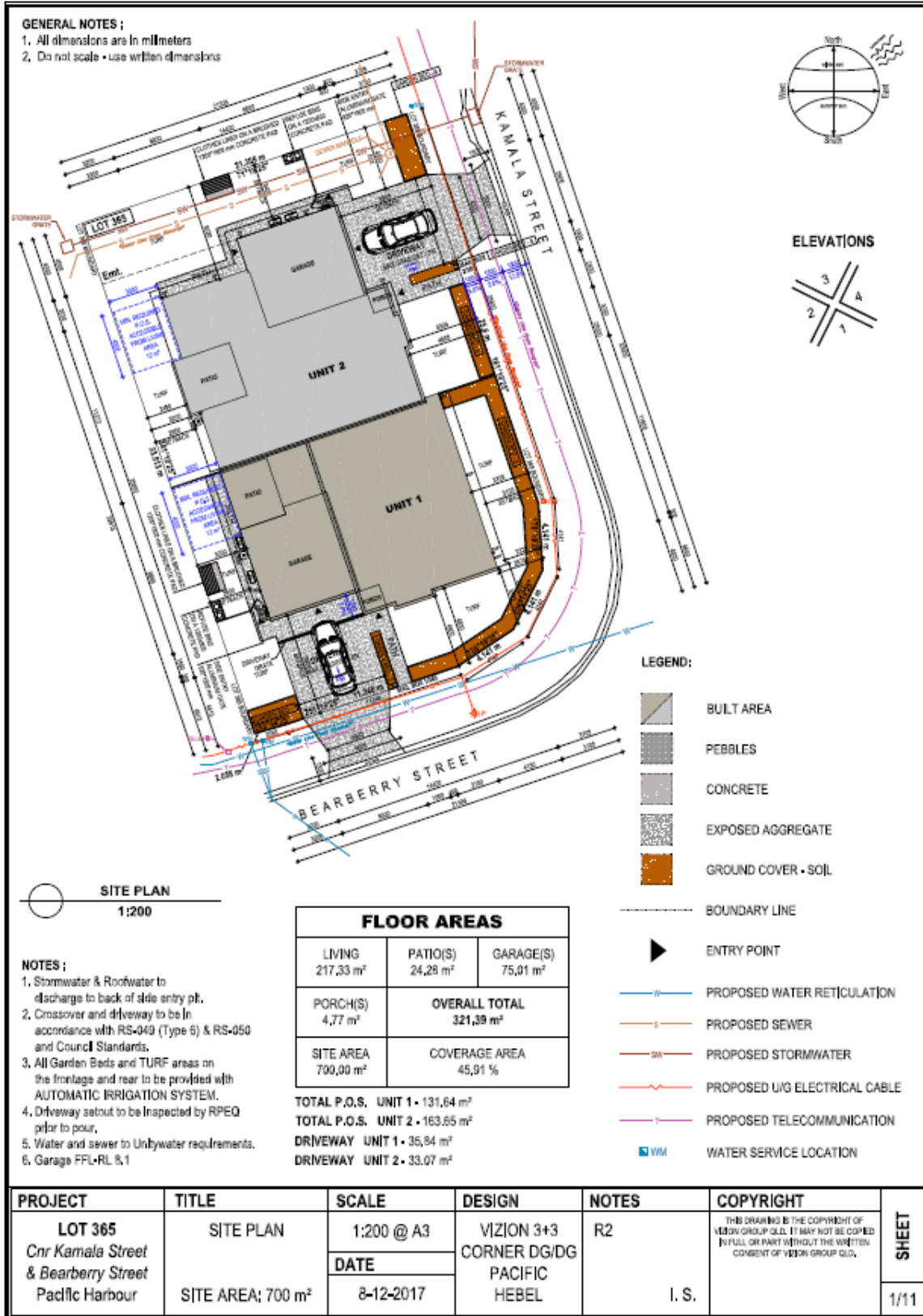
ITEM 2.2 DA/35500/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY  
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**#2 Zoning Map**

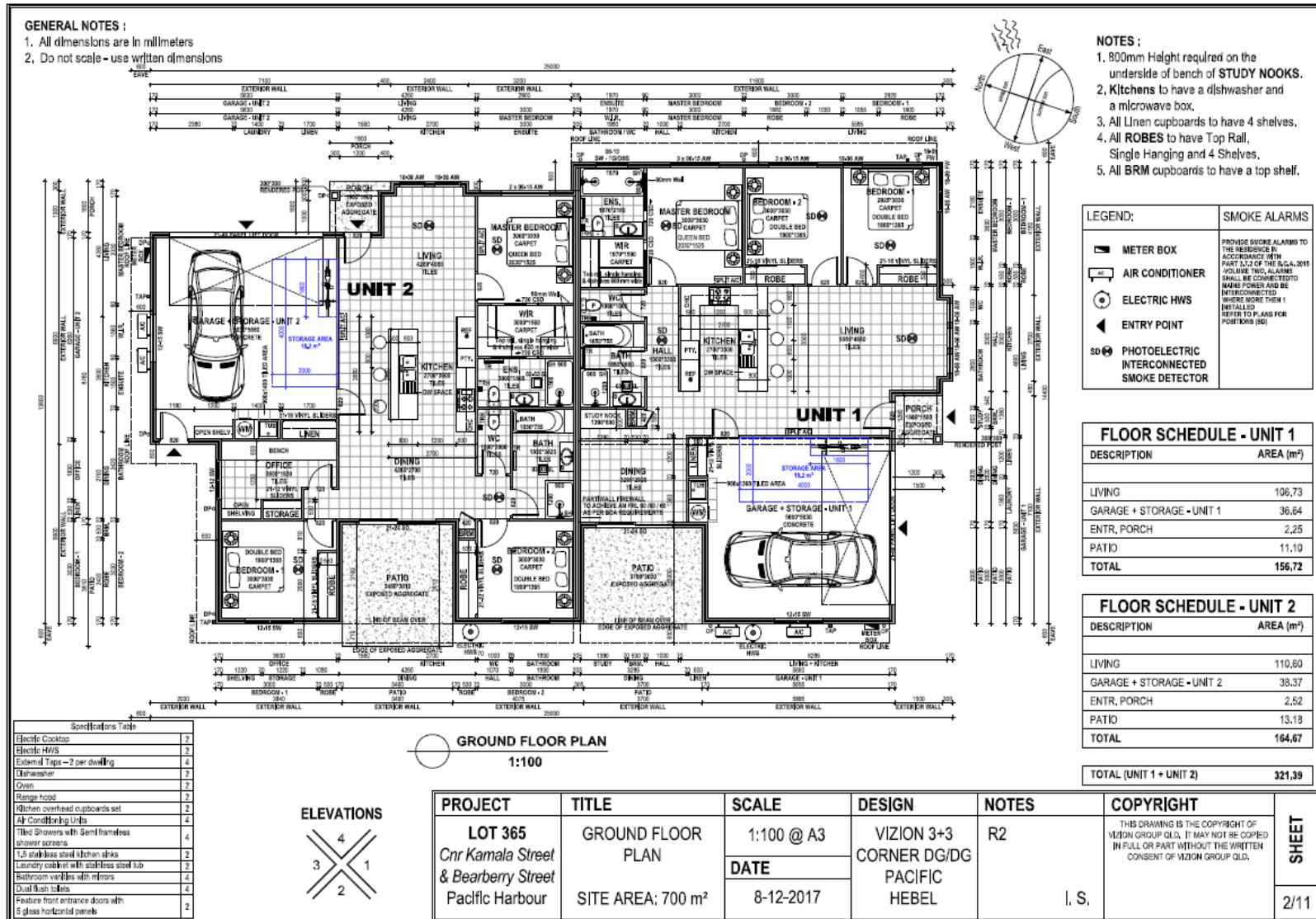


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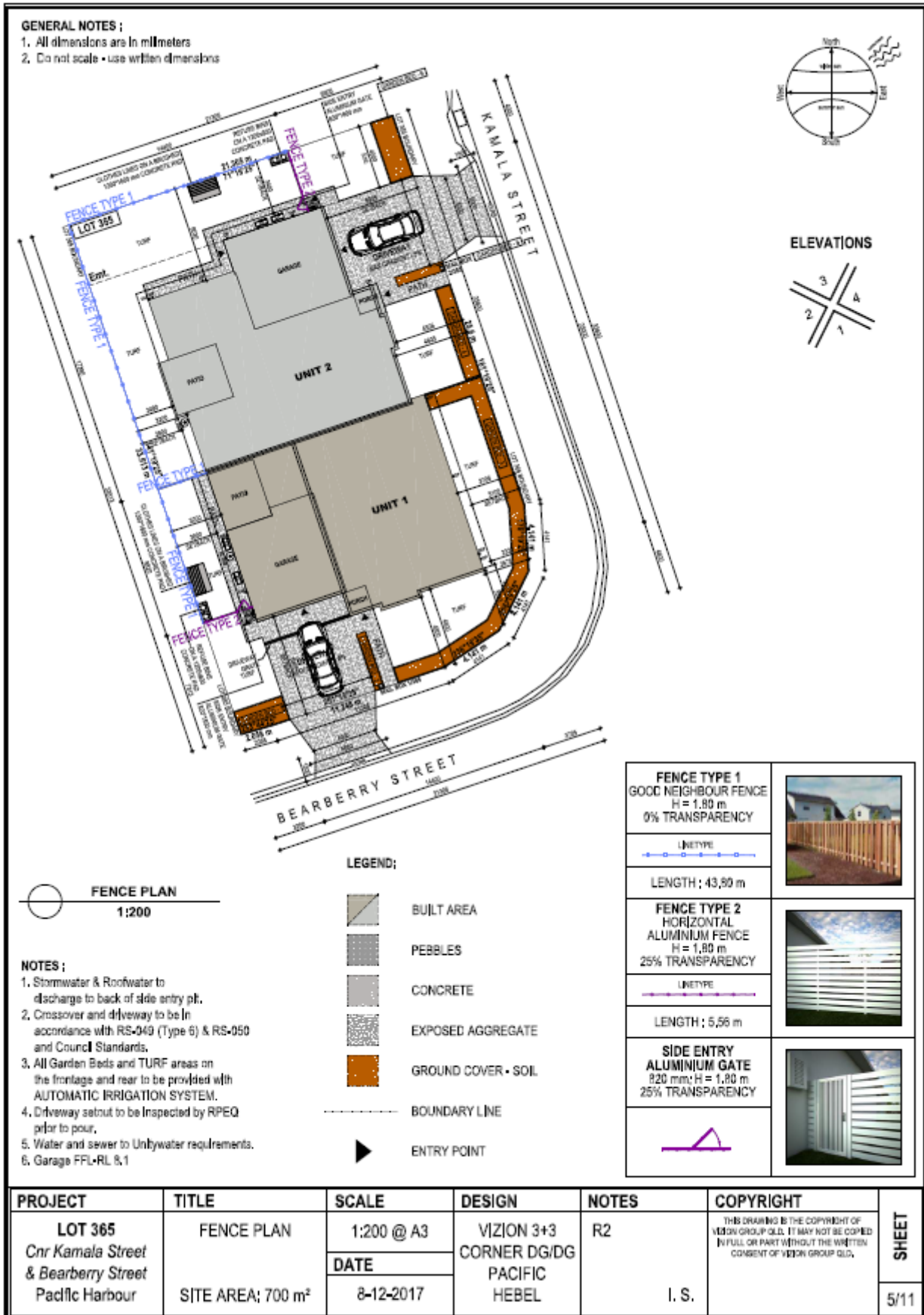
#3 Material Change of Use Plans



