



REPORT

Coordination Committee Meeting

Tuesday 23 October 2018
commencing at 10.50am

Caboolture Chambers
2 Hasking Street, Caboolture

ENDORSED GM20181023

CHAIRPERSON'S REPORT

The recommendations contained within this report of the Coordination Committee meeting held 23 October 2018 are recommended to the Council for adoption.

COUNCILLOR ALLAN SUTHERLAND (MAYOR)
CHAIRPERSON
COORDINATION COMMITTEE

Adoption Extract from General Meeting – 23 October 2018 (Page 18/2164)

**12.1 Coordination Committee Meeting - 23 October 2018
(Pages 18/2165 to 18/2217)**

RESOLUTION

Moved by Cr Koliana Winchester

Seconded by Cr Julie Greer

CARRIED 11/0

That the report and recommendations of the Coordination Committee meeting held 23 October 2018 be adopted.

LIST OF ITEMS

1 GOVERNANCE SESSION (Cr A Sutherland, Mayor)

ITEM 1.1 2166
LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND - LGX CONNECTING THE
NOW CONFERENCE - REGIONAL

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 1.2 2169
COUNCIL POLICY - HEAVY VEHICLE NATIONAL LAW - REGIONAL

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 1.3 2172
2017-18 ANNUAL REPORT - REGIONAL

COMMITTEE RECOMMENDATION

REPORT DETAIL

2 PLANNING & DEVELOPMENT SESSION (Cr M Gillam)

ITEM 2.1 2175
DA/35446/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR
TELECOMMUNICATIONS FACILITY AT 300 DWANE ROAD, DELANEYS CREEK -
DIVISION 12

RECOMMENDATION

COMMITTEE RECOMMENDATION

REPORT DETAIL

3 CORPORATE SERVICES SESSION (Cr M Constance)

4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr A Hain)

5 PARKS, RECREATION & SPORT SESSION (Cr K Winchester)

ITEM 5.1 2208
NEW LEASE - QUEENSLAND MEALS ON WHEELS LTD - DIVISION 3

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 5.2 2211
LES HUGHES SPORTING COMPLEX - PCYC BASKETBALL COURT FLOOR AND
BUILDING RENEWAL - DIVISION 8

COMMITTEE RECOMMENDATION

REPORT DETAIL

6 LIFESTYLE & AMENITY SESSION (Cr D Sims)

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION (Cr P Flannery)

8 REGIONAL INNOVATION (Cr D Grimwade)

9 GENERAL BUSINESS

ITEM 9.1 2216
SOUTHERN CROSS CATHOLIC COLLEGE - 50 YEARS OF CATHOLIC EDUCATION AT
WOODY POINT - DIVISION 6

COMMITTEE RECOMMENDATION

ITEM 9.2 2216
MORETON BAY YOUTH ART AWARDS - REGIONAL

COMMITTEE RECOMMENDATION

ITEM 9.3 2217
MORETON BAY REGION SES - REGIONAL UNIT OF THE YEAR - REGIONAL

COMMITTEE RECOMMENDATION

ITEM 9.4 2217
MORETON BAY WETLANDS EXPO - DIVISION 2

ITEM 9.5 2217
VOLUNTEER RECOGNITION FUNCTION - REGIONAL

COMMITTEE RECOMMENDATION

CLOSURE

ATTENDANCE & APOLOGIES

Attendance:

Committee Members:

Cr Allan Sutherland (Mayor) (Chairperson)
Cr Peter Flannery
Cr Adam Hain
Cr Julie Greer
Cr James Houghton
Cr Koliانا Winchester
Cr Denise Sims
Cr Mick Gillam
Cr Mike Charlton (Deputy Mayor)
Cr Matthew Constance
Cr Darren Grimwade
Cr Adrian Raedel

Officers:

Chief Executive Officer	(Mr Daryl Hitzman)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Planning & Economic Development	(Mr Stewart Pentland)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Manager Asset Maintenance	(Mr Rod MacBeth)
Senior Legal Officer	(Mr Kelvin Chin Fat)
Manager Development Services	(Ms Kate Isles)
Team Leader Planning	(Mr Greg Potter)
Meeting Support	(Larissa Kerrisk)

Apologies:

Cr Brooke Savage

The Mayor is the Chairperson of the Coordination Committee.

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

Session	Spokesperson
1 Governance	Cr Allan Sutherland (Mayor)
2 Planning & Development	Cr Mick Gillam
3 Corporate Services	Cr Matt Constance
4 Asset Construction & Maintenance	Cr Adam Hain
5 Parks, Recreation & Sport	Cr Koliانا Winchester
6 Lifestyle & Amenity	Cr Denise Sims
7 Economic Development, Events & Tourism	Cr Peter Flannery
8 Regional Innovation	Cr Darren Grimwade
9 General Business	Cr Allan Sutherland (Mayor)

1 GOVERNANCE SESSION

(Cr A Sutherland, Mayor)

ITEM 1.1

LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND - LGX CONNECTING THE NOW CONFERENCE - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A17715187 : 17 October 2018
Responsible Officer: LK, Executive Support Officer (CEO Executive Services)

Executive Summary

This report seeks consideration of Councillor attendance to the Local Government Association of Queensland (LGAQ) - LGx Connecting the Now conference to be held in Brisbane from 31 October 2018 to 2 November 2018.

COMMITTEE RECOMMENDATION

Moved by Cr Adam Hain

Seconded by Cr Julie Greer

CARRIED 12/0

1. That Councillor Adrian Raedel be authorised to attend the Local Government Association of Queensland (LGAQ) - LGx Connecting the Now conference.
2. That the Chief Executive Officer arrange for Officer attendance at this Conference as appropriate.

ITEM 1.1 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND - LGX CONNECTING THE NOW CONFERENCE - REGIONAL - A17715187 (Cont.)

OFFICER'S RECOMMENDATION

1. That Councillor Adrian Raedel be authorised to attend the Local Government Association of Queensland (LGAQ) - LGx Connecting the Now conference.
2. That the Chief Executive Officer arrange for Officer attendance at this Conference as appropriate.

REPORT DETAIL

1. Background

Advice has been received that the Local Government Association of Queensland (LGAQ) - LGx Connecting the Now conference is to be held at the Brisbane Convention and Exhibition Centre from Wednesday 31 October 2018 to Friday 2 November 2018. Cr Adrian Raedel has expressed his interest in attending.

2. Explanation of Item

The LGAQ - LGx Connecting the Now conference will discuss the future of communication in the public sector and will feature topics such as:

- Understanding today's communication cycle
- Best practice communication in today's councils
- Communication challenges shared across councils
- Campaign building
- The LGx Network and support to councils
- Digital and social professional development, including: unlocking the power of paid social media, influencer marketing, and customer service communication
- Communication and engagement professional development, including media masterclass, marketing strategy for events, and social media and the law
- Information technology and content professional development, including demystifying data and using integrated platforms for internal communications.

3. Strategic Implications

3.1 Legislative/Legal Implications

There are no legislation/legal implications arising as a direct result from this report.

3.2 Corporate Plan / Operational Plan

Creating Opportunities: Digital literacy and commerce - a digital region.

3.3 Policy Implications

Arrangements will be made in accordance with Council's Professional Development Policy 2150-089.

3.4 Risk Management Implications

There are no risk management implications arising as a direct result from this report.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Appropriate funds have been provided in the 2018/19 Budget.

3.7 Economic Benefit

There are no economic benefit implications arising as a direct result from this report.

*ITEM 1.1 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND - LGX CONNECTING THE NOW
CONFERENCE - REGIONAL - A17715187 (Cont.)*

3.8 Environmental Implications

There are no environmental benefit implications arising as a direct result from this report.

3.9 Social Implications

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

3.10 Consultation / Communication

Consultation undertaken with all Councillors, the Chief Executive Officer and Directors.

ATTENDANCE

Mr Kelvin Chin Fat and Mr Rod MacBeth attended the meeting at 10.50am for discussion on Item 1.2.

ITEM 1.2
COUNCIL POLICY - HEAVY VEHICLE NATIONAL LAW - REGIONAL

Meeting / Session: 4 ASSET CONSTRUCTION AND MAINTENANCE
Reference: A17680014 : 18 October 2018 - **Refer Supporting Information A16938904**
Responsible Officer: RM, Manager Asset Maintenance (ECM)
KC, Senior Legal Officer (Legal Services)

Executive Summary

The purpose of this report is to seek Council's consideration of 2150-099 Heavy Vehicle National Law – Chain of Responsibility Compliance Policy.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Adam Hain

CARRIED 12/0

That 2150-099 Heavy Vehicle National Law - Chain of Responsibility Compliance Policy be adopted, as appearing in the supporting information to this report.

ITEM 1.2 COUNCIL POLICY - HEAVY VEHICLE NATIONAL LAW - REGIONAL - A17680014 (Cont.)

OFFICER'S RECOMMENDATION

That 2150-099 Heavy Vehicle National Law - Chain of Responsibility Compliance Policy, as appearing in the supporting information to this report, be adopted.

REPORT DETAIL

1. Background

The *Heavy Vehicle National Law* (Cth) (HVNL) is applied (with modifications) as a law of Queensland by the *Heavy Vehicle National Law Act 2012* (Qld).