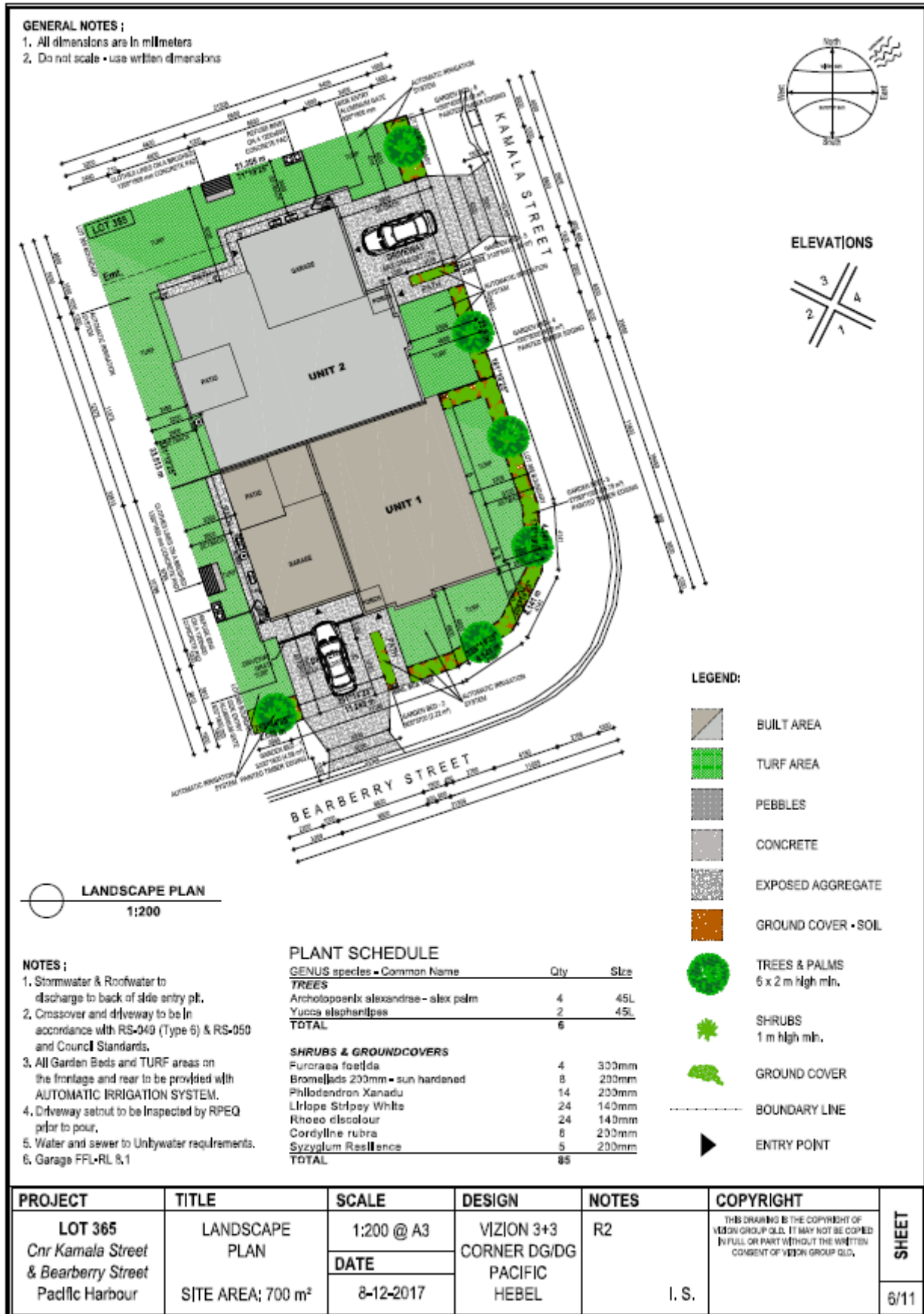
ITEM 2.2 DA/35500/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 11 BEARBERRY STREET, BANKSIA BEACH (LOT 365 SP291531) - DIVISION 1 (Cont.)



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PROJECT	TITLE	SCALE	DESIGN	NOTES	COPYRIGHT	SHEET
LOT 365 Cnr Kamala Street & Bearberry Street Pacific Harbour	LANDSCAPE PLAN	1:200 @ A3	VIZION 3+3 CORNER DG/DG PACIFIC HEBEL	R2	THIS DRAWING IS THE COPYRIGHT OF VIZION GROUP QLD. IT MAY NOT BE COPIED IN FULL OR PART WITHOUT THE WRITTEN CONSENT OF VIZION GROUP QLD.	
	SITE AREA: 700 m <sup>2</sup>	DATE 8-12-2017				I. S.

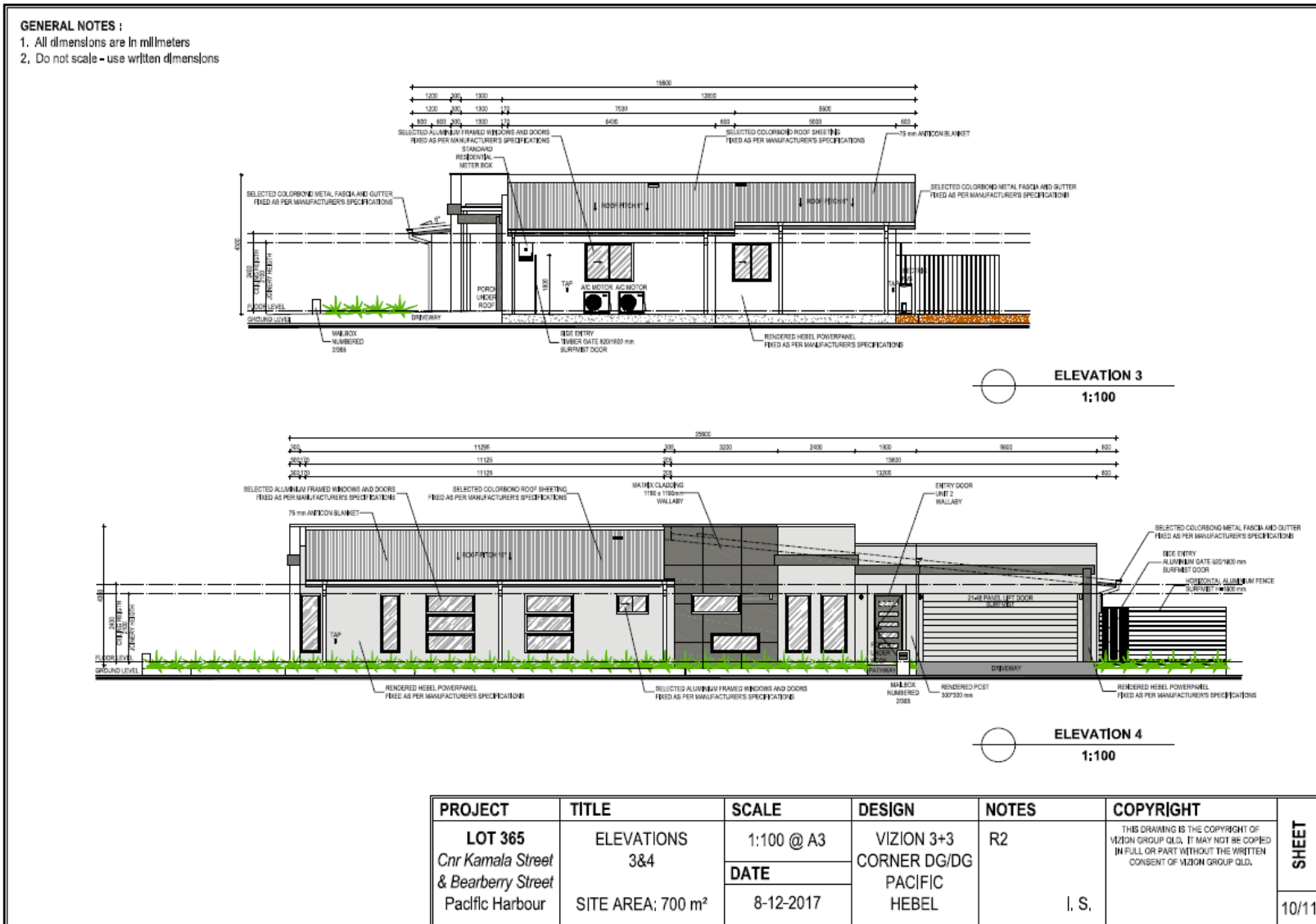


ITEM 2.2 DA/35500/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 11 BEARBERRY STREET, BANKSIA BEACH (LOT 365 SP291531) - DIVISION 1 (Cont.)



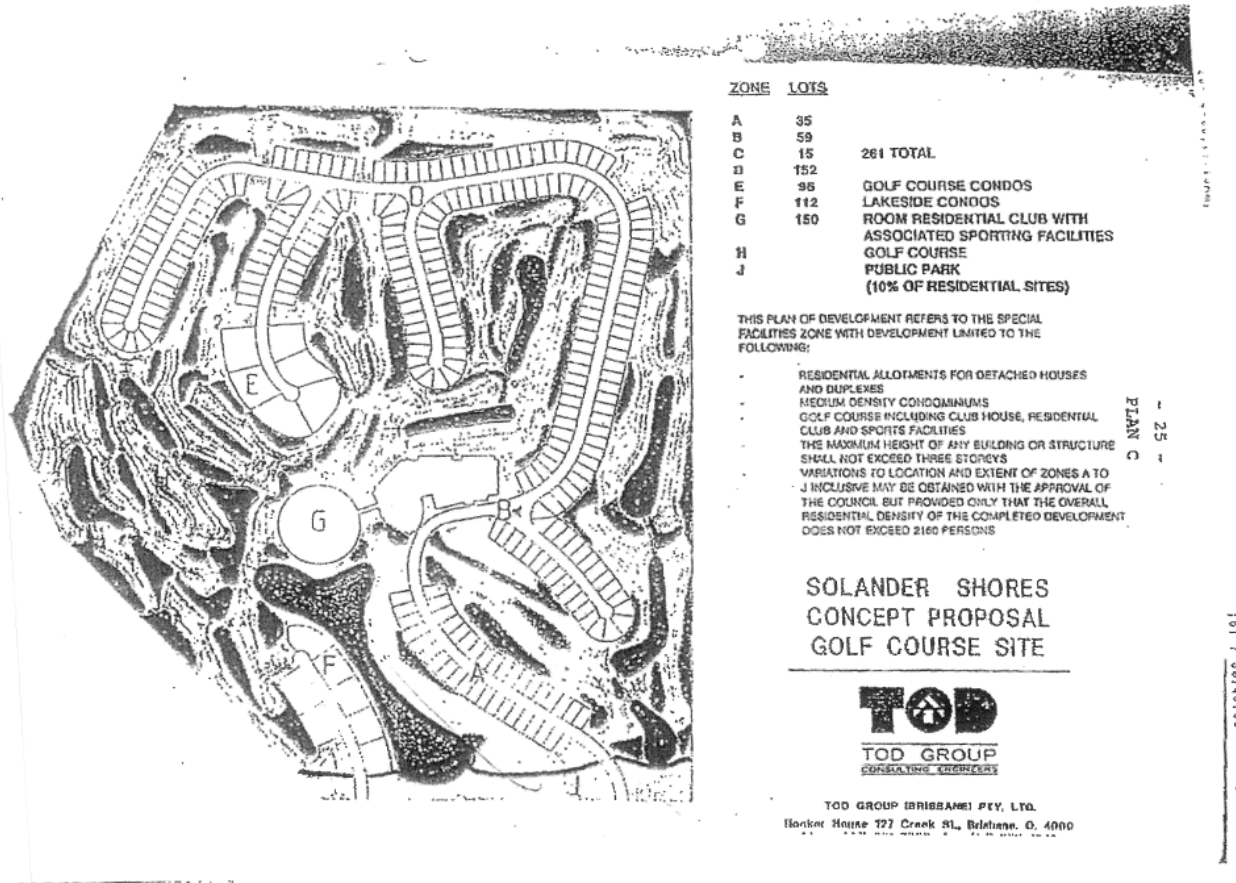
# Moreton Bay Regional Council

**ITEM 2.2 DA/35500/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 11 BEARBERRY STREET, BANKSIA BEACH (LOT 365 SP291531) - DIVISION 1 (Cont.)**



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#4 Deed of Agreement Plan



ITEM 2.2 DA/35500/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY  
- 11 BEARBERRY STREET, BANKSIA BEACH (LOT 365 SP291531) - DIVISION 1 (Cont.)

**#5 Submissions**

From: Bev Mills  
To: [MBRC Incoming Mail](#)  
Subject: Fw: Submission - DA/35500/2017/V2D  
Date: Monday, 5 February 2018 5:36:39 PM

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Sent from Windows Mail

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From: [Bev Mills](#)  
Sent: Monday, February 5, 2018 5:12 PM  
To: [mbrc@moreton.bay.qld.gov.au](mailto:mbrc@moreton.bay.qld.gov.au)

Sent from Windows Mail

We hereby make our objections known re the above application for the following reasons.

- . This area has only narrow roads and one entry into the estate.
- . This is a new area and families living here were sold the land as purely single unit blocks.
- . The worry is the fact that this will alter the tone of the area (particularly if these dwellings are constructed for rental).
- . The signs for this Change of Use were erected on a Sunday. It is behind a gated fence with a Do Not Enter sign erected by the Earthworks Company. It has not been available for everyone to see.