The Chain of Responsibility (CoR) obligations within the HVNL make every party in the transport supply chain responsible for heavy vehicle safety. If a heavy vehicle breach of mass, dimension, load restraint, maintenance or driver speed or fatigue occurs, every person in the chain for that load can be held liable, even if they did not own/operate the vehicle and even if they were not contractually responsible for the particular process which caused the breach.

The CoR obligations have been in place for some time, however, the HVNL has recently been materially amended in the following ways:

1. The obligation on supply chain participants will move from being incident/accident focused to being proactive and risk management focused, identical to the regime in place for WHS. Under the new laws, a council can be found in breach even where there has not been any incident. The primary focus will shift to the risk management systems that a council has in place to prevent any incident from arising.
2. Any council which does not have in place a CoR risk management system will be in breach under the new laws and expose itself and its executive officers to the new maximum penalties which include criminal sanctions as well as civil implications.

2. Explanation of Item

Adoption of 2150-099 Heavy Vehicle National Law – Chain of Responsibility Compliance Policy (Attachment 1) by council and additional underlying operational documents which have also been prepared encapsulate the framework to mitigate heavy vehicle risks.

The operational preparations regarding compliance with the amended legislation have already been implemented by Council.

3. Strategic Implications

3.1 Legislative/Legal Implications

This Policy is required to ensure compliance with the *Heavy Vehicle National Law Act 2012* (Qld).

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

This report seeks the adoption of 2150-099 Heavy Vehicle National Law - Chain of Responsibility Compliance Policy.

3.4 Risk Management Implications

These Policies ensure that Council fulfils all relevant legal obligations and the safety of its employees and residents of the Moreton Bay Region.

3.5 Delegated Authority Implications

There are no delegated authority implications associated with this report.

ITEM 1.2 COUNCIL POLICY - HEAVY VEHICLE NATIONAL LAW - REGIONAL - A17680014 (Cont.)

3.6 Financial Implications

There are no financial implications associated with this report.

3.7 Economic Benefit

There are no economic benefit implications associated with this report.

3.8 Environmental Implications

There are no environmental implications associated with this report.

3.9 Social Implications

There are no social implications associated with this report.

3.10 Consultation / Communication

Human Resources
Executive Management team

ATTENDANCE

Mr Kelvin Chin Fat and Mr Rod MacBeth left the meeting at 10.54am after consideration of Item 1.2.

ITEM 1.3
2017-18 ANNUAL REPORT - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A177053154 : 10 October 2018 - Refer Supporting Information A17720223
Responsible Officer: MH, Principal Strategy and Engagement Officer (CEO Strategy & Engagement)

Executive Summary

This report seeks adoption of the Moreton Bay Regional Council 2017-18 Annual Report.

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel

Seconded by Cr Mick Gillam

CARRIED 12/0

That the Moreton Bay Regional Council 2017-18 Annual Report be adopted, as tabled.

ITEM 1.3 2017-18 ANNUAL REPORT - REGIONAL - A177053154 (Cont.)

OFFICER'S RECOMMENDATION

That the Moreton Bay Regional Council 2017-18 Annual Report be adopted, as tabled.

REPORT DETAIL

1. Background

The Moreton Bay Regional Council 2017-18 Annual Report has been prepared in accordance with the *Local Government Act 2009* and Local Government Regulation 2012. This legislation stipulates how a council is required to measure its performance in its annual report against its Operational Plan for 2017-18 and the objectives of its Corporate Plan.

In accordance with section 182 of the Local Government Regulation 2012, a local government must adopt its annual report within one month after the day the auditor-general gives the auditor-general's audit report about the local government's financial statements for the financial year to the local government.

2. Explanation of Item

The 2017-18 Annual Report outlines Council's operations, activities and financial performance for the reporting period. It presents a record of Council's operations to residents, ratepayers, customers and other interested parties.

The report highlights Council's investment in initiatives, projects and partnerships that support a thriving regional economy, none larger than The Mill at Moreton Bay which includes a new university campus at its core.

The report also details Council's achievements towards maintaining a vibrant, inclusive and healthy Moreton Bay. This includes adoption of the region's first Disability Access and Inclusion Plan, rollout of innovative waste management initiatives, and support for major community celebrations including the 2018 Gold Coast Commonwealth Games Queens Baton Relay, Rugby League Commonwealth Championships and Caboolture Family Fun Day.

The 2017-18 Annual Report was guided by the Corporate Plan 2017-22. The document contains financial highlights, operational activities and achievements, information related to corporate governance requirements and the Community Financial Report.

Once adopted, the 2017-18 Annual Report will be available for download at www.moretonbay.qld.gov.au/annualreport and a copy made available for viewing at Council's customer service centres.

3. Strategic Implications

3.1 Legislative/Legal Implications

The preparation and adoption of an Annual Report is a requirement of the Local Government Regulation 2012. The Annual Report must contain specific detail as required by the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

There are no risk management implications arising as a direct result of this report.

ITEM 1.3 2017-18 ANNUAL REPORT - REGIONAL - A177053154 (Cont.)

3.5 Delegated Authority Implications

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

3.6 Financial Implications

The cost of the preparation has been provided in the 2017-18 budget.

3.7 Economic Benefit

There are no economic benefit implications arising as a direct result of this report.

3.8 Environmental Implications

There are no environmental implications arising as a result of this report.

3.9 Social Implications

There are no social implications arising as a result of this report.

3.10 Consultation / Communication

The compilation of the Annual Report has required extensive consultation across the organisation and has relied on consultation with Councillors and input from Officers at all levels.

ATTENDANCE

Cr Allan Sutherland (Mayor) left the meeting at 10.55am and Cr Mike Charlton (Deputy Mayor) assumed the Chair at this time.

Ms Kate Isles and Mr Greg Potter attended the meeting at 10.55am for discussion on Item 2.1.

2 PLANNING & DEVELOPMENT SESSION

(Cr M Gillam)

ITEM 2.1

DA/35446/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 300 DWANE ROAD, DELANEYS CREEK - DIVISION 12

APPLICANT: NBN C/- Aurecon Australasia

OWNER: Ms Ailsa D Masters

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A17671559 : 9 October 2018 – Refer Supporting Information A17675471, A17675475, A17675474, A17675473, A17675472, & A17675470
Responsible Officer: CS, Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	NBN C/- Aurecon Australasia
Lodgement Date:	11 December 2017
Properly Made Date:	11 December 2017
Confirmation Notice Date:	4 January 2018
Information Request Date:	18 January 2018
Info Response Received Date:	19 March 2018
Public Notification Dates:	3 April 2018 - 26 April 2018
No. of Submissions:	Properly Made: One (1) Not Properly Made: Zero (0)
Decision Due Date:	24 October 2018
Prelodgement Meeting Held:	No

PROPERTY DETAILS	
Division:	Division 12
Property Address:	300 Dwane Road, Delaneys Creek
RP Description	Lot 21 C31989
Land Area:	64.75 hectares
Property Owner	Ms Ailsa D Masters

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	Moreton Bay Regional Council Planning Scheme
Planning Locality / Zone	Rural Zone
Level of Assessment:	Impact and Consistent

This application seeks a Material Change of Use - Development Permit for a Telecommunications Facility to be located at the abovementioned property. The proposed structure comprises a 51 metre tall lattice tower with ancillary components located within a fenced compound.

The application was publicly advertised with one (1) submission received. The proposed development is considered to satisfy the requirements of the Moreton Bay Regional Council Planning Scheme and is recommended to be approved subject to conditions.

ITEM 2.1 DA/35446/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR
TELECOMMUNICATIONS FACILITY AT 300 DWANE ROAD, DELANEYS CREEK - DIVISION 12 - A17671559
(Cont.)

RECOMMENDATION

Moved by Cr Adrian Raedel
Seconded by Cr Adam Hain

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

AMENDMENT

Cr Adrian Raedel moved the following amendment:

That the conditions as outlined in the Officer's report be amended to reflect the relocation of the tower and surrounding area 180metres further into the site.

Seconded by Cr Denise Sims

The amendment was put to the vote and declared **LOST** 3/8

The original recommendation was put to the vote as follows

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel
Seconded by Cr Adam Hain

CARRIED 9/2

Cr Adrian Raedel and Denise Sims voted against Committee's Recommendation

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

Moreton Bay Regional Council

ITEM 2.1 DA/35446/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 300 DWANE ROAD, DELANEYS CREEK - DIVISION 12 - A17671559
(Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for a Telecommunications Facility at 300 Dwane Road, Delaneys Creek, described as Lot 21 C31989, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Overall Site Plan	4WDF-51-03-DAGU-C2 Rev02	Aurecon Australia Pty Ltd	7 December 2017
Site Setout Plan	4WDF-51-03-DAGU-C3 Rev03	Aurecon Australia Pty Ltd	23 January 2018
Site Elevations and Details	4WDF-51-03-DAGU-C4 Rev02	Aurecon Australia Pty Ltd	7 December 2017
NBN Antenna Configuration & Setout Plan	4WDF-51-03-DAGU-A1 Rev02	Aurecon Australia Pty Ltd	7 December 2017
Landslide Risk Assessment Report	247473 Rev 0	Aurecon Australasia Pty Ltd	31 May 2018

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Property Vegetation Management Plan	247473	Aurecon Australasia Pty Ltd	30 April 2018

Conditions

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
2	Amended Document Required	
A	Submit an amended Vegetation Management Plan, prepared by a suitably qualified person, and including scaled plans and supporting documentation that provides for the following:	Prior to works commencing on site.