David and Beverley Mills  
16 Bearberry Street  
Banksia Beach

05 February, 2018.

**ITEM 2.3**

**DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1**

**APPLICANT: Vizion Group QLD C/- Emerge Planning & Development**  
**OWNER: Vercorp Pty Ltd**

Meeting / Session: 2 PLANNING & DEVELOPMENT  
Reference: A16593752 : 16 February 2018 – Refer Supporting Information A16593817  
Responsible Officer: TA, Development Planner (PED Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Vizion Group QLD C/- Emerge Planning & Development
<b>Lodgement Date:</b>	21 December 2017
<b>Properly Made Date:</b>	2 January 2018
<b>Confirmation Notice Date:</b>	8 January 2018
<b>Information Request Date:</b>	Not Applicable
<b>Info Response Received Date:</b>	Not Applicable
<b>Public Notification Dates:</b>	15 January 2018 - 6 February 2018
<b>No. of Submissions:</b>	Properly Made: One (1) Not Properly Made: Zero (0)
<b>Decision Due Date:</b>	10 April 2018
<b>Prelodgement Meeting Held:</b>	No

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 1
<b>Property Address:</b>	22 Caraway Crescent, Banksia Beach
<b>RP Description</b>	Lot 648 SP 291531
<b>Land Area:</b>	722m <sup>2</sup>
<b>Property Owner</b>	Vercorp Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	MBRC Planning Scheme
<b>Planning Locality / Zone</b>	General Residential Zone - Suburban Neighbourhood Precinct
<b>Level of Assessment:</b>	Impact Assessable

This application seeks a Material Change of Use - Development Permit for Dual Occupancy situated at the abovementioned property. It is proposed to establish two (2) by three (3) bedroom units on the site. Each unit is provided with two (2) car spaces and rear facing private open space.

The application was publicly advertised with one (1) submission received. The proposed development is considered to accord with the intent of the MBRC Planning Scheme, and the 1992 Rezoning Deed of Agreement and is recommended to be approved subject to conditions.

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### 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 Dual Occupancy at 22 Caraway Crescent, Banksia Beach, described as Lot 648 SP291531, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Lot 648 Sheet 1/12	Vizion Group	10 December 2017
Ground Floor Plan	Lot 648 Sheet 2/12	Vizion Group	10 December 2017
Fence Plan	Lot 648 Sheet 5/12	Vizion Group	10 December 2017
Landscape Plan	Lot 648 Sheet 6/12	Vizion Group	10 December 2017
Elevations 1 & 2	Lot 648 Sheet 9/12	Vizion Group	10 December 2017
Elevations 3 & 4	Lot 648 Sheet 10/12	Vizion Group	10 December 2017

### Conditions

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Community Management Statement</b>	
	Ensure that any Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> <li>1. Car parking provisions;</li> <li>2. Landscaping requirements;</li> <li>3. Communal Open Space and Recreation areas;</li> <li>4. Bin storage requirements and collection locations; and</li> <li>5. Stormwater Management requirements.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>3</b>	<b>Extent of Dwellings</b>	
	Develop the Dwellings on the site as follows: <ol style="list-style-type: none"> <li>1. Two (2) Units containing three (3) bedrooms</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>4</b>	<b>On-Site Car Spaces</b>	

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A	Provide at least four (4) 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.	Prior to commencement of use and to be maintained at all times.
<b>5</b>	<b>Bicycle Parking Facilities</b>	
	Install secure bicycle parking facilities for a minimum of two (2) 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.
<b>6</b>	<b>Street Numbering and Building Names</b>	
	Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
<b>7</b>	<b>Front Fencing</b>	
	Ensure that any front fencing is constructed to no less than the following: <ol style="list-style-type: none"> <li>1. 0% transparency and does not exceed 1.2 metres in height; or</li> <li>2. Minimum 50% transparent and does not exceed 1.5 metres in height; or</li> <li>3. Minimum 85% transparent and does not exceed 1.8 metres in height.</li> </ol>	Prior to commencement of the use and to be maintained at all times.
<b>8</b>	<b>Screen Fencing</b>	
A	Construct a screen fence along the southern and eastern boundaries of the site where none already exists. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber. Fencing along the eastern side of the site that extends beyond the main building line is to taper to 1.2 metres; and	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
B	Construct a screen fence between the private open spaces of each dwelling to the east of the site. The screen fence is to be 1.8 metres in height and constructed of treated timber.	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
<b>9</b>	<b>Pedestrian Lighting - Minor</b>	

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	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>10</b>	<b>Waste Management</b>	
	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>11</b>	<b>Landscaping Dual Occupancy</b>	
	Provide landscaping general in accordance with the Landscaping Plan to both dwellings that is to include as a minimum: <ol style="list-style-type: none"> <li>1. Top dressing and turf to all areas that are not landscaped or paved;</li> <li>2. A landscape strip with an average depth of 2.0 metres that abuts the front boundary and runs for the entire length of the front property boundary for each dwelling;</li> <li>3. Minimum 5% site cover of deep planting.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>12</b>	<b>On Site Services</b>	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are: <ol style="list-style-type: none"> <li>1. Located in the rear setback; or</li> <li>2. located in the side setbacks and include screening (e.g. fencing or landscaping) from view of any road frontage; or</li> <li>3. entirely underground where located in the front setback.</li> </ol> <p>Note: Rainwater tanks are not permitted within easements.</p>	Prior to commencement of use and to be maintained.
<b>13</b>	<b>Storage</b>	
	Ensure storage area is provided to each unit in accordance with the approved plans at a minimum capacity of 8m <sup>3</sup>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>14</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. a sewerage network connection is available to the land; and</li> </ol>	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.



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	3. all the requirements of Unitywater have been satisfied.	
<b>15</b>	<b>Fibre Ready Telecommunications – Single</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: <ul style="list-style-type: none"> <li>3. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and</li> <li>4. 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.</li> </ul>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
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 or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>16</b>	<b>Telecommunications Internal Wiring</b>	
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 dwelling 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 or Council's endorsement of any Community Management Statement, whichever occurs first.
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 or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>DEVELOPMENT ENGINEERING</b>		
<b>17</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of construction works, to a standard which is consistent with Council's standards.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey

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		plan) or commencement of use whichever occurs first.
<b>18</b>	<b>Alterations and Relocation of Existing Services</b>	
	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 the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
<b>19</b>	<b>Dual Accommodation (Duplex) Driveway Cross Over</b>	
	Design and construct a driveway crossover from the constructed road to the site in accordance with IPWEAQ Standard Driveway Crossover Drawing RS-049 and 050.  Note: The internal access works must be designed to ensure the correct line, level and layout is achieved for the driveway crossover.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
<b>20</b>	<b>Stormwater Drainage - Lawful Discharge</b>	
	Ensure that stormwater from the proposed development is lawfully discharged from the subject land without causing nuisance and annoyance to any person.	At all times.

### ADVICES

<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p> <p>Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>

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<b>2</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 7) dated 11 December 2017 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
<b>3.</b>	<b><i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i></b>
	<p>A Condition of approval requires the developer to obtain written support from the adjoining owner to comply with the required fencing arrangement for the Dual Occupancy. In relation to the payment for fencing it is anticipated that all parties will maintain their obligations under the <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i>.</p>

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

### Decision Notice information

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

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	<b>Details to Insert</b>
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There was one (1) properly made submissions about this application.

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**REPORT DETAIL**

**1. Background**

On 24 November 1992, Council (Caboolture Shire) consented to a Deed of Agreement across the land to become the Golf Course Estate. The Deed of Agreement removed the land from the Rural Zone under the Town Planning Scheme to be included in the zones listed in the First Schedule of the Agreement. The First Schedule outlined the zone as Special Facilities for the purpose of Detached Housing, Duplex Housing, Condominiums, Golf Course, Club House, Residential Club and Sports Complex). The Deed of Agreement has no expiry date and because it has been given effect to by the commencement of the golf course estate the Deed of Agreement continues.

The Deed of Agreement established the use rights for Duplex Housing within the Golf Course Estate in accordance with a Plan of Development but did not establish separate assessment or design criteria for the listed uses. Under the Deed of Agreement the Plan of Development prepared for the Golf Course estate was indicative only and does not reflect final lot layout being developed on the ground. As such, the assessment falls to the planning instrument, in place at the time development is occurring. As such, the proposed Dual Occupancy is required to be assessed against the Table of Assessment and design provisions listed for a Dual Occupancy Dwelling within General Residential zone - Suburban Precinct of the Moreton Bay Regional Council (MBRC) Planning Scheme and the Residential Uses Code.

Under the MBRC Planning Scheme, Dual Occupancies require an Impact Assessable application where the minimum lot size of 1000m<sup>2</sup> is not achieved. The property at 22 Caraway Crescent, Banksia Beach is 722m<sup>2</sup>.

**2. Explanation of Item**

**2.1 Description of the Site and Surrounds**

Directions	Planning Scheme Zone	Current Land Use
North	General Residential Zone - Suburban Neighbourhood Precinct	Vacant
South	General Residential Zone - Suburban Neighbourhood Precinct	Dwelling house
East	General Residential Zone - Suburban Neighbourhood Precinct	Vacant
West	General Residential Zone - Suburban Neighbourhood Precinct	Vacant

**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.

<b>Applicable Assessment Benchmarks:</b>	<u>State Planning Policy</u>
	<ul style="list-style-type: none"> <li>• State Planning Policy, Part E</li> </ul>
	<u>Regional Plan</u>
	<ul style="list-style-type: none"> <li>• South East Queensland Regional Plan</li> </ul>
	<u>From Schedule 10 of the Regulation:</u>

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	<ul style="list-style-type: none"> <li>Nil</li> </ul>
<b>SEQ Regional Plan Designation:</b>	<ul style="list-style-type: none"> <li>Urban Footprint</li> </ul>
<b>Koala Habitat Designation:</b>	<ul style="list-style-type: none"> <li>Nil</li> </ul>

2.2.1 State Planning Policy

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

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not Applicable
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not Applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not Applicable
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: (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	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply

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	<p>mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p><u>Flood Hazard Area</u></p> <p>The lot is located within the Flood Hazard Area (Local Government) under the State Interests in the SPP. From a review of Council mapping a policy, the lot is located wholly outside the flood area. The proposal avoids areas of natural hazards.</p>
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not Applicable

### 2.2.2 South East Queensland Regional Plan

The site is located in the Urban Footprint.

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

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

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

#### 2.3.1 Strategic Framework

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework. The applicable Strategic Outcomes under the Themes for the planning scheme are discussed as follows:

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<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
<b>Theme - Sustainability and Resilience</b>		
Buildings on lots are interspersed with private open space and trees to respond to local climate conditions by allowing flow of breezes, natural ventilation and light;	<b>Y</b>	The wider region as well as the site represent a built form that is consistent with interspersed buildings on larger lots with sufficient open space and ventilation.
Lots associated with detached housing and footpaths retain shade trees and native and ornamental vegetation that contribute to the amenity and micro-climate of the area;	<b>Y</b>	The lot is located within an established estate with predominantly detached houses. The proposed Dual Occupancy will provide landscaping to the streetscape that will enhance the amenity and micro-climate of the area..
Residential developments are designed to allow solar access, ventilation and flow of breezes and provide open space and footpaths suitable for extensive native vegetation and appropriate shade trees;	<b>Y</b>	The proposed residential development is designed to allow solar access and ventilation to each unit, while not prohibiting or limiting the same access to adjoining neighbours.
Dwelling units are designed and sited so as to minimise energy requirements, incorporate renewable energy systems and provide a high standard of residential amenity; and	<b>Y</b>	The proposed development creates the ability to minimise energy requirements while providing a high standard of residential amenity.
New development is designed to avoid exposure to riverine flood and storm tide inundation events and coastal erosion.	<b>Y</b>	The proposed development is located outside of areas of constraint of riverine flooding and stormtide inundation events.
<b>Theme - Natural Environment and Landscape</b>		
Open space network incorporates natural and semi-natural parklands that form part of environmental corridors within the green infrastructure network;	<b>Y</b>	The proposed development does not adversely impact on the open space network.
A high level of vegetation is retained on both public and private land to provide native flora and fauna habitat and to ensure the ongoing provision of ecosystem services, in line with the green infrastructure network. Where native vegetation is to be cleared to achieve high quality urban design outcomes and offsets are required these are to be located within environmental offset areas as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy;	<b>Y</b>	No vegetation will be removed as part of this proposal. The proposed development will introduce significant landscaping to the streetscape.