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(Cont.)

	1. Nominate on a plan all of the trees to be removed during the works phase and show Trees 002 to 017 to be retained (ie remove tree markers and numbers from the plan) and remove any references to the removal of these trees from the Vegetation Management Plan document.	
B	Obtain approval from Council for the amended Vegetation Management Plan in accordance with (A) above.	Prior to works commencing on site.
C	Implement the requirements and recommendations of the approved plan/s. The approved amended plan/s will form part of the approval.	Prior to and during site works and to be maintained at all times.
3	Colour of Telecommunications Facility	
	<p>Ensure that the telecommunications facility and associated equipment shelter is painted with a colour that blends with the adjacent bushland vegetation and complies with the colour range detailed as follows unless otherwise approved by Council in writing:</p> <p>(a) Registered Colourbound 'Pale Eucalypt' non-reflective paint;</p> <p>OR</p> <p>(b) Acceptable colours from Australian Standard AS2700s - 1996 or equivalent that are appropriate for highly visible surfaces as they are harmonious with the natural landscape colours listed below.</p> <ul style="list-style-type: none"> • G52 - Eucalyptus • G53 - Banksia • N45 - Koala Grey • N32 - Green Grey • G54 - Mist Green • Y63 - Khaki • N - 35 Light Grey • G56 - Sage Green • G55 - Lichen 	Prior to commencement of use and to be maintained at all times.
4	Warning Sign	
	Provide a warning information sign at the entrance to the lease area to prevent unauthorised entry.	To be maintained at all times after the commencement of the use.
5	Security Fencing	
	Erect a black, chain wire mesh, security fence without barbed wire, with a maximum height of 2.4m, along all sides of the lease area, unless otherwise approved by Council in writing.	Prior to the commencement of the use and to be maintained at all times.
6	Noise	
	<p>Ensure air conditioning equipment is located, designed, installed and maintained to achieve a component noise level of 0dB(A) above background noise level when measured at an affected building for a noise sensitive use.</p> <p>Notes:</p>	

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(Cont.)

	<p>The component noise level for the equipment is to be measured as an LA90, T.</p> <p>'Background Noise Level' means LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes using fast response.</p>	
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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
ENVIRONMENTAL PLANNING		
7	Management of Wildlife	
A	Carry out approved vegetation clearing under the supervision of a Fauna Spotter Catcher holding a valid Rehabilitation Permit from the relevant State Government Agency.	Prior to and during site works.
B	Provide an activity report, to be completed by the supervising Fauna Spotter Catcher, including: <ul style="list-style-type: none"> i. The number and species of any animals observed during clearing; ii. The actions taken to deal with observed animals; iii. The number of any animals that were required to be relocated; iv. The release site for any relocated animals; v. The number (if any) of animals injured during clearing; vi. The treatment provided; vii. The outcome of any treatment; and viii. The location of the treatment. 	Within fourteen (14) days of completion of clearing.
8	Extent of Vegetation Clearing	
	Carry out works in accordance with an approved Vegetation Management Plan. Clearing of native vegetation must be limited to that which is necessary for the development as shown on an approved Vegetation Management Plan.	Prior to and during site works and to be maintained.
9	Disposal of Cleared Vegetation	
	Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility.	At all times.
	Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property.	
10	Stockpiles of Construction and Landscaping Materials	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any nature strip, roadway or into any drain, wetland or watercourse.	At all times.
11	Temporary Exclusion Fencing	
	Delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental felling. Clearing is to be	During site works.

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ITEM 2.1 DA/35446/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 300 DWANE ROAD, DELANEYS CREEK - DIVISION 12 - A17671559
(Cont.)

CONDITION		TIMING
	undertaken in accordance with AS 4970-2009 Protection of Trees on Development Sites.	
12	Ecological Restoration Plan	
A	Submit to Council for approval an Ecological Restoration Plan. The 'Development Footprint' and another suitable area/s on site must be planted out with appropriate tree species (ie found locally) at a ratio of at least 2:1 of the number to be removed. A suitable area/s must be identified in the Ecological Restoration Plan for the necessary restoration works (eg riparian areas typically on rural properties can be degraded). The establishment period must be no less than two years. The plan must be prepared by a suitably qualified person and in accordance with Planning Scheme Policy - Environmental Areas and Corridors.	Prior to the commencement of site works.
B	Implement the requirements of the approved plan.	During site works and to be maintained at all times.

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT ENGINEERING		
13	Landslide Hazard - Certification	
A	The Landslide Risk Assessment Hazard report provided in support of the application is accepted.	Note only.
B	Undertake all works on site in accordance with the accepted report.	Prior to the commencement of the use.
C	Provide certification to Council from a Registered Professional Engineer Queensland (RPEQ) that any civil work and/or building work has been designed and constructed in accordance with the recommendations of the Landslide Risk Assessment Report accepted by Council.	Prior to the commencement of the use.
14	Replace Existing Council Infrastructure	
	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 the commencement of the use.
15	Alterations and Relocation of Existing Services	
	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 the commencement of the use.

ITEM 2.1 DA/35446/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 300 DWANE ROAD, DELANEYS CREEK - DIVISION 12 - A17671559 (Cont.)

CONCURRENCE AGENCY		
1	Concurrence Agency	
A	Comply with the conditions of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) amended response dated 7 June 2018 (reference: 1801-3267 SRA) or as amended.	At all times.
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) have been met.	At all times.

ADVICES	
1	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.</p>
2	Adopted Charges
	In accordance with section 8 and Schedule 3 of the Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended, there is no Adopted Charge applicable for Council's Trunk Infrastructure Networks.

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

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Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Development Permit for Telecommunication Facility
Relevant Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	Building Works – Development Permit
Codes for Accepted Development	Not applicable
Referral Agencies	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)
Submissions	There was one (1) properly made submission about this application.

REPORT DETAIL

1. Background

Nil

2. Explanation of Item

2.1 Proposal Details

An application has been received for a Telecommunications Facility at 300 Dwane Road, Delaneys Creek, described as Lot 21 C31989.

The applicant proposes to establish a Telecommunication Facility to service the greater locality. The proposed facility consists of a 51 metre high (including all structures) lattice tower within a fenced compound with an area of approximately 108m². The Telecommunications Facility is proposed to be located in the northern portion of the property, approximately 65 metres from the Dwane Road frontage. Access to the proposed compound area will be provided via an upgrade to the existing track located off Dwane Road.

The components of the proposed NBN installation comprise the following:

- A 50 metre tall lattice tower;
- One (1) parabolic dish (0.6 metres in diameter) for transmission purposes;
- Two (2) panel antennas (Dimensions: 0.75 metres high x 0.30 metres wide x 0.115 metres deep), located at an elevation of 50 metres;

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- A 2.4 metre high chain link security compound fence (compound area 9 m x 12 m), with a three (3) metre wide access gate;
- Two (2) outdoor equipment cabinets (dimensions: 1.5 metres high x 0.65 metres wide x 0.65 metres deep) at ground level. The outdoor cabinets will be installed on a concrete slab and will be metallic grey in colour; and
- Associated feeder cables that will run underground from the equipment cabinet, and then vertically inside the tower to the antennas.

The applicant has advised that a fire break will be provided in accordance with the exempt clearing work provisions identified by the Department of Natural Resources, Mines and Energy.

The proposed development involves the clearing of Category B Remnant Vegetation and vegetation mapped as Matters of State Environmental Significance (MSES). The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) in accordance with Schedule 10 of the *Planning Regulation 2017*.

An Electromagnetic Energy (EME) Report has been provided with the application in support of establishing the facility.

2.2 Description of the Site and Surrounds

The subject site occupies an area of approximately 64.75 hectares and has frontage to Dwane Road and an unconstructed portion of McLeod Lane. The site is generally vegetated and mountainous and contains some small areas subject to rural uses (horticulture). The subject site is surrounded by the following land uses and zones:

Directions	Planning Scheme Zone	Current Land Use
North	Rural Zone	Detached Dwellings
South	Rural Zone	Detached Dwelling, Agricultural Uses
East	Extractive Industry Zone	Detached Dwelling, Quarry
West	Rural Zone	Vacant land

2.3 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

Applicable Assessment Benchmarks:	<u>State Planning Policy</u> <ul style="list-style-type: none"> • State Planning Policy, Part E <u>Regional Plan</u> <ul style="list-style-type: none"> • South East Queensland Regional Plan
SEQ Regional Plan Designation:	<ul style="list-style-type: none"> • Regional Landscape and Rural Production Area
Koala Habitat Designation:	<ul style="list-style-type: none"> • Medium Value Bushland • Low Value Bushland • Low Value Rehabilitation

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2.3.1 State Planning Policy

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

Assessment Benchmark - Livable Communities		
Applicable to Development	SPP requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable
Assessment Benchmark - Mining and Extractive Resources		
Applicable to Development	SPP requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable. The location of the proposed Telecommunications Facility is not within the Separation area for the Key Resource Area to the east of the site.
Assessment Benchmark - Water Quality		
Applicable to Development	SPP requirement	Comment
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from (a) altered stormwater quality and hydrology (b) waste water (c) the creation or expansion of non-tidal artificial waterways (d) the release and mobilization of nutrients and sediments. (2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)	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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	(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.	
Assessment Benchmark - Natural Hazards, Risk and Resilience		
Applicable to Development	SPP Requirement	Comment
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(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.</p> <p>All natural hazard areas:</p> <p>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p>
Assessment Benchmark - Strategic Airports and Aviation Facilities		
Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable

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2.3.2 South East Queensland Regional Plan

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

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

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

2.4.1 Strategic Framework

An assessment against the Strategic Framework is not required by the development proposal.

2.4.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
Rural Zone Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO10, PO76, PO77, PO95, PO96, PO121, PO143
Overlay Codes		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
Rural Zone Code	
PO3 Height of buildings and structures: a. is consistent with the existing low rise, open area and low density character and	E3 Building height and all structures do not exceed the maximum height identified on Overlay map - Building heights; except in the Hamlet precinct, where outbuildings,

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Performance Outcome	Example
<p>amenity of the Rural zone and its precincts;</p> <p>b. does not unduly impact on access to daylight, sunlight, overshadowing or privacy experienced by adjoining premises;</p> <p>c. for buildings in the Hamlet precinct, the height of buildings reflect the individual character of the area;</p> <p>d. does not adversely affect the operation of aviation facility at Mt Glorious by adopting design or on-site management measures that:</p> <p>i. ensures a physical line-of-sight between transmitting or receiving devices.</p> <p>ii. ensure electromagnetic fields do not interfere with the functioning of the aviation facility.</p>	<p>free standing car ports or garages do not exceed 3.5m.</p>
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an Alternative Solution to Example E3 of the Rural Zone Code. The proposed structure comprises a total height of 51 metres (when measured from the ground) exceeding the maximum building height of 8.5m indicated on the Building Heights Overlay Map.</p> <p>The proposed facility by its necessity requires a line of sight from tower to tower to complete a functional network. Consequently, the structure will not be situated below the predominant tree canopy level. As such, the proposed facility is not consistent with the existing low rise character of the Rural Zone.</p> <p>As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p>PO10 On-site car parking associated with an activity provides safe and convenient on-site parking and manoeuvring to meet anticipated parking demand.</p> <p>Note - Refer to Planning scheme policy - Integrated transport assessment for guidance on how to achieve compliance with this outcome.</p>	<p>E10 On-site car parking is provided in accordance with Schedule 7 - Car parking.</p>
<i>Performance Outcome Assessment</i>	
<p>Schedule 7 - Car parking requires that one (1) parking space is provided per staff member and visitor.</p> <p>The applicant seeks an Alternative Solution for the provision of permanent on-site car parking spaces. Vehicular access will only be required during the construction of the facility and</p>	

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Performance Outcome	Example
<p>maintenance periods which are envisaged to occur approximately 3-4 times a year. Nevertheless, there is sufficient parking and manoeuvring space on-site for vehicles during these periods.</p> <p>Given the circumstances noted above, it is not considered reasonable that any permanent car parking spaces be required. Therefore, the proposal complies with the Performance Outcome.</p>	
<p>PO76 The Telecommunications facility⁽⁸¹⁾ does not have an adverse impact on the visual amenity of a locality and is:</p> <ul style="list-style-type: none"> a. high quality design and construction; b. visually integrated with the surrounding area; c. not visually dominant or intrusive; d. located behind the main building line; e. below the level of the predominant tree canopy or the level of the surrounding buildings and structures; f. camouflaged through the use of colours and materials which blend into the landscape; g. treated to eliminate glare and reflectivity; h. landscaped; i. otherwise consistent with the amenity and character of the zone and surrounding area. 	<p>E76.2 In all other areas towers do not exceed 35m in height.</p> <p>E76.4 All structures and buildings are setback behind the main building line and a minimum of 10m from side and rear boundaries, except where in the Industry and Extractive industry zones, the minimum side and rear setback is 3m. Where there is no established building line the facility is located at the rear of the site.</p> <p>E76.6 A minimum 3m wide strip of dense planting is provided around the perimeter of the fenced area, between the facility and street frontage and adjoining uses.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant proposes Alternative Solutions to Examples E76.2, E76.4, and E76.6.</p> <p>The facility includes a 50 metre tall lattice tower and antennas with an overall height of 51 metres, being 16 metres greater in height than the 35 metres nominated by Example 76.2. Furthermore, there is no established building line for the site as the proposed telecommunications facility will be located in a large, heavily vegetated rural parcel of land. As the facility is proposed within a large rural property with significant vegetation, a fire break around the compound is permitted as exempt clearing (in accordance with DRNME), in the location subject to the dense planting required by Example 76.6.</p> <p>The retention of the existing mature vegetation around the proposed facility and fire break screens the compound and lower portion of the tower to reduce the impacts on visual amenity in the area. However, as the proposed tower by its very function is required to be above the level of the predominant tree canopy, it does not comply with the Performance Outcome.</p> <p>As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p>PO77 Lawful access is maintained to the site at all times that does not alter the amenity of the landscape or surrounding uses.</p>	<p>E77 An Access and Landscape Plan demonstrates how 24 hour vehicular access will be obtained and maintained to</p>

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Performance Outcome	Example
	the facility in a manner that is appropriate to the site's context.
<i>Performance Outcome Assessment</i>	
<p>The development application has not included an Access and Landscape Plan demonstrating how 24 hour vehicular access to the site is to be obtained.</p> <p>It is proposed to obtain access to the facility by upgrading and utilising the existing driveway on site from Dwane Road located approximately 65m to the north of the proposed compound area. Notably, the use of the driveway will constitute lawful and unobstructed access to the property and the proposed telecommunications facility at all times. This access arrangement does not alter the amenity or landscape of the surrounding area and will not result in any adverse impacts on adjoining land uses. If 24 hour access was required for unplanned maintenance or repairs associated with the facility, any impact on the amenity of the surrounding area would be negligible.</p> <p>The proposed alternative solution complies with Performance Outcome PO77 in this instance.</p>	
<p>PO95 Development:</p> <ul style="list-style-type: none"> a. minimises the number of buildings and people working and living on a site exposed to bushfire risk; b. ensures the protection of life during the passage of a fire front; c. is located and designed to increase the chance of survival of buildings and structures during a bushfire; d. minimises bushfire risk from build up of fuels around buildings and structures; e. ensure safe and effective access for emergency services during a bushfire. 	<p>E95.1 Buildings and structures are:</p> <ul style="list-style-type: none"> a. not located on a ridgeline; b. not located on land with a slope greater than 15% (see Overlay map - Landslide hazard); c. dwellings are located on east to south facing slopes. <p>E95.2 Buildings and structures have contained within the site:</p> <ul style="list-style-type: none"> a. a separation from classified vegetation of 20m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or fire fighting water supply of no more than 29, whichever is the greater; b. a separation from low threat vegetation of 10m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or fire fighting water supply of no more than 29, whichever is the greater; c. a separation of no less than 10m between a fire fighting water supply extraction point and any classified vegetation, buildings and other roofed structures; d. an area suitable for a standard fire fighting appliance to stand

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Performance Outcome	Example
	<p>within 3m of a fire fighting water supply extraction point; and</p> <p>e. an access path suitable for use by a standard fire fighting appliance having a formed width of at least 4m, a cross-fall of no greater than 5%, and a longitudinal gradient of no greater than 25%:</p> <ul style="list-style-type: none"> i. to, and around, each building and other roofed structure; and ii. to each fire fighting water supply extraction point.
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an alternative solution to Example E95.1 and E95.2 of the Rural Zone Code. The proposed Telecommunications Facility is on land with a slope greater than 15%.</p> <p>The proposed development comprises a non-habitable use, with access to the Telecommunications Facility being infrequent and restricted to the installation of equipment and for purposes of maintenance. Significantly, the proposed facility will not result in an increase to the number of people living or working in the area, nor will it accommodate the storage of hazardous materials. In addition, given the nature and purpose of the proposed development, the number of people working and living on the site exposed to any bushfire risk is extremely minimal.</p> <p>The Telecommunications Facility will not involve hazardous materials, nor will it result in the emissions of undue heat, sparks or open flame. As such, the facility will not increase the bushfire risk and consequently contribute to the build up of fuels around buildings and structures. In any event, emergency services will have safe and effective access to the subject site.</p> <p>It is also noted that the Telecommunications Facility has been designed to be resilient to bushfire damage, with cable trays enclosed by galvanised casing and the equipment cabinet and meter board designed to resist ember penetration.</p> <p>The proposed alternative solution complies with Performance Outcome PO95 of the Rural Zone Code and is accepted in this instance.</p>	
<p>PO96 Development and associated driveways and access ways:</p> <ul style="list-style-type: none"> a. avoid potential for entrapment during a bushfire; b. ensure safe and effective access for emergency services during a bushfire; c. enable safe evacuation for occupants of a site during a bushfire. 	<p>E96 A length of driveway:</p> <ul style="list-style-type: none"> a. to a road does not exceed 100m between the most distant part of a building used for any purpose other than storage and the nearest part of a public road; b. has a maximum gradient no greater than 12.5%; c. have a minimum width of 3.5m;