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<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
Open space and natural environmental areas within Suburban neighbourhoods are complemented by the private 'greening' of yard space on private property and street trees; and	<b>Y</b>	The proposed Dual Occupancy introduces greening of the front yards, to increase the amenity of the streetscape.
Development is designed to incorporate natural features and respond to topography.	<b>Y</b>	The development is located on a flat site. The proposal responds to the natural topography.
<b>Theme - Strong Communities</b>		
Schools, pre-schools, child care centres, places of worship, community health services and other community activities provide informal and safe meeting places for residents whilst partly serving daily convenience needs;	<b>Y</b>	The proposed development is located within an established neighbourhood, with access to a sufficient level of community infrastructure.
Other facilities not provided within walking distance of homes may be provided in adjacent neighbourhoods as shared facilities; and	<b>Y</b>	A wide array of non-residential uses are located within the neighbourhood. Adjacent neighbourhoods provide for other uses within shared facilities.
An extensive range of active and passive open space, sport and recreation areas for use by residents are an integral part of Suburban neighbourhood places within walking distance of most homes along lineal green corridors and tree lined streets.	<b>Y</b>	The proposed development does not compromise the provision of open space within the precinct. The existing residential development of the area have adequate access to water front land and linear connections to open space areas.
<b>Theme - Settlement Pattern and Urban Form</b>		
Suburban neighbourhood places cater for predominately low density detached housing;	<b>Y</b>	The Suburban Neighbourhood precinct in this area remains predominantly low density detached housing.
New residential development will comprise a mix of detached dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing with the preferred grid like street pattern;	<b>Y</b>	New residential development proposed as a part of this application introduces a variety to the housing product within the wider locality.
Development across a Suburban neighbourhood place type is characterised by a net residential density of 11 dwellings per hectare or development occurs in a manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties;	<b>Y</b>	The net residential density of the wider area is consistent with the intent of the code, being a maximum of 11 lots per hectare, and maintains the required level of density the introduction of the Dual Occupancy.
Other housing types in the form of dual occupancies will also occur at dispersed locations in the area;	<b>Y</b>	The proposed Dual Occupancy is located within an area that subject to approval will have a total of five (5) dual occupancies (1 already approved and 4

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<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
		being proposed). The Dual Occupancies are all located on corner sites, and are dispersed adequately through the locality.
Low rise multiple dwellings and housing for older persons may also be included adjacent to a local centre or community facilities and bus stops on main through streets and overlooking public open space;	<b>N/A</b>	The proposal is not for a multiple dwelling.
Adaptable housing is encouraged in response to changing housing needs;	<b>Y</b>	The proposed development results in a housing product that is varied from the existing predominant built form that assists in responding to changing housing needs.
Community activities (schools, pre-schools, child care centres, places of worship, community health services, other community activities) are designed to have a low rise built form on landscaped sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;	<b>N/A</b>	The development does not include the provision of community activities. The wider area is well serviced with community activities.
New development is sympathetic to the existing character of the particular Suburban neighbourhood location.	<b>Y</b>	The proposed development presents a consistent built form with the existing neighbourhood. The Dual Occupancy has been located on a corner lot, as such represents the visual of a single dwelling to each street frontage.
Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met: <ul style="list-style-type: none"> <li>a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services and community activities;</li> <li>b. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood</li> </ul>	<b>N/A</b>	The proposal does not include or propose to expand a neighbourhood hub.

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(Cont.)

<b>PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE</b>		
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
<p>activity node and does not fragment the intensity of uses;</p> <p>c. it is conveniently located on a main through street and/or adjoining or is opposite to a public transport node;</p> <p>d. a new local centre or neighbourhood hub is to service an unserviced catchment and is located to form 15 minute walkable neighbourhoods, with the Local centre central to that neighbourhood; and</p> <p>e. they are appropriately designed to have high quality urban design outcomes.</p>		
<b>Theme - Employment Location</b>		
Appropriate local employment opportunities are encouraged in the form of home based businesses operated within residential premises and opportunities within a local centre or neighbourhood hub.	<b>Y</b>	The design and siting of the proposed development creates the opportunity to work from home. Alternate employment opportunities are found within the wider locality.
<b>Theme - Integrated Transport</b>		
Main through streets provide access to schools, local shops, community facilities, neighbourhood and district sports and recreation facilities and are the main bus routes through the area;	<b>Y</b>	The existing road network provides a main street to the non-residential uses within the area.
Suburban neighbourhood places are intended to have a well-connected network of active transport linkages to encourage residents to walk and cycle; and	<b>Y</b>	The area is well serviced by active transport opportunities, that encourage residents to walk and cycle within the area.
Roads of collector or higher order include line-marked shoulders to accommodate cyclists with particular attention to uphill sections.	<b>Y</b>	Higher order roads are line marked with shoulders to accommodate cyclists. The topography of the area is flat.
<b>Theme - Infrastructure</b>		
The level of infrastructure service provision to Suburban neighbourhood place types is maintained; and	<b>Y</b>	The infrastructure provision to the wider Suburban neighbourhood precinct is maintained. The level of infrastructure is appropriate to the suburban neighbourhood precinct.
Suburban neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.	<b>Y</b>	The suburban neighbourhood precinct is provided with connections to the available infrastructure.

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PLACE TYPE MODEL - SUBURBAN NEIGHBOURHOOD PLACE TYPE		
Strategic Outcome	Complies	Assessment
<b>Theme - Water Management</b>		
Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during rain events whilst protecting receiving environments;	Y	The suburban neighbourhood precinct is connected to the relevant unitywater infrastructure.
Water sensitive urban design measures are incorporated into development including the retention and rehabilitation of riparian vegetation; and	Y	The proposed development presents an adequate WSUD design. Vegetation will be introduced on site.
The potable water supply catchments and storage areas are protected and maintained in a fit state for continued water quality and economically efficient potable water storage or water harvesting purposes.	Y	The suburban neighbourhood precinct is connected to the relevant and adequate supply of potable water.

### 2.3.2 Assessment of Applicable Codes

#### Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Suburban Neighbourhood Precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO47
<b>Development Codes</b>		
Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO8

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

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2.3.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code - Suburban Neighbourhood Precinct</b>	
<p><b>PO47</b> Dual Occupancies are infrequent and dispersed within the streetscape and are not located within 200m (measured along the street alignment) of a lot containing an existing, approved or a properly made application for a Dual Occupancy.</p>	<p><b>E47</b> Are located on lots with an area of 1000m<sup>2</sup> or greater.</p>
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an alternative outcome to Performance Outcome 47 of the General Residential Zone Code. It is proposed to establish a Dual Occupancy on a lot of 722m<sup>2</sup>, located 120m to the closest Dual Occupancy.</p> <p>The proposal is unable to meet the Performance Outcome on account of not having a 200m dispersal from other Dual Occupancies. As such, assessment against the overall outcomes is required.</p>	
<b>Residential Uses Code</b>	
<p><b>PO8</b> Driveways, pedestrian entries and internal access ways are located and designed to:</p> <ol style="list-style-type: none"> <li>provide lawful access;</li> <li>not detract from the creation of active street frontages and positively contribute to the intended streetscape character;</li> <li>not negatively impact adjoining uses;</li> <li>provide a safe pedestrian environment;</li> <li>not result in excessive crossovers and hardstand areas;</li> <li>provide safe access onto an appropriate order road;</li> <li>not interfere with infrastructure owned by Council or a utility provider;</li> <li>allow adequate space for on-street parking;</li> <li>allow adequate space for street planting and street trees;</li> <li>allow for garbage collection and street infrastructure.</li> </ol>	<p><b>E8.1</b> Dual occupancies provide:</p> <ol style="list-style-type: none"> <li>a maximum crossover width of 4m or for a shared driveway a maximum crossover width of 5m;</li> <li>a maximum of one crossover per street frontage; or where more than 1 crossover per street frontage, they are to be at least 12m apart to allow for on-street parking and street trees.</li> </ol>

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Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an alternative solution to Performance Outcome 8 of the General Residential Zone Code. It is proposed to have two (2) driveways, both with a width of 5m, in lieu 4m limit. There is only one driveway per frontage.</p> <p>The proposed driveways to the development provides sufficient siting to allow lawful access to each dwelling, not detract from the streetscape or negatively impact adjoining uses. The proposed driveways do not result in excessive crossovers or hardstand areas providing access to an appropriate order road. The driveways will not interfere with infrastructure owned by Council or similar utility provider and maintains sufficient on street car parking is also permitted. Provision of garbage collection, street infrastructure and street trees is included.</p> <p>The proposed alternative outcome is accepted as compliant with the Performance Outcome in this instance.</p>	

2.3.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome 47 of the General Residential Code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
A. The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density of 75 dwellings per hectare if complying with b. v. below.	N	The proposed Dual Occupancy results in a site density of 26 Dwellings per hectare. The development site is not located within the walking distance catchment to a higher order centre, as such is required to accord to the maximum of 15 dwellings per hectare. The proposal does not comply with Overall Outcome A. An assessment of the Strategic Framework is required. It is noted that the Dual Occupancy land use has already been established by the historic rezoning deed approval and the overall density of 11 dwellings per hectare is maintained across the site.
B. Residential activities consist of: i. Detached dwelling houses, predominantly on traditional lots; ii. Detached dwelling houses on narrow lots and Dual Occupancies where they are dispersed within the streetscape or are located within easy walking distance to services (centre, public transport node, community facilities) or park;	Y	The proposed development seeks to establish a Dual Occupancy within the Golf Course Estate of Pacific Harbour. The Dual Occupancy is located on a corner lot that is well located and connected within the wider subdivision. Subject to approval a total of five (5) dual occupancies have been identified within Stage 6 area of the Golf Course Estate. Each Dual Occupancy is located on a corner lot, and well dispersed within the landscape.

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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>iii. Domestic outbuildings are subordinate in appearance and function to the dwelling;</li> <li>iv. Retirement facilities, Residential care facilities, and Relocatable home parks are located within easy walking distance of a centre;</li> <li>v. Multiple dwellings Rooming accommodation short-term accommodation and tourist park only establish where they will support a higher order or district centre or a train station by being adjacent (within 400m walking distance) to that higher order or district centre or train station.</li> <li>vi. The built form of concentrated residential uses and managed communities (e.g. townhouse developments, retirement facility, residential care facility, relocatable home parks) are designed to integrate with the surrounding neighbourhood.</li> </ul>		
<p>C. The design, siting and construction of residential uses are to:</p> <ul style="list-style-type: none"> <li>i. contribute to an attractive streetscape with priority given to pedestrians;</li> <li>ii. encourage passive surveillance of public spaces;</li> <li>iii. result in privacy and residential amenity consistent with the low density residential character of the area;</li> <li>iv. provide a diverse and attractive built form;</li> <li>v. provide a low rise built form compatible with its surrounds;</li> <li>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> </ul>	Y	<p>The proposed Dual Occupancy is designed to contribute to attractive streetscape, encourages passive surveillance of public spaces through habitable room windows addressing the street. The proposed Dual Occupancy is designed to maintain and create residential amenity and privacy for the future occupants that is consistent with the intent for a low density residential character of the area.</p> <p>The proposed development creates a diverse and attractive built form that is compatible with the low rise surrounding development.</p> <p>The design of the Dual Occupancy incorporates subtropical design elements that respond to the local climate.</p>

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<b>6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
<ul style="list-style-type: none"> <li>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on site;</li> <li>x. be of a scale and density consistent with the low density residential character of the area;</li> <li>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure.</li> </ul>		<p>The development also caters for appropriate car parking and maneuvering on site to meet the anticipated demand for the uses.</p> <p>The proposed use is consistent with the scale and density of the existing area. The development will be connected to an appropriate level of infrastructure.</p>
D. Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.	N/A	Not establishing a Non-Residential Use.
E. Community activities: <ul style="list-style-type: none"> <li>a. establish in a location that may be serviced by public transport;</li> <li>b. do not negatively impact adjoining residents or the streetscape;</li> <li>c. do not undermine the viability of existing or future centres.</li> </ul>	N/A	Not establishing a Non-Residential Use.
F. Corner stores may establish as standalone uses (not part of a neighbourhood hub) where: <ul style="list-style-type: none"> <li>a. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region;</li> <li>b. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner</li> </ul>	N/A	Not establishing a Non-Residential Use.



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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<p>store, neighbourhood hub or centre;</p> <p>c. they are appropriately designed and located to include active frontages.</p>		
<p>G. Retail and commercial activities (forming part of a neighbourhood hub):</p> <p>a. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</p> <p>b. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</p> <p>c. are of a small scale, appropriate for a neighbourhood hub;</p> <p>d. do not negatively impact adjoining residents or the streetscape;</p> <p>e. are subordinate in function and scale to all centres within the region.</p>	N/A	Not establishing a Non-Residential Use.
<p>H. The design, siting and construction of non-residential uses:</p> <p>a. maintains a human scale, through appropriate building heights and form;</p> <p>b. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces;</p> <p>c. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</p> <p>d. promotes active transport options and ensures an oversupply of car parking is not provided;</p> <p>e. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.</p>	N/A	Not establishing a Non-Residential Use.

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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<p>I. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:</p> <ul style="list-style-type: none"> <li>a. it is of a scale that remains subordinate to all centres within the region;</li> <li>b. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</li> <li>c. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently unserved catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</li> <li>d. for a new neighbourhood hub, it is located on sub-arterial or collector road;</li> <li>e. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long-term development.</li> </ul>	N/A	Not establishing a Non-Residential Use.
<p>J. General works associated with the development achieves the following:</p> <ul style="list-style-type: none"> <li>a. 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</li> </ul>	Y	The proposed Dual Occupancy will be connected to a sufficient level of infrastructure, commensurate with the zone and use.



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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
N. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	N/A	The proposed development is not located within the Water Supply Buffer.
O. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by: <ul style="list-style-type: none"> <li>a. 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;</li> <li>b. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>c. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</li> <li>d. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:                             <ul style="list-style-type: none"> <li>i. the provision of replacement, restoration, rehabilitation planting and landscaping;</li> <li>ii. the location, design and management of</li> </ul> </li> </ul>	Y	The proposed development is located outside of areas of natural hazard or constraint.