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Performance Outcome	Example
	<p>d. accommodate turning areas for fire fighting appliances in accordance with Qld Fire and Emergency Services' Fire Hydrant and Vehicle Access Guideline.</p>
<i>Performance Outcome Assessment</i>	
<p>The applicant seeks an Alternative Solution as portion of the access driveway has a gradient greater than 12.5%.</p> <p>The proposed development comprises a non-habitable use, with access to the Telecommunication Facility being infrequent and restricted to the installation of equipment and during maintenance periods. The proposed Telecommunication Facility will not increase the number of people living or regularly working in the area and will not increase the potential for entrapment during a bushfire.</p> <p>Furthermore, the applicant is proposing to upgrade the driveway to accommodate heavy vehicles during the construction of the facility. This will create safe and effective access for emergency services if required.</p> <p>The proposed alternative solution complies with Performance Outcome PO96 of the Rural Zone Code and is accepted in this instance.</p>	
<p>PO121 Development:</p> <ul style="list-style-type: none"> a. maintains the safety of people and property on a site and neighbouring sites from landslides; b. ensures the long-term stability of the site considering the full nature and end use of the development; c. ensures site stability during all phases of construction and development; d. minimises disturbance of natural drainage patterns of the site and does not result in the redirection or alteration of the existing flow of surface or groundwater; e. minimises adverse visual impacts on the amenity of adjoining residents and provides a positive interface with the streetscape. 	<p>E121 Development does not:</p> <ul style="list-style-type: none"> a. involve earthworks exceeding 50m³; b. involve cut and fill having a height greater than 600mm; c. involve any retaining wall having a height greater than 600mm; d. redirect or alter the existing flow of surface or groundwater.
<i>Performance Outcome Assessment</i>	
<p>The applicant seeks an Alternative Solution to Example E121 as the construction of the facility involves earthworks that will exceed 50m³ to facilitate the laying of the foundations for the tower. Significantly, no retaining walls are proposed and additionally, the development has been sited to ensure that groundwater will not be redirected.</p> <p>The applicant has provided a Geotechnical Report and Landslide Risk Assessment which demonstrates that the proposed earthworks will maintain the safety of people and property, will not significantly alter the existing flow of surface waters and will not cause any adverse visual impacts on the amenity of the area.</p>	

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Performance Outcome	Example
The extent of earthworks proposed complies with the Performance Outcome.	
<p>PO143 Development:</p> <ul style="list-style-type: none"> a. avoids being viewed as a visually conspicuous built form on a hill top or ridgeline; b. retain the natural character or bushland settings as the dominant landscape characteristic; c. is viewed as being visually consistent with the natural landscape setting and does not diminish the scenic and visual qualities present in the environment. 	<p>E143 Where located in the Regionally significant (Hills) scenic amenity overlay, buildings and structures are not:</p> <ul style="list-style-type: none"> a. located on a hill top or ridge line; b. all parts of the building and structure are located below the hill top or ridge line.
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an Alternative Solution to Performance Outcome PO143 of the Rural Zone Code. It is proposed to establish a Telecommunications Facility at the top of a ridgeline located on the site.</p> <p>Due to the existing mature vegetation, the proposed development is unlikely to be visible from a significant section of Dwane Road. The hill to the south of the proposed compound will form a backdrop to the portion of the tower that extends past the existing vegetation when viewed from Chappel Road to the north and northwest. Notwithstanding this, the proposed monopole will extend approximately 25 metres higher than the existing vegetation within the area surrounding the proposed compound, and as such, could potentially be visually discernible.</p> <p>As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	

2.4.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcomes PO3, PO76, and PO143 of the Rural Zone Code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
a. A wide range of rural uses, as identified in the table below, are established.	Y	A Telecommunications Facility is identified as a consistent use within the Rural Zone, as per the table in Overall Outcome t.
b. Rural activities and primary production activities are protected from intrusion by incompatible development.	Y	The siting of the Telecommunications Facility is distinctly separate from the areas on the site that are used for rural activities. The proposed facility is situated in the northern portion of the property and surrounded by existing mature vegetation. Notably, the Telecommunications Facility will not have an adverse impact on the rural

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		uses currently occurring on the subject site.
c. Intensive rural activities such as animal keeping, aquaculture, and intensive animal industry: <ul style="list-style-type: none"> i. provide appropriate separation distance to sensitive land uses; ii. avoid odour, dust, noise and visual impacts on sensitive land uses; iii. avoid adversely affecting water quality in waterways and water catchments; and iv. are not located adjacent to sensitive land uses or land zoned for residential and rural residential purposes. 	N/A	Intensive animal keeping, aquaculture and intensive animal industry are not proposed. Overall Outcome c is not applicable.
d. Residential uses are limited to a single dwelling house per allotment. A secondary dwelling is permitted provided it functions and appears subordinate to the principal dwelling house.	N/A	The development proposal is not for a residential use.
e. A range of housing options provide short-term accommodation for tourists in proximity to tourist attractions.	N/A	The development proposal is not for short term accommodation.
f. Accommodation for rural workers is provided on or in close proximity to rural activities.	N/A	The development proposal is not for rural workers accommodation.
g. Active and passive outdoor recreational opportunities for residents and visitors to the region are established.	N/A	The development proposal is for a Telecommunications Facility and therefore the establishment of active or passive recreational opportunities are not applicable in this instance. However, the proposed development does not, in any way, impact on the operation of the surrounding existing uses.
h. Intensification of existing and new commercial and retail development does not occur.	N/A	The development proposal does not include commercial or retail development.
i. Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.	Y	The proposed facility consists of a total overall height of 51 metres and is surrounded by an area comprising extensive vegetation. The development proposal represents a confined, lattice tower structure, that allows for visual permeability and a

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		<p>reduction of any protrusion within the landscape. The siting of the facility in proximity to the existing mature trees also assists to reduce the visual presence of the development.</p> <p>Notably, the recommendations of this report include a condition that requires the painting and treatment of the structure to be of colours that are compatible with the surrounding area (i.e natural landscape type colours including green and khaki) to further reduce the overall recognition of the facility. In addition, the colour selection and treatment to be conditioned will also ensure that the structure is not reflective in an adverse way.</p> <p>Given the predominantly permeable built form of the development, the siting of the facility does not result in negative impacts on the surrounding Rural locality. More specifically, the ability for the surrounding area to maintain an open and dispersed built form is not in any way compromised by the development proposal.</p> <p>The proposed development is consistent with Overall Outcome i.</p>
j. Development does not adversely affect the operation of aviation facilities at Mt Glorious (See Overlay map - Infrastructure buffers). This aviation facility comprises a VHF beacon.	N/A	Development will not compromise the Mt Glorious aviation facility. The subject site is not identified within the Aviation Facility Area of Interest within the Infrastructure Buffers Overlay.
k. Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.	Y	Due to the location of the proposed Telecommunications Facility within a large rural parcel of land, any potential adverse impacts will be sufficiently contained.
l. Development generating high volumes of traffic or involving heavy vehicle traffic movements is located on roads of a standard and capacity to accommodate traffic demand.	N/A	The development proposal will not generate high traffic volumes and the existing roads are of sufficient standard to accommodate the initial construction of the facility and future maintenance which will be infrequent in any event.

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<p>m. Development does not result in the establishment of industrial activities, other than rural industry.</p>	<p>N/A</p>	<p>The development proposal is for a Telecommunications Facility. Industry uses are not proposed.</p>
<p>n. General works associated with the development achieves the following:</p> <ul style="list-style-type: none"> i. a high standard of electricity, telecommunications, roads, sewerage, water supply and street lighting services is provided to new developments to meet the current and future needs of users of the site; ii. the development manages stormwater to: <ul style="list-style-type: none"> A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters; B. prevent stormwater contamination and the release of pollutants; C. maintain or improve the structure and condition of drainage lines and riparian areas; D. avoid off-site adverse impacts from stormwater. iii. the development does not result in unacceptable impacts on the capacity on the capacity and safety of the external road network; iv. the development ensures the safety, efficiency and useability of access ways and parking areas; v. site works including earthworks are managed to 	<p>Y</p>	<p>The proposed works include the provision of a new underground electricity line that will retain the existing amenity of the site.</p> <p>Given the overall nature and scale of the development, any stormwater impacts will be minimal.</p> <p>The development proposal will not generate traffic numbers that will impact the safety and capacity of the external road network in an unacceptable way.</p> <p>The proposed access to and from the site is safe and efficient.</p> <p>A detailed outline of the construction process has been included with the</p>

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(Cont.)

<p>be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p>		<p>development application. It is considered that the required site works will have minimal impacts on any of the adjoining or adjacent properties in the immediate locality.</p>
<p>o. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>	<p>Y</p>	<p>The development proposal will not result in the emission of aerosols, fumes, odour, particles or smoke. The recommendations of this report include a condition to ensure that the noise associated with the Telecommunications Facility does not cause any nuisance to the surrounding area.</p>
<p>p. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.</p>	<p>N/A</p>	<p>The proposed development is not a noise generating use. Notwithstanding this, the recommendations of this report include a condition to ensure that any noise associated with the Telecommunication Facility does not cause nuisance.</p>
<p>q. Noise sensitive uses are designed, sited and constructed so as not to be subject to levels of noise expected from rural activities.</p>	<p>N/A</p>	<p>The proposed development is not a noise sensitive use.</p>
<p>r. 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.</p>	<p>Y</p>	<p>The development proposal is for a Telecommunications Facility. As such, the development proposal will not have any impact on the water quality or aquatic ecosystem environmental values in the surrounding area.</p>
<p>s. 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"> i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment; ii. ensuring no further instability, erosion or 	<p>Y</p>	<p>The development proposal is located within the Bushfire Hazard Overlay area. However, the proposed development constitutes a non-habitable use, and consequently, will not increase the number of people living or working in the area. As such, exposure to the risk of natural hazards is minimal.</p> <p>A fire break has been included around the proposed facility. The location of this fire break has been approved by the Department of Natural Resources, Mines and Energy, as the referral agency for this application.</p> <p>The proposed Telecommunications Facility does not involve hazardous</p>

ITEM 2.1 DA/35446/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 300 DWANE ROAD, DELANEYS CREEK - DIVISION 12 - A17671559 (Cont.)

<p>degradation of the land, water or soil resource;</p> <p>iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</p> <p>iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:</p> <p>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</p> <p>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p>C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.</p> <p>v. protecting native species and protecting and enhancing species habitat;</p> <p>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</p>		<p>materials, nor will it result in any emissions of undue heat, sparks or open flames. It is also noted that the facility has been designed to be resilient to bushfire damage, with cable trays to be enclosed in galvanised casing and the equipment cabinet and meter board designed to resist ember penetration. Therefore, the facility will not increase the bushfire risk from the build up of fuels around buildings and structures. Furthermore, emergency services will have safe and effective access to the subject site.</p> <p>The proposed development, including the proposed fire break, is partially located within an area mapped as Matters of State Environmental Significance (MSES). Notably, the proposal has been sited near the Dwane Road frontage to reduce the required clearing of MSES vegetation. As such, a least risk approach has been adopted to facilitate the development.</p> <p>If supported, a recommendation of this report requires an Ecological Restoration Plan to be submitted and approved by Council prior to any works being undertaken at the site. The Ecological Restoration Plan is to include planting of appropriate species at a ratio of at least 2:1 to rehabilitate and restore the environmental values of the area.</p> <p>The applicant has provided a Geotechnical Report and Landslide Risk Assessment which demonstrates that the proposed earthworks will protect the land from further degradation and therefore maintain the safety of people and property.</p> <p>The proposed development is consistent with Overall Outcome s.</p>
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ITEM 2.1 DA/35446/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 300 DWANE ROAD, DELANEYS CREEK - DIVISION 12 - A17671559 (Cont.)

<p>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</p> <p>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p> <p>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</p> <p>x. ensuring effective and efficient disaster management response and recovery capabilities;</p> <p>xi. where located in an overland flow path:</p> <p>A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</p> <p>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</p> <p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively</p>		
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ITEM 2.1 DA/35446/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 300 DWANE ROAD, DELANEYS CREEK - DIVISION 12 - A17671559 (Cont.)

<p>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>t. Development in the Rural Zone includes one or more of the following:</p> <ul style="list-style-type: none"> • Animal husbandry • Animal keeping (excluding catteries and kennels) • Aquaculture (if water area associated with ponds and dams are less than 200m² or housed tanks less than 50m²) • Community residence • Cropping, where not forestry for wood production • Cropping, where forestry for wood production • Dwelling house • Emergency services • Environment facility • Home based business • Intensive animal industry • Intensive horticulture • Outdoor sports and recreation (if located on Council owned or controlled land and in accordance with a Council approved Master Plan) • Non-resident workforce accommodation • Park • Permanent plantation • Roadside stall • Rural industry • Rural workers' accommodation • Sales office • Telecommunication facility • Transport depot (where on lots 16 ha or more) • Veterinary services • Wholesale nursery • Winery 	<p>Y</p>	<p>The development proposal is for a Telecommunications Facility and therefore complies with Overall Outcome t.</p>
<p>u. Development in the Rural zone does not include any of the following:</p> <ul style="list-style-type: none"> • Adult store 	<p>Y</p>	<p>The proposed development is for a Telecommunications Facility and is listed as a consistent use in Overall Outcome t.</p>

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<ul style="list-style-type: none"> • Bar • Brothel • Caretaker's accommodation • Car wash • Child care centre • Community care centre • Detention facility • Dual occupancy • Dwelling unit • Funeral parlour • Hardware and trade supplies • Health care services • High impact industry • Hospital • Hotel • Indoor sport and recreation • Low impact industry • Major sports, recreation and entertainment facility • Marine industry • Medium impact industry • Multiple dwelling • Nightclub entertainment facility • Office • Outdoor sales • Parking station • Port services • Relocatable home park • Research and technology industry • Residential care facility • Retirement facility • Rooming accommodation • Shop • Shopping centre • Showroom • Special industry • Theatre • Warehouse 		
<p>v. Development not listed in the tables above will be considered on its merit and where it reflects and supports the outcomes of the zone.</p>	<p>NA</p>	<p>The proposed development is for a Telecommunications Facility and is listed as a consistent use in Overall Outcome t.</p>

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

2.5 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is not located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land,

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where applicable, are to be applied in accordance with the Council's Charges Resolution No. 8 commencing on 14 August 2018 (CR).

2.5.1 Levied Charge

A Telecommunications Facility is classified as a Minor Use in accordance with the CR 8. In accordance with the CR 8, a Minor Use has a nil charge. As such, there are no applicable Infrastructure Charges for the proposed Telecommunications Facility.

2.5.2 Levied Charge Credit

As no charge is applicable, no credit will be applied.

2.5.3 Levied Charge Offset or Refund

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

2.5.4 Additional Trunk Infrastructure Costs

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

- (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.

2.6 Recording of particular approvals on the MBRC Planning Scheme

Not applicable in this instance.

2.7 Referrals

2.7.1 *Council Referrals*

2.7.1.1 Development Engineering

Landslide Hazard

The site is located within the Landslide Hazard Overlay Area and the applicant has submitted a Landslide Risk Assessment Report in support of the development proposal. The report identified potential issues with soil creep and included recommendations to facilitate appropriate tower foundations and surface stormwater drainage. It is recommended that the development be conditioned to address the approved Landslide Risk Assessment Report.

Access

An access road has not been conditioned as the applicant's drawings indicate an acceptable layout which also includes proposed upgrades to the gravel track.

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2.7.1.2 Environmental Planning

Environmental Constraints

A major portion of the property is within the Environmental areas - High Value Area (MSES and a small area of MLES in the south western portion of the site) overlay. Two waterways exist on the subject property (W3 Waterway (20m Buffer)) with one located in the south western section of the site and the other flowing centrally from the site. These waterways are also shown on the Riparian and wetland setbacks overlay as Waterways - W3-Waterway (20m Riparian Setback).

The property also contains Category B vegetation which is RE12.11.3/12.11.18 under the *Vegetation Management Act (1999)*. The application was referred to the State Assessment Referral Agency (SARA) as the property is over 5 ha in area and is located outside the urban footprint under the South East Queensland Regional Plan.

Overview and Issues

It is understood that the proposed Telecommunications Facility is to be partially located within the Environmental areas - High Value Area (MSES) and Category B vegetation area.

The application was referred to the State Assessment Referral Agency (SARA) where the Department of Natural Resources, Mines and Energy (NRME) was the concurrence agency. Conditions have been imposed allowing an area of vegetation to be removed which must be in accordance with the approved plans (Technical Agency Response (Vegetation) Plan of Area A & B in Lot 21 on C31989 TARP 1801-3267 SRA Sheet 1 of 2 and Technical Agency Response (Vegetation) Plan of Area A & B in Lot 21 on C31989 TARP1801-3267 SRA Sheet 2 of 2). This allows the removal of a prescribed area of vegetation within the regulated vegetation area which is also located within Council's High Value Area (MSES) overlay area. While Council's planning scheme is a separate instrument which regulates development within this overlay, the requirements imposed by the State Assessment Referral Agency (SARA) prevail.

The planning scheme provisions identified in PO99 to PO103 of the Rural Zone Code however still apply and the High Value Area (MSES) Overlay Area needs to be given consideration with regards to the rehabilitation of vegetation and fauna management during the works phase. Specifically, it states:

Development avoids locating in a High Value Area and where it is not practicable or reasonable for development to avoid establishing in these areas, development must ensure that: a. the quality and integrity of the biodiversity and ecological values inherent to a High Value Area is maintained and not lost or degraded; b. on-site mitigation measures, mechanisms or processes are in place demonstrating the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area are maintained. For example, this can be achieved through replacement, restoration or rehabilitation planting as part of any proposed covenant, the development of a Vegetation Management Plan, a Fauna Management Plan, and any other on-site mitigation options identified in the Planning scheme policy - Environmental areas.