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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<p>development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p>iii. the requiring of environmental offsets in accordance with the <i>Environmental Offsets Act 2014</i>.</p> <p>e. protecting native species and protecting and enhancing species habitat;</p> <p>f. 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>g. 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> <p>h. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p> <p>i. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</p> <p>j. ensuring effective and efficient disaster management response and recovery capabilities;</p> <p>k. where located in an overland flow path:</p> <p>i. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</p> <p>ii. development is resilient to the impacts of overland</p>		

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6.2.6.2 - General Residential Zone Code - Suburban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
<p>flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</p> <p>iii. 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>iv. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
<p>P. Development in the Suburban neighbourhood precinct includes 1 or more of the following:</p> <p><i>Dual Occupancy is listed as use under this table.</i></p>	Y	Dual Occupancy is a use that is to be included within the Suburban Neighbourhood. The proposal complies with Overall Outcome P.
<p>Q. Development in the Suburban Neighbourhood precinct does not include any of the following:</p> <p><i>Dual Occupancy is not listed as a use under this table.</i></p>	N/A	Dual Occupancy is not a listed use. Overall Outcome Q is not applicable.
<p>R. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcome of the zone.</p>	N/A	Dual Occupancy is listed a use that is to be included within the Suburban Neighbourhood Precinct, as such, does not need to be assessed on its merits.

Based on the assessment above, the proposal is inconsistent with Overall Outcome A of the code(s) relating to site density but in the wider neighbourhood context meets the required density anticipated for the Suburban neighbourhood Precinct. Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 2.3.1 of this report.

In addition, section 45 (5) of the *Planning Act 2016* states the assessment may be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise. The other relevant matters to justify any approval of the proposal, are discussed in section 2.8 of this report.

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## 2.4 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the 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. 6 commencing on 3 July 2017 (CR).

### 2.4.1 *Levied Charge*

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

### 2.4.2 *Levied Charge Credit*

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

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 \$17,001.54 (excluding quarterly indexation) based on the proportional split stated in Table 3 of the CR.

### 2.4.3 *Levied Charge Offset or Refund*

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

### 2.4.4 *Additional Trunk Infrastructure Costs*

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

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

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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*

No council referrals were required as a part of this application.

*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*

- (d) Public Notification was served on all adjoining landowners on 11 January 2018.
- (e) The development application was advertised in the Bribie Weekly on 12 January 2018.
- (f) A notice in the prescribed form was posted on the relevant land on 14 January 2018 and maintained for a period of 15 business days until 6 February 2018.

*2.7.2 Submissions Received*

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

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

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



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<p><b>Assessment of Submissions</b></p> <p><b>Issue - Fencing</b></p> <p>Concerns were raised with regards to proposed impact on the existing fence constructed along the common boundary of the proposed development. It was further requested that 50% of the cost of establishing the existing fence be required of the developer.</p> <p><b>Discussion</b></p> <p>As a recommendation of any approval, the requirement to retain or establish, where applicable, a fence along the side boundaries is a standard condition imposed on Dual Occupancies. This condition will require the developer to obtain written support from the adjoining owner to alter the fencing arrangement. With regards to facilitating the split of fencing payment, Council does not have a Head of Power to impose a condition requiring payment for existing fencing. This resolution will be required to be addressed by each property owner under <i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011</i> and has been included as an advice cause in the above recommendations.</p> <p>This is not sufficient grounds for refusal of the application.</p>
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2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 7 February 2018. 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

The existing Deed of Agreement established in 1992 applies to the majority of the Golf Course Estate. The process for establishing the Deed was subject to a public notification process and provided for residential lots to be developed for a variety of housing types including for the purpose for Dual Occupancies. The now Superseded Caboolture ShirePlan included and referenced the existing Deed of Agreement (Schedule 10). The Caboolture ShirePlan zoning reflected the general intent outlined under the Deed of Agreement when it commenced in 2005, by zoning the Golf Course Estate as Residential A, in lieu of the previous Rural Zoning.

The MBRC Planning Scheme, has carried over the Residential A zone intent, by implementing the General Residential Zone - Suburban Neighbourhood Precinct. The General Residential zone introduced dispersal requirements for Dual Occupancy's as well as different types of Detached Housing product including the ability for a secondary dwelling. In this instance, the proposed Dual Occupancy does not meet the dispersal requirements listed under the MBRC Planning Scheme, however remains consistent with the residential density requirements envisaged for the Suburban Precinct. In this, the recommendations of this report are to give weight to the existing Deed of Agreement by providing for Dual Occupancy, on suitable sites within the Golf Course Estate.

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.

*ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 - A16593752 (Cont.)*

- 3.3 Policy Implications  
The proposal is consistent with the existing Moreton Bay Region planning provisions and relevant policies.
- 3.4 Risk Management Implications  
Not applicable.
- 3.5 Delegated Authority Implications  
There are no delegated authority implications arising as a direct result of this report.
- 3.6 Financial Implications  
a) In the event that an appeal is made to the Planning & Environment court against Council's decision, the Council will incur additional costs in defending its position.  
b) Permit conditions require infrastructure contributions to Council.
- 3.7 Economic Benefit  
Infill development creating two (2) houses in an established area.
- 3.8 Environmental Implications  
The proposal will not have a negative impact on the environmental values of the area.
- 3.9 Social Implications  
The proposal has a neutral social impact on the community.
- 3.10 Consultation / Communication  
Refer to clause 2.7.

**SUPPORTING INFORMATION**

**Ref: A16593817**

The following list of supporting information is provided for:

**ITEM 2.3**

**DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1**

**#1 Locality Plan**

**#2 Zoning Map**

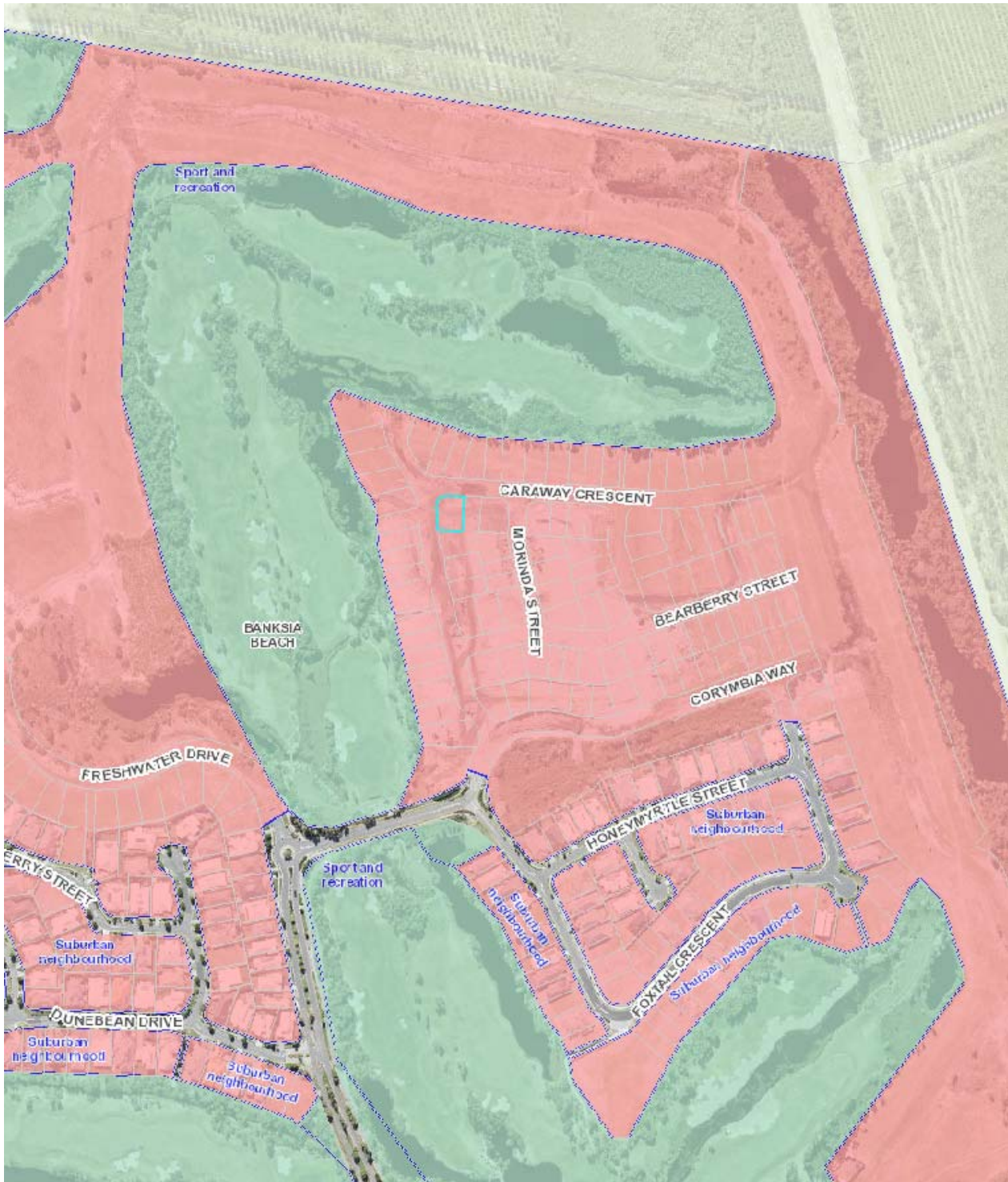
**#3 Proposed Material Change of Use Plans**

**#4 Deed of Agreement Plan**

**#5 Submissions**

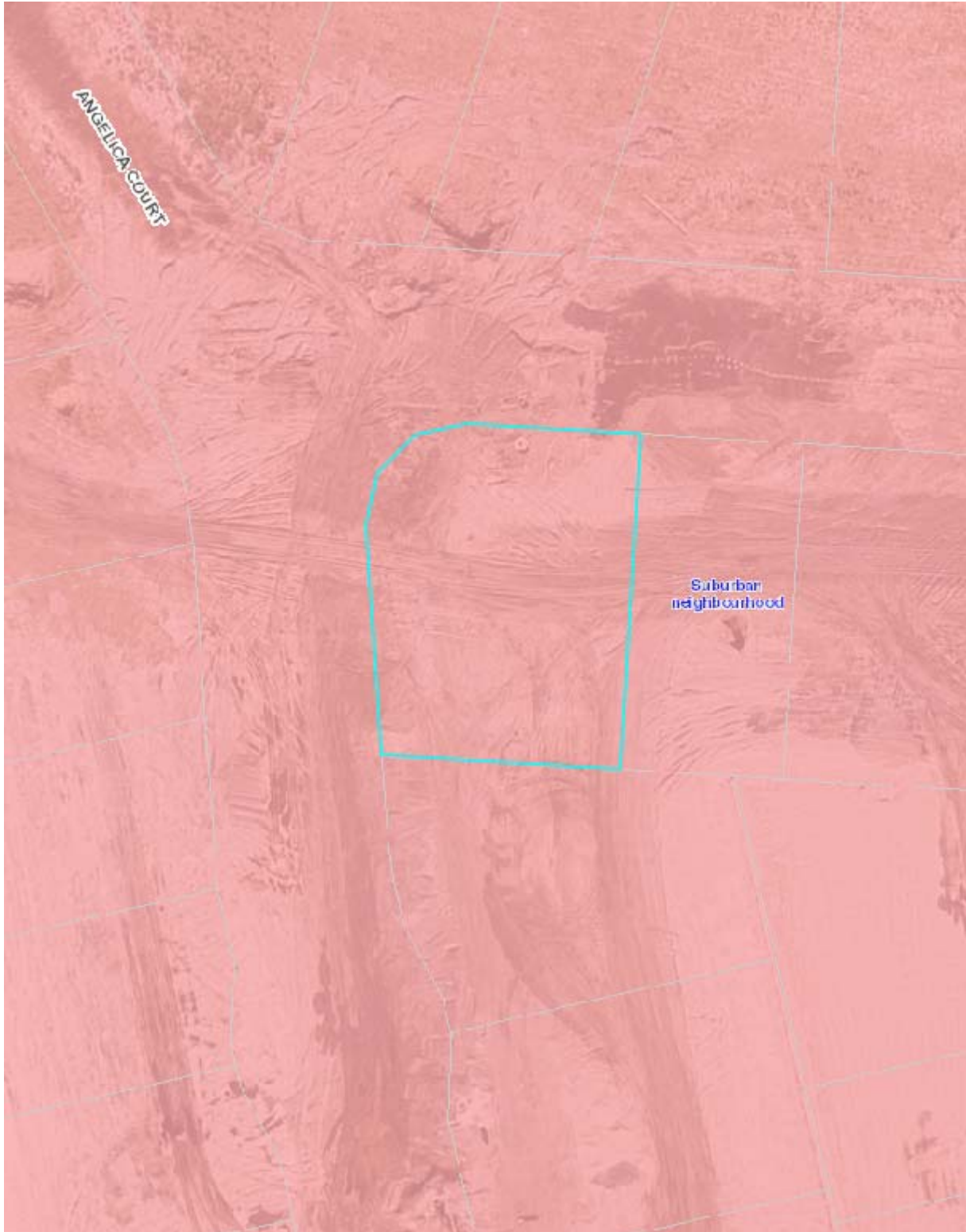
ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY  
- 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 (Cont.)