The latest Vegetation Management Plan (Aurecon Aust. P/L, Property Vegetation Management Plan, Ref. 247473, Rev.1, 30 April 2018) includes a redundant layout with respect to the access alignment superimposed on the Category B regulated vegetation mapping for the site (Fig 1: Proposed Development). The tree survey plan (Fig 2: Development footprint and Trees to be Removed) shows the trees and tree species to be removed within the development footprint. The plan however depicts Trees 002 to 017

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located outside of the 'Development Footprint' which could potentially cause confusion with the contractor interpreting the plan in a manner which could lead to these trees being removed. It should also be noted it is stated in the Vegetation Management Plan that 'trees in Table 1 and Figure 2 are to be removed'. These trees therefore, need to be removed from the tree survey plan as they must be retained for screening purposes. It is recommended that any approval include a condition to require an amended Vegetation Management Plan to address the abovementioned issues.

It is acknowledged that the Vegetation Management Plan provides a commitment to rehabilitate in and around the 'Development Footprint' however this is limited to disturbance from earthworks and the construction phase. It is identified that the location of the tower and associated infrastructure would result in 100 trees to be removed.

The applicant needs to demonstrate compensatory measures for the significant number of trees earmarked for removal. Areas other than the 'Development Footprint' on site should be investigated for planting out of trees at a ratio of at least 2:1 to the total number being removed. Areas such as riparian areas typically on rural properties can be degraded and could be targeted for the necessary restoration or rehabilitation program. The establishment period should be no less than two years and should provide all the required management measures to ensure the success of such a program. A condition has been recommended with respect to this requirement.

2.7.2 Referral Agencies

2.7.2.1 Concurrence Agencies - Department of State Development, Manufacturing, Infrastructure and Planning

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) for the following;

- (a) Matters relating to Vegetation Clearing. Council was advised on 7 June 2018 that DSDMIP has no objection to the development application subject to a condition being attached to Council's Decision Notice.

2.7.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.7.2.3 Third Party Agencies

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 23 March 2018.
- (b) The development application was advertised in the Kilcoy Sentinel on 29 March 2018.
- (c) A notice in the prescribed form was posted on the relevant land on 29 March 2018 and maintained for a period of 15 business days until 26 April 2018.

2.8.2 Submissions Received

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

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

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

Assessment of Submissions
<p><u>Issue - Visual Amenity</u></p> <p>Concerns were raised regarding the visual amenity of the proposed structure, given the proposed vegetation clearing to facilitate access and the construction of the Telecommunications Facility. It was particularly noted that in the event vegetation is cleared on the western side of the access track, all screening of the tower will be lost.</p> <p>It was also noted that there was a conflict in the submitted material both suggesting the existing vegetation would screen the proposed development but would be required to be removed to facilitate access and construction.</p>
<p><u>Discussion</u></p> <p>In response to the above concerns, the applicant has revised development footprints and construction plans to significantly reduce the clearing proposed along the western side of the access track, with clearing instead to occur on the eastern side of the path.</p> <p>The revised area identified for clearing ensures that a large portion of the existing vegetation adjacent to the road frontage will be retained. This ensures that more of the existing mature vegetation between the submitter's residence and the proposed development area is retained, which screens the base of the tower and compound, and lessens the visual impact of the site from potentially affected properties. The applicant has since submitted an amended Property Vegetation Management Plan (PVMP) to the referral agency. On 7 June 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) provided an amended referral agency response, approving the amended extent and location of the proposed vegetation clearing.</p> <p>If supported, the recommendations of this report include a condition requiring the facility be painted a non-reflective finish and colour that is compatible to the surrounding area, ensuring the development is visually consistent with the bushland setting of the site.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><u>Issue - Site Location</u></p> <p>Concerns were raised with regards to the suitability of the location on the site, with a suggestion that the proposed Telecommunications Facility be located 180m south of the current proposed location, to increase the separation distance and lessen the visual impact of the facility.</p>
<p><u>Discussion</u></p> <p>The proposed facility is to be located approximately 210m from the submitter's dwelling. The PVMP has been amended in direct response to the submission to ensure that natural screening of the facility is maintained. It is therefore anticipated that the visual impact of the proposal towards the adjoining properties will be greatly reduced.</p>

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The submission suggested an alternative location for the facility approximately 180m further south of the proposed site. The applicant has advised that the construction of the Telecommunications Facility in this location would result in a significant amount of additional regulated vegetation clearing (including vegetation classified as 'essential habitat').

The applicant states that NBN undertook a preliminary site survey of the property in order to establish the extent of additional clearing that would be required if the facility was to be located at the alternative site suggested by the submitter. The survey identified that approximately 22 trees, most of which are located within the essential habitat overlay, would need to be removed to extend the access from the original location to the alternative location.

The submitter (in a further submission) notes that the location of the Telecommunications Facility proposed by the applicant would result in 0.35ha of Category B vegetation being removed. Furthermore, the submitter has identified that the alternative location for the facility would result in 0.43ha of Category B vegetation being cleared which is greater than that required to be removed at the original location. Notably, both the applicant and the submitter have identified that the alternative proposed location would result in the removal of additional Category B vegetation.

Notwithstanding the additional clearing required if the site for the Telecommunications Facility was relocated, the applicant has also highlighted the following points in favour of retaining the original proposed location:

- The applicant has relocated the proposed clearing location for the access track to ensure that a buffer of existing mature vegetation is retained between the submitter's residence and the proposed Telecommunications site. An amended Technical Agency Response Plan (TARP) to reflect the change to the access driveway was approved by the State Assessment Referral Agency (SARA).
- The construction of the Telecommunications Facility at the alternative site would be considered hazardous because of the gradient of the land and potential landslide hazard. The applicant has also noted that a section of land between the current proposed location and the suggested alternative location exhibits a substantially steeper gradient (over 30% in areas), whereas the current average access gradient does not exceed 20%. In addition, the extended access to the alternative location is located entirely within the Landslide Hazard Overlay Area consequently increasing the risk associated with heavy vehicle access during construction and maintenance.
- There would be a significantly greater cost in public funds required to install an all-weather access track and to ensure additional personnel are available to implement the appropriate safety procedures. With regards to the additional expenditure required to make construction access safe to the alternative site, the access to the alternative location would have an average gradient of 22%, outside their normal design parameters of 15% for sealed access tracks.

NBN has advised that they do not intend to relocate the facility. Consequently, NBN has requested that Council proceed with the assessment of the current proposal.

The alternative location suggested by the submitter would result in additional clearing of native vegetation in the areas mapped as Category B vegetation and as Matters of State Environmental Significance (MSES) vegetation.

Additionally, the revised proposed clearing location for the access track to facilitate the retention of the existing vegetation ensures that a significant vegetated screen buffer is maintained between the nearest dwelling (approximately 210 metres from the proposed compound location).

This is not sufficient grounds for refusal of the application.

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2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 27 April 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.

2.9 Other Matters

None identified.

3. **Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.

3.7 Economic Benefit

The development supports the connectivity of the fixed broadband network within the Rural Zone and surrounding Rural Residential Zone.

3.8 Environmental Implications

The proposal involves the clearing of vegetation mapped as Matters of State Environmental Significance (MSES).

3.9 Social Implications

There are no social implications arising from this development application.

3.10 Consultation / Communication

Refer to clause 2.7.

ATTENDANCE

Ms Kate Isles and Mr Greg Potter left the meeting at 11.30am after consideration of Item 2.1

3 CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

No items for consideration.

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

ITEM 5.1

NEW LEASE - QUEENSLAND MEALS ON WHEELS LTD - DIVISION 3

Meeting / Session: 5 PARKS, RECREATION & SPORT

Reference: A17621571 : 11 October 2018 - **Refer Supporting Information A17689980**

Responsible Officer: CM, Acting Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a lease to Queensland Meals on Wheels Ltd over part of the community facility located at 21 Hayes Street, Caboolture (refer Supporting Information #1). The proposed lease would enable the continued delivery of Meals on Wheels services within the Caboolture area.

COMMITTEE RECOMMENDATION

Moved by Cr Adam Hain

Seconded by Cr Adrian Raedel

CARRIED 11/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That Queensland Meals on Wheels Ltd be granted a lease over part of the community facility located at 21 Hayes Street, Caboolture (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.1 NEW LEASE - QUEENSLAND MEALS ON WHEELS LTD - DIVISION 3 - A17621571 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That Queensland Meals on Wheels Ltd be granted a lease over part of the community facility located at 21 Hayes Street, Caboolture (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 1 December 2015, the Caboolture Meals on Wheels Association Inc. (CMOW) has held a lease with Council over part of a community facility located at 21 Hayes Street, Caboolture (refer Supporting Information #1). The balance of this facility is utilised as a community hall (Caboolture Combined Services Hall) and operated by a community organisation under a hall management agreement with Council.

Due to various sustainability issues, in June 2018 CMOW formally handed over its operations to its peak body Queensland Meals on Wheels Ltd (QMOW) and subsequently wound-up as an incorporated entity.

QMOW continues to deliver Meals on Wheels services within the Caboolture area and intends to continue this delivery for the foreseeable future.

2. Explanation of Item

Council received a request from QMOW for the community lease between Council and CMOW to be transferred to QMOW, however, as CMOW has since been dissolved as an entity, the previous lease is considered terminated and unable to be transferred.

To enable QMOW to continue the delivery of Meals on Wheels services within the Caboolture area, Council would need to provide the organisation with a new lease over the same area (refer Supporting Information #1). Accordingly, this report recommends that Council approve the provision of this lease, under the terms and conditions of Council's Community Leasing Policy.

3. Strategic Implications

3.1 Legislative/Legal Implications

The Council must comply with the *Local Government Act 2009* and Local Government Regulation 2012 when it disposes of valuable non-current assets. Resolving to rely on the exception provided under section 236(1)(b)(ii) of the Regulation will allow the Council to complete the disposal to a community organisation by means other than tender or auction.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Healthy and Supportive Communities - a healthy and inclusive community

3.3 Policy Implications

The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (14-2150-079).

ITEM 5.1 NEW LEASE - QUEENSLAND MEALS ON WHEELS LTD - DIVISION 3 - A17621571 (Cont.)

3.4 Risk Management Implications

There are no risk management implications arising as a direct result of this report.

3.5 Delegated Authority Implications

As per Officer's Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications

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

3.7 Economic Benefit

There are no economic benefit implications arising as a direct result of this report.

3.8 Environmental Implications

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

3.9 Social Implications

The issuing of a lease to Queensland Meals on Wheels Ltd will provide the organisation the ability to continue its operations.

3.10 Consultation / Communication

Queensland Meals on Wheels Ltd

ITEM 5.2
LES HUGHES SPORTING COMPLEX - PCYC BASKETBALL COURT FLOOR AND BUILDING RENEWAL - DIVISION 8

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A17697345 : 28 September 2018 - Refer **Confidential Supporting Information A17549606**
Responsible Officer: MG, Graduate Engineer (ECM Directorate)

Executive Summary

Tenders were invited for works associated with the Les Hughes Sporting Complex - PCYC building. Tenders closed on 4 September 2018, with two tenders received, one of which was conforming.

It is recommended that Council award the contract to Leaf Building Group Pty Ltd for the sum of \$1,020,759.35 (excl. GST).

COMMITTEE RECOMMENDATION

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

CARRIED 11/0

That the tender for '*Les Hughes Sporting Complex - PCYC Basketball Court Floor and Building renewal (MBRC007825)*' be awarded to Leaf Building Group Pty Ltd for the amount of \$1,020,759.35 (excluding GST).

ITEM 5.2 LES HUGHES SPORTING COMPLEX - PCYC BASKETBALL COURT FLOOR AND BUILDING RENEWAL - DIVISION 8 - A17697345 (Cont.)

OFFICER'S RECOMMENDATION

That the tender for 'Les Hughes Sporting Complex - PCYC Basketball Court Floor and Building renewal (MBRC007825)' be awarded to Leaf Building Group Pty Ltd for the amount of \$1,020,759.35 (excluding GST).

REPORT DETAIL

1. Background

This PCYC facility is located within the Les Hughes Sporting Complex at Bray Park. This project concerns the eastern side of the complex which encloses a multiuse sports facility.



Figure 1 - Location of works

The project includes the following broad scope of works: replacement of building footpaths, improvement of the existing perimeter building foundation, installation of new concrete slab and foundation, Hi-Impact Pulastic sport floor covering, internal painting and male and female amenities' waterproofing.

The building has a history of foundation movement. Two previous attempts to remediate the building foundation within the work zone have provided a partial short-term solution. This project will provide a long-term solution to prevent further deterioration of the building and provide the community with a renewed multiuse indoor sports facility.

The tender construction program is 28 weeks from the date of possession of site.

ITEM 5.2 LES HUGHES SPORTING COMPLEX - PCYC BASKETBALL COURT FLOOR AND BUILDING RENEWAL - DIVISION 8 - A17697345 (Cont.)

2. Explanation of Item

Tenders for the Les Hughes Sporting Complex - PCYC facility works closed on 4 September 2018 with two tenders received, one of which was conforming. The tender was assessed by the evaluation panel in accordance with Council's Purchasing Policy and the selection criteria set out in the tender documentation.

RANK	TENDERER	EVALUATION SCORE
1	Leaf Building Group Pty Ltd	100.00
2	M J Ferguson Group Pty Ltd	Non-conforming

Leaf Building Group Pty Ltd submitted a comprehensive tender and at a tender clarification meeting held on 21 September 2018, demonstrated their relevant experience, methodology and understanding of the project and their capability in delivering the project. Leaf Building Group have successfully undertaken projects for Council, including the extension to the Queensland State Equestrian Centre and are currently rehabilitating the Caboolture Regional Aquatic Leisure Centre.

M J Ferguson Group's tender was deemed non-conforming due to not satisfying Council's financial status requirements.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

This project has been sourced 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 possible impact of these risks are minimised is detailed below.

Financial Risks:

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

Construction Risks:

- (a) The contractor has demonstrated their understanding of the project and the need to manage the impact of the works on the activities that will remain functional during the works, in accordance with the tender conditions.

ITEM 5.2 LES HUGHES SPORTING COMPLEX - PCYC BASKETBALL COURT FLOOR AND BUILDING RENEWAL - DIVISION 8 - A17697345 (Cont.)

- (b) The contractor will provide a program of works, temporary works design, inspection and test plans, site survey data and certification, demolition plan in accordance with AS2601 and Safe Work Australia Code of Practice 2013, traffic management plan, and safety plan. Mandatory fencing of areas where construction is being undertaken is part of the contract including internal physical demarcation barriers.

Wet weather delays:

- (a) The tender document required tenderers to include an allowance for inclement weather within their tendered construction time line. The allowance is based upon the Bureau of Meteorology Rainfall Graph for the Brisbane area. The contractor has provided an initial program of works with an inclusion of estimated wet weather days.

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 \$1,000,000 (excl. GST) in the 2018/19 Capital program for the construction phase of this project. This comprises of:

- \$500,000 (excl. GST) 106671 'Bray Park - Les Hughes Sporting Complex - PCYC Basketball Floor and Building Renewal'
- \$500,000 (excl. GST) 105166 'Bray Park - Les Hughes Sporting Complex - PCYC Building Renewal'

Tender price	\$	1,020,759.35
Qleave	\$	4,848.61
Contingency (10%)	\$	102,075.94

Total Project Costs	\$	1,127,683.90
Estimated ongoing operational/maintenance costs	\$	3,000 per F/Y.

The budget amount for this project is insufficient. Additional funds will be required at the next quarterly review.

3.7 Economic Benefit

The completion of the project will prolong the life of the facility and reduce potential future maintenance costs regarding structural building work.

3.8 Environmental Implications

The successful tenderer will be required to submit an environmental management plan for the works.

3.9 Social Implications

The project will have positive recreational benefits to the community while enhancing and prolonging the life of the building facility, and minimising possible future safety related incidents.

3.10 Consultation / Communication

Extensive consultation has been undertaken with 'Sport and Recreation Department' and building facility operators to make patrons aware of the proposed works and the facilities which will remain operational and those facilities which will be impacted by the works.

The Divisional Councillor has been consulted and is supportive of the project.

6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

No items for consideration.

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION

(Cr P Flannery)

No items for consideration.

8 REGIONAL INNOVATION

(Cr D Grimwade)

No items for consideration.

9 GENERAL BUSINESS

ITEM 9.1

SOUTHERN CROSS CATHOLIC COLLEGE - 50 YEARS OF CATHOLIC EDUCATION AT WOODY POINT - DIVISION 6 (KW)

Cr Koliana Winchester reported she had represented the Mayor at the Southern Cross Catholic College's celebrations for 50 years of Catholic education at Woody Point with a mass held at Mary Queen of Peace Church on Sunday 21 October 2018.

The event was very successful with celebrations including entertainment and sausage sizzle, as well as attendance by former and current Principals.

COMMITTEE RECOMMENDATION

Moved by Cr Koliana Winchester

Seconded by Cr Denise Sims

CARRIED 11/0

That a Mayoral letter of congratulation be sent to Southern Cross Catholic College on celebrating 50 years of Catholic education at Woody Point.

ITEM 9.2

MORETON BAY YOUTH ART AWARDS - REGIONAL (DS)

Cr Denise Sims reported on her attendance to the Moreton Bay Youth Art Awards opening night on Friday 19 October 2018 with fellow Councillors Charlton (Deputy Mayor), Winchester, Greer and Constance held at the Strathpine Community Centre.

The competition, open to students in the region from Prep to Year 12, included wonderful art work and the exhibition will run until 28 October 2018. Cr Sims particularly acknowledged staff for their preparation of the awards and exhibition.

COMMITTEE RECOMMENDATION

Moved by Cr Denise Sims

Seconded by Cr Julie Greer

CARRIED 11/0

That a Mayoral letter of congratulation be sent to Council staff for the preparation in staging the Moreton Bay Youth Art Awards exhibition.

ITEM 9.3

MORETON BAY REGION