#1 Locality Plan



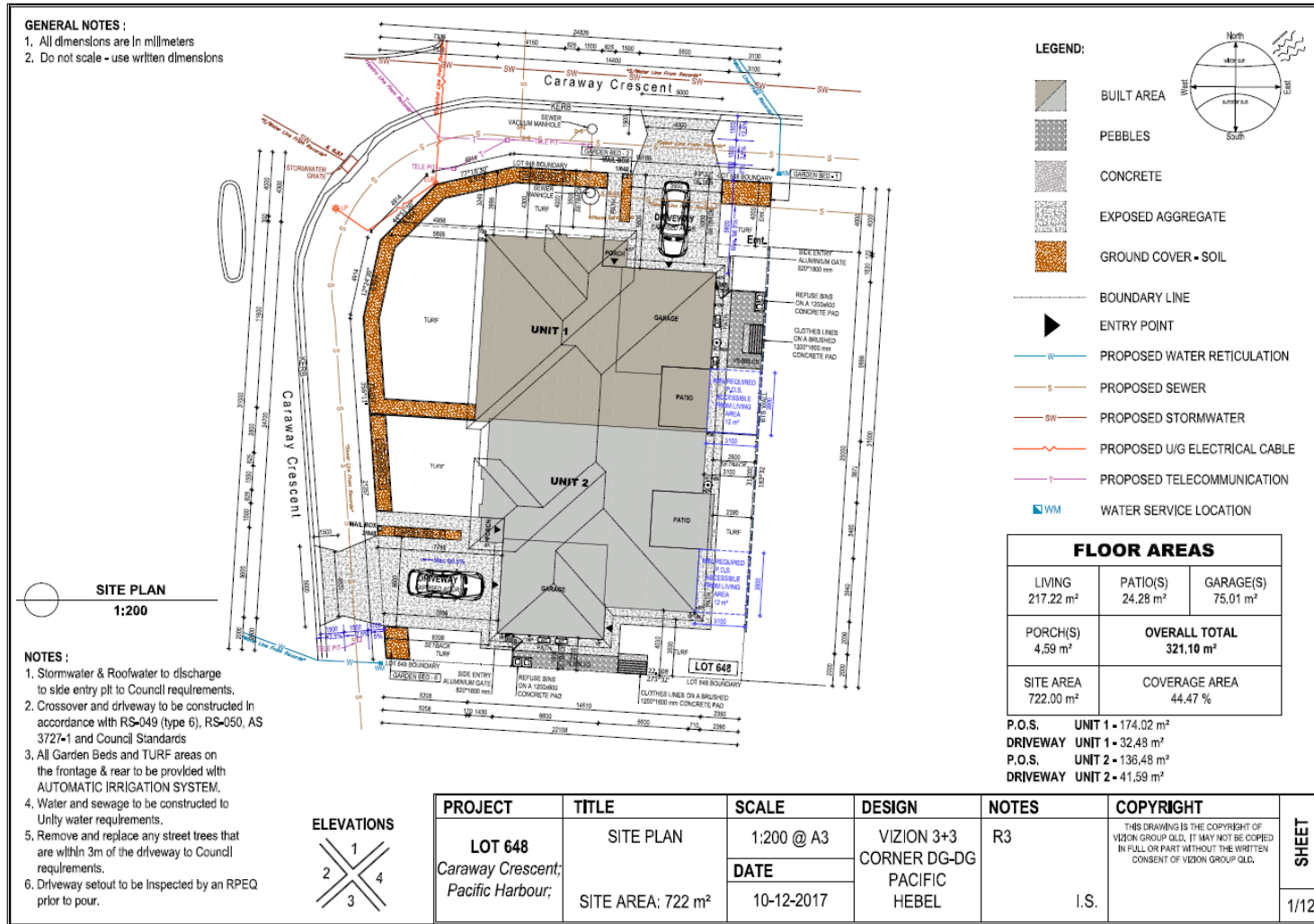
ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY  
- 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 (Cont.)

**#2 Zoning Map**

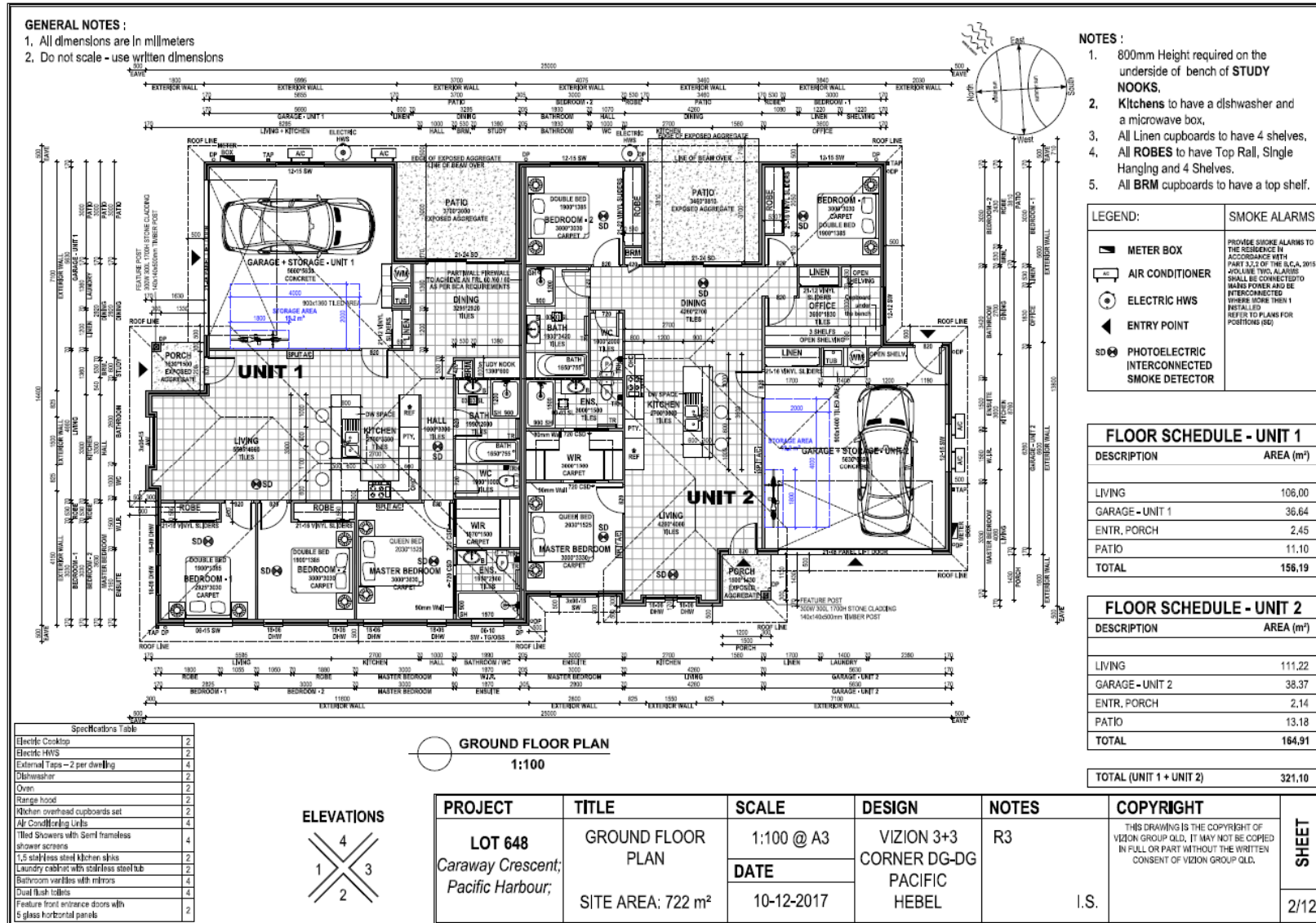


ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 (Cont.)

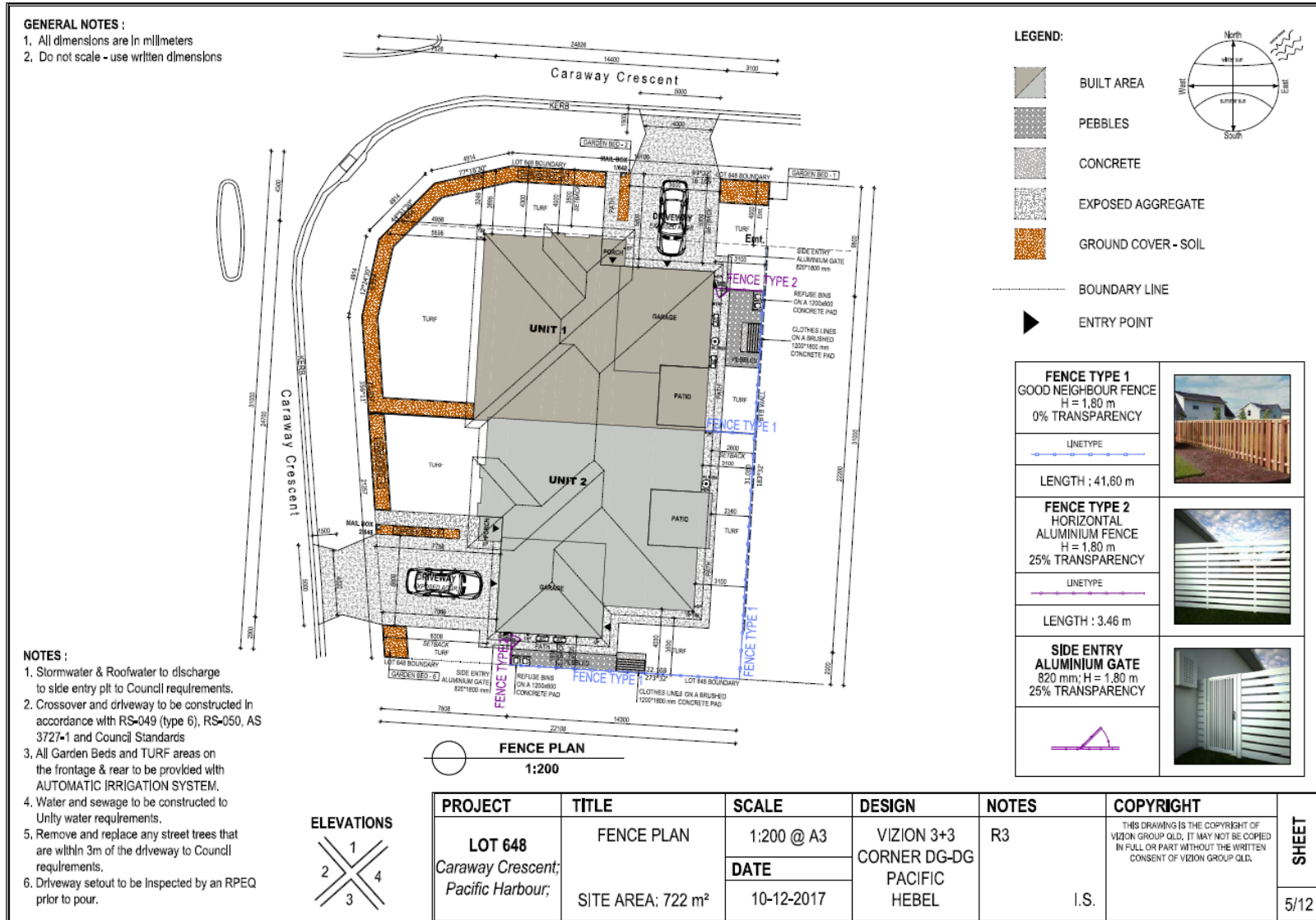
#3 Proposed Material Change of Use Plans



ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 (Cont.)

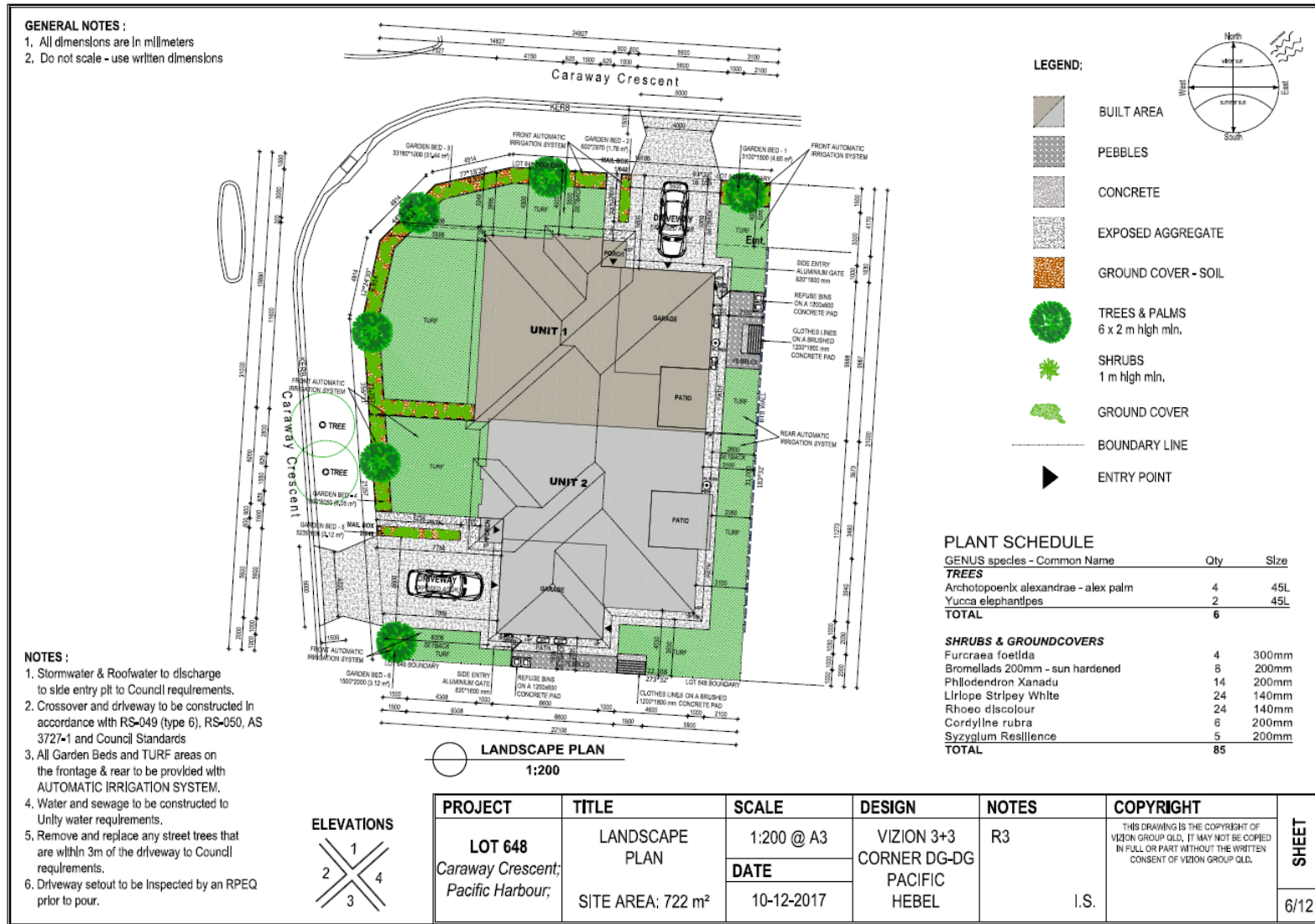


ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 (Cont.)





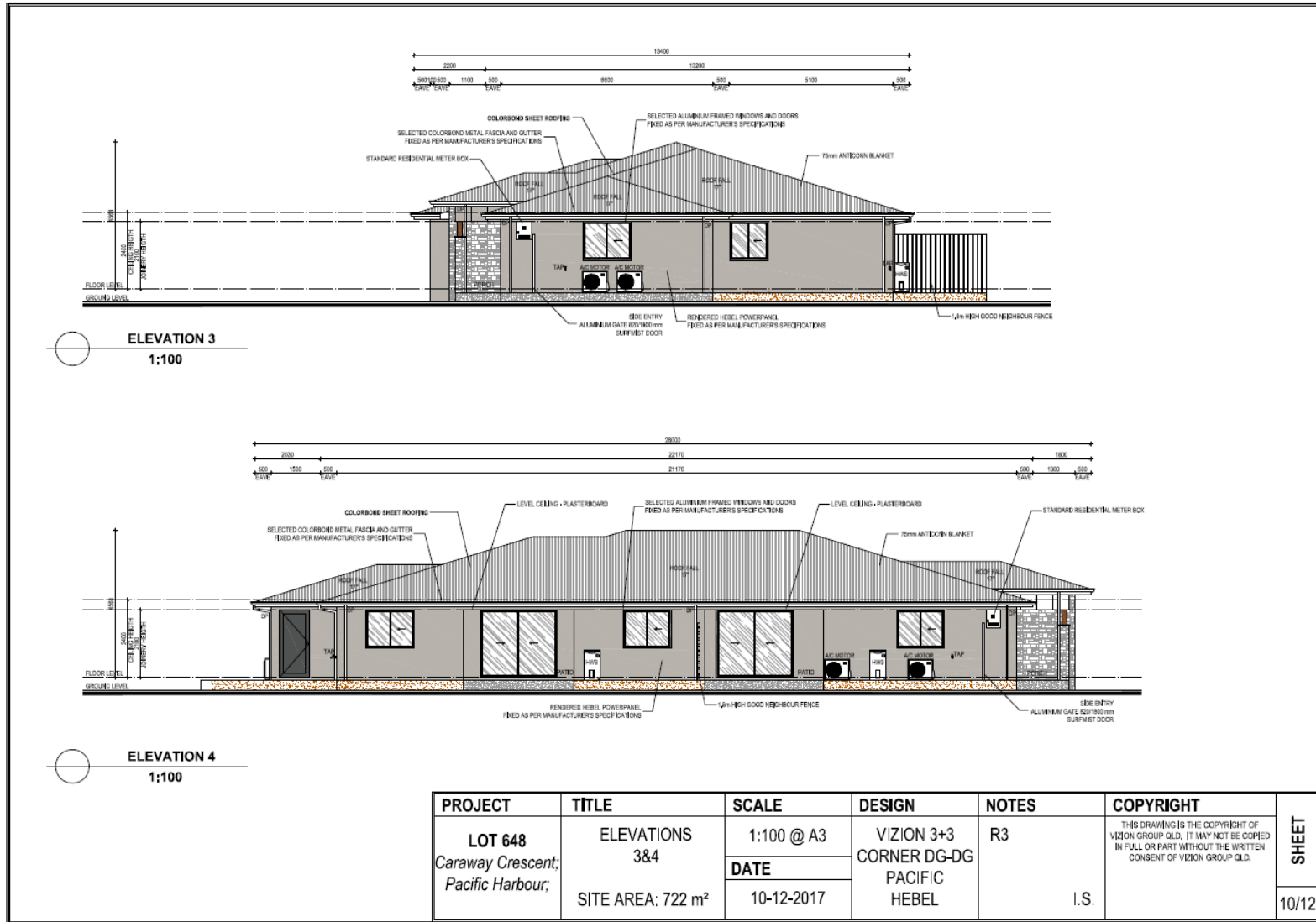
ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 (Cont.)



ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 (Cont.)

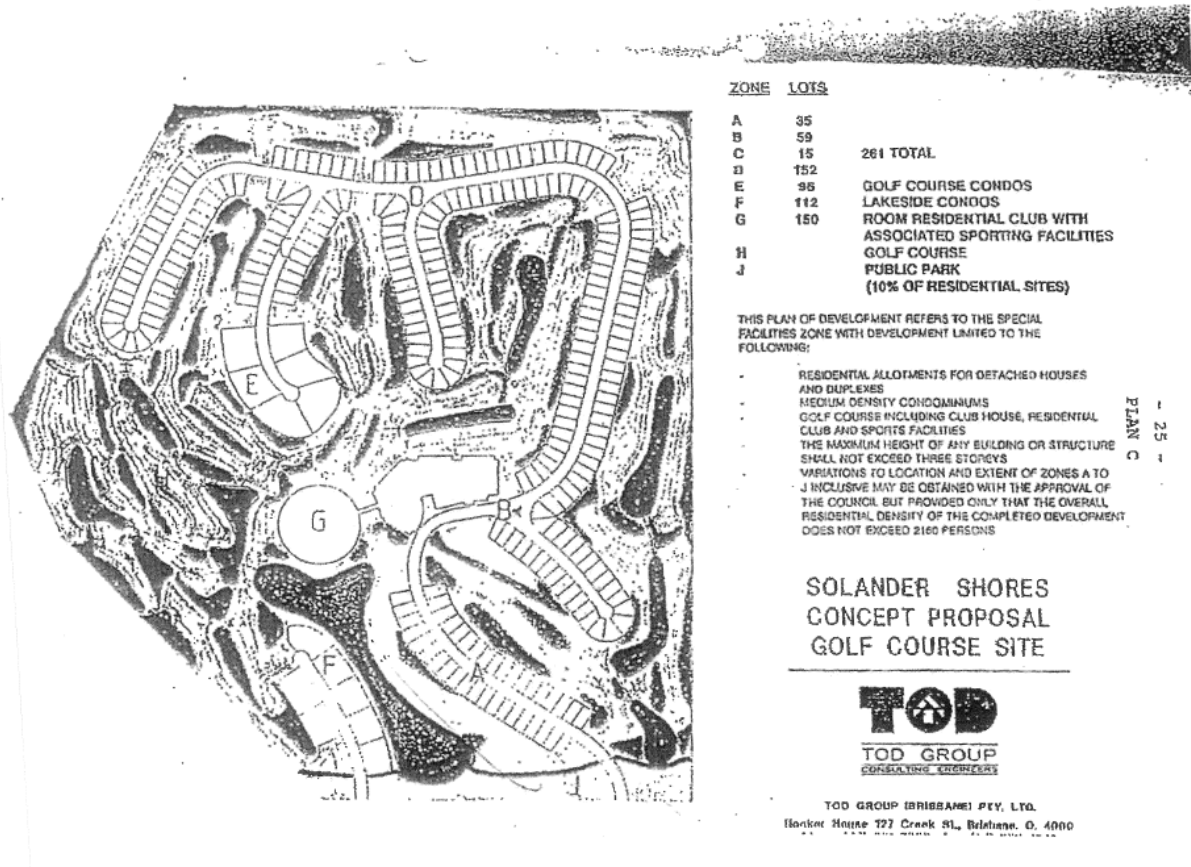


ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 (Cont.)



ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 (Cont.)

#4 Deed of Agreement Plan



## Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING  
27 February 2018

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Agenda

*ITEM 2.3 DA/35501/2017/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY - 22 CARAWAY CRESCENT, BANKSIA BEACH (LOT 648 SP291531) - DIVISION 1 (Cont.)*

### #5 Submissions

**From:** Keith Hartmann  
**To:** [Tom Auckland](#)  
**Subject:** Re: Development Application Enquiry: 2017 / 35501 / V2D - MCU Dual Occupancy, Duplex  
**Date:** Monday, 5 February 2018 1:37:04 PM

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To whom it may concern,

I Keith Hartmann and my wife Annemarie Elliott wish to raise concern in regards to our boundary fence that we will now be sharing with the proposed dual occupancy dwelling on lot: 648 street number [22 Caraway Crescent](#).

We would like to make note that our boundary fence was built in accordance with the Pacific Harbour covenant conditions, before lot 648 was changed to a duplex lot.

Our request is: Regardless of the structural orientation of the dwelling on lot 648, the existing boundary fence is to remain as it currently is. We will also be requesting 50% of the build cost of the fence that our lots: 647 & 648 share, from the owner of the lot 648.

Thank you for your time.

Kind Regards,

Keith Hartmann and Annemarie Elliott

20 Caraway Crescent,  
Banksia Beach,  
Bribie Island,  
Queensland,  
4507.

Keith Hartmann

**3 CORPORATE SERVICES SESSION**

**(Cr Adrian Raedel)**

No items for consideration.

**4 ASSET CONSTRUCTION & MAINTENANCE SESSION**

**(Cr Peter Flannery)**

**ITEM 4.1**

**TENDER - NORTH LAKES ACTIVITY CENTRE SMART CAR PARKING TRIAL  
DESIGN, IMPLEMENT AND OPERATE - DIVISION 4**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE

*Reference:* A16442308 :10 January 2018 - Refer **Confidential** Supporting Information  
**A16362401**

*Responsible Officer:* SJ, Manager ITPD (ITPD)

**Executive Summary**

Tenders were invited for the 'North Lakes Activity Centre Smart Car Parking Trial Design, Implement and Operate (MBRC006746)' project. The tender process closed on 12 December 2017 with one conforming and two non-conforming tenders received.

It is recommended that Council award the contract to Telstra Pty Ltd for the sum of \$479,865.80 (excluding GST) subject to both parties first negotiating suitable modifications to the terms and conditions applicable to the contract.

**OFFICER'S RECOMMENDATION**

1. That subject to Council and Telstra Pty Ltd negotiating modifications to the terms and conditions of Contract Number MBRC006746 which are satisfactory to Council, the tender for the 'North Lakes Activity Centre Smart Car Parking Trial Design, Implement and Operate' project be awarded to Telstra Pty Ltd for the sum of \$479,865.80 (excluding GST).
2. That the Chief Executive Officer be authorised to take all action necessary to implement Recommendation 1 including, but not limited to, execution of any required contract.

ITEM 4.1 TENDER - NORTH LAKES ACTIVITY CENTRE SMART CAR PARKING TRIAL DESIGN, IMPLEMENT AND OPERATE - DIVISION 4 - A16442308 (Cont.)

**REPORT DETAIL**

**1. Background**

Westfield North Lakes has recently introduced a ticketless paid parking system which charges for all parking over three hours. This has resulted in numerous cars that previously parked all-day in the centre to seek alternative options. The on-street parking in the North Lakes CBD is now occupied primarily by all-day parkers (e.g. staff from Westfield and other nearby businesses and the school), reducing the availability of short-term parking for local businesses and their customers.

This project proposes to develop, implement and operate a smart parking system that will assist in the establishment and management of restricted parking zones in the Smart Parking Trial Area.



**Figure 1 - Smart Parking Trial Area**

There are two further aspects of this project that will be delivered under separate contracts - CCTV of the smart car parking spots (to ensure accuracy of the technology) and the establishment of a Smart City data platform.

**2. Explanation of Item**

In accordance with Council's resolution of 24 May 2017, Expressions of Interest for the *North Lakes Activity Centre Smart Parking Trial EOI (MBRC006518)* closed on 28 June 2017. Of these respondents, seven were asked to submit a full tender.

Tenders for the '*North Lakes Activity Centre Smart Car Parking Trial Design, Implement and Operate (MBRC006746)*' project closed on 12 December 2017 with one conforming and two non-conforming tenders received.



**ITEM 4.1 TENDER - NORTH LAKES ACTIVITY CENTRE SMART CAR PARKING TRIAL DESIGN, IMPLEMENT AND OPERATE - DIVISION 4 - A16442308 (Cont.)**

The tenders were assessed by the tender assessment panel in accordance with Council's Purchasing Policy and the selection criteria set out in the tender documents.

RANK	TENDERER	EVALUATION SCORE
1	Telstra Pty Ltd	100
2	Smarter Technology Solutions Pty Ltd	Non-conforming
3	Frogparking Pty Ltd	Non-conforming

**Telstra Pty Ltd** submitted a comprehensive and well-presented tender. Telstra Pty Ltd demonstrated their relevant experience, methodology, understanding of and capability to deliver the project.

**Frogparking Pty Ltd** submitted a basic tender with numerous mandatory items missing. Their submission was incomplete and did not demonstrate capability to complete the project, and was therefore deemed non-conforming.

**Smarter Technology Solutions Pty Ltd (STS)** were not invited to submit a full tender following the Expression of Interest process, therefore their full tender submission was deemed non-conforming.

It has been brought to the Council officer's attention that the Australian Standard "Design & Construct" contract (AS 4902-2000) which forms part of the tender documents could be more comprehensive in this circumstance, to encapsulate the ICT services which will also be provided as part of this contract. Under Council's "conditions of offer" which form part of the tender documents made available to all tenderer, the parties can mutually agree to amend the terms and conditions of the relevant contract (before that contract is entered into). Council officer recommend that this occur. Importantly, this process will not affect the commercial terms of the tender submission received from Telstra Pty Ltd.

It is proposed that a Letter of Acceptance of Tender be provided to Telstra Pty Ltd *only if* the terms and conditions of the relevant contract can be modified by agreement between Council and Telstra Pty Ltd.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

Due to the value of work being greater than \$200,000, Council called a public tender for the work through the LG Tender system in accordance with the *Local Government Act 2009*.

It is proposed that Council negotiate with Telstra Pty Ltd with a view to modifying the terms and conditions applicable to any contract that may subsequently be entered into pursuant to clause 12.8 of the Conditions of Offer which formed part of the tender documents made available to all tenderers.

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

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

- Council's Procurement Policy 10-2150-006
- *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 potential impact of the risks are managed is detailed below.

ITEM 4.1 TENDER - NORTH LAKES ACTIVITY CENTRE SMART CAR PARKING TRIAL DESIGN, IMPLEMENT AND OPERATE - DIVISION 4 - A16442308 (Cont.)

*Construction Risks:*

- a. The contractor will provide a program of works, traffic management plan and safety plan, and will be required to fence off the areas where construction is being undertaken to meet relevant workplace health and safety requirements as part of the contract.
- b. The contractor has demonstrated their understanding of the project and the need to manage the impact of the works on pedestrians and vehicles in accordance with the tender conditions.

3.5 Delegated Authority Implications

No delegated authority implications arising as a direct result of this report.

3.6 Financial Implications

Council has allocated a total of \$400,000 in the 2017/18 Capital projects budget, with a further \$250,000 available in both the 2017/18 and 2018/19 financial years (\$450,000 total) from the approved Federal Government grant for this project.

Tender price (D&C & Operate)	\$ 479,865.80
Contingency (5%)	\$ 23,993.29
QLeave	\$ 2,800.00
	-----
Total Project Cost	\$ 506,659.09
	=====

Estimated ongoing maintenance costs are \$ 36,000 per financial year. Note the first three years are included in the tender price above.

The remaining budget will be used for CCTV installation and the development of a Smart City Data Platform which will be the subject of a separate Council report.

3.7 Economic Benefit

The installation of smart car parking will increase parking availability for short-stay customers to local businesses in North Lakes, increasing the opportunity for customer turnover.

3.8 Environmental Implications

Environmental implications of the project are minimal as it is being retro-fitted on top of existing infrastructure.

3.9 Social Implications

The completion of the project will free up short-term parking spots, allowing residents easier access to parking for surrounding businesses. The proposed app and signage will also make it much simpler to navigate to a free parking spot.

3.10 Consultation / Communication

A communication plan will be developed for the project which will include notifying road users well ahead of works commencing. Adjacent residents and businesses will be notified of the works by a project notice prior to the commencement of works as will owners of properties where driveway access may be affected during construction. Consultation will be ongoing throughout construction. Legal Services has been consulted in the preparation of this report. Divisional Councillor has been consulted and approves project.

**SUPPORTING INFORMATION**

**Ref: A16362401**

The following list of supporting information is provided for:

**ITEM 4.1**

**TENDER - NORTH LAKES ACTIVITY CENTRE SMART CAR PARKING TRIAL DESIGN, IMPLEMENT AND OPERATE - DIVISION 4**

***Confidential #1 Tender Evaluation***

**5 PARKS, RECREATION & SPORT SESSION**

**(Cr Darren Grimwade)**

**ITEM 5.1**

**DECEPTION BAY - ESPLANADE SOUTH/BOAMA PARK - PLACE NAMING -  
DIVISION 2**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A16578466 : 14 February 2018  
*Responsible Officer:* BS, Technical Officer (ECM Infrastructure Planning)

**Executive Summary**

An application has been received proposing that an area within Boama Park located on the Esplanade South, Deception Bay be named "Sparkes Place" in acknowledgement of the Sparkes family.

This report provides Council with background information relevant to the application and recommends that Council support the proposed place naming.

**OFFICER'S RECOMMENDATION**

1. Having regard for the information provided within this report and subject to the outcome of public advertising, that the naming of an area within Boama Park, Deception Bay, being part of Lot 1 on SP177810 (as per Figure 1 within this report) is approved as 'Sparkes Place'.
2. That the proposal to rename the area in recognition of the Sparkes family be advertised in local newspapers with public submissions open for a period of 28 days.
3. That should adverse submissions be received following the advertised period, the matter be referred back to Council in a subsequent report.

ITEM 5.1 DECEPTION BAY - ESPLANADE SOUTH/BOAMA PARK - PLACE NAMING - DIVISION 2 - A16578466  
(Cont.)

REPORT DETAIL

1. Background

An application has been received seeking Council endorsement to name an area within Boama Park, Deception Bay in recognition of the Sparkes family. Boama Park comprises numerous parcels, one of which is close to the original Sparkes family property and is considered suitable for the proposed place naming (refer Figure 1).



Figure 1 - Area of Boama Park to be named Sparkes Place

The Sparkes family were early pioneers in the Deception Bay area. Below is an excerpt from the application.

*William and Sarah Sparkes migrated to Australia with two children Selina and Mary “Polly” in the sailing ship, Juliet. It arrived in Brisbane on 1 May 1874.*

*Three months later they set off to their new selection at Humpybong. Their only means of transport at that time was a spring cart.*

*The tracks were narrow and ill-defined. Houses were sparse; they passed fewer than 20 on the journey. Most of the houses were slabs with bark roof. There was no bridge over the Pine Rivers. They forded the River at a crossing upstream from North Pine. They experienced difficulty finding a track to their selection where they intended to start dairy farming. Their selection comprised hundreds of acres at that part of Humpybong that is now called Deception Bay.*

*ITEM 5.1 DECEPTION BAY - ESPLANADE SOUTH/BOAMA PARK - PLACE NAMING - DIVISION 2 - A16578466  
(Cont.)*

*Sparkes were the true pioneers. They settled here on 24 August 1874. They were isolated. They must have experienced hardships that modern residents would never know. Sarah reported that they would often go six weeks at a time before they would see another white person. Aborigines were prevalent. There were about 100 local aborigines, but other tribes used to visit about 100 at a time. Most of them seemed to accept their white neighbours. But the difficulties extended beyond people to transport, supplies and food. There was no cleared land; there were acres of bush, with large trees extended from west to the bank above the beach. There was no organised transport; everything had to be brought by road. What a daunting task; but William Sparkes was determined to take up the challenge. The first step was to provide shelter and arrange food supplies; mosquitoes were thick. They selected their house site near the waterfront where prevailing winds provided some relief.*

## **2. Explanation of Item**

Under Policy No: 11-2150-039, Naming of Council-Owned or Administered Buildings, Structures and other Assets (excluding roads), applicants are required to provide documentation to substantiate the good character of the person or persons being acknowledged. The Sparkes family's connection and contribution to the area has been corroborated by Council's Local Studies Librarian. A letter has also been received from a descendant of the Sparkes family who supports the application.

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

- Persons with a historical connection to the land or area
- Names of pioneering families and long-term residents
- Names of respected community members of considerable service who are, or were resident or working within the region
- Persons having prior ownership of a substantial part of that land for a significant period of time

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

The applicant has also requested that a history board be included with the sign by way of explanation. The proposed wording is as follows:

*"In 1874 William and Sarah Sparkes selected land and built the first house on the beachfront of Deception Bay. The Sparkes and the Poultnays were the original pioneers at Deception Bay."*

## **3. Strategic Implications**

### 3.1 Legislative/Legal Implications

No legislative/legal implications arising as a direct result of this report.

### 3.2 Corporate Plan / Operational Plan

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

### 3.3 Policy Implications

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

### 3.4 Risk Management Implications

No risk management implications arising as a direct result of this report.

*ITEM 5.1 DECEPTION BAY - ESPLANADE SOUTH/BOAMA PARK - PLACE NAMING - DIVISION 2 - A16578466  
(Cont.)*

3.5 Delegated Authority Implications

Subject to no adverse submissions being received, the matter should be referred to the Director Engineering Construction and Maintenance for implementation.

3.6 Financial Implications

The estimated cost of fabricating and installing a new sign in accordance with the approved Park and Open Space Signage design is approximately \$2000.

3.7 Economic Benefit

No economic benefit implications arising as a direct result of this report.

3.8 Environmental Implications

No environmental implications arising as a direct result of this report.

3.9 Social Implications

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

3.10 Consultation / Communication

The proposed naming is supported by the Councillor. The proposed naming will be advertised in local newspapers for a period of 28 days during which time public submissions can be made and will be received. If adverse comments are received, then the matter will be reported back to Council for final consideration and direction. Where no adverse comments are received, the matter will be delegated to the Director Engineering Construction and Maintenance for implementation.

**6 LIFESTYLE & AMENITY SESSION**

**(Cr Matt Constance)**

No items for consideration.

**7 ECONOMIC DEVELOPMENT & TOURISM SESSION**

**(Cr Julie Greer)**

No items for consideration.

**8 GENERAL BUSINESS**

**ANY OTHER BUSINESS AS PERMITTED BY THE MEETING CHAIRPERSON.**



**CLOSED SESSION (Confidential items)**

*(Resolution the meeting be closed under s275 of the Local Government Regulation 2012)*

**ITEM C.1 – CONFIDENTIAL**

**PROPERTY ACQUISITION - CABOOLTURE - DIVISION 3**

**Meeting / Session:** 7 ECONOMIC DEVELOPMENT & TOURISM

**Reference:** A16600295 : 19 February 2018 - Refer **Confidential** Supporting Information

**A16599296**

**Responsible Officer:** AS, Enterprise and Investments Officer (EPS Property & Commercial Services)

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**Basis of Confidentiality**

Pursuant to s275 (1) of the *Local Government Regulation 2012*, clause (h), as the matter involves other business for which a public discussion would be likely to prejudice the interests of the Council or someone else, or enable a person to gain a financial advantage.

**Executive Summary**

This report seeks Council approval to acquire land for road purposes, in particular to provide for a turning lane associated with a future intersection upgrade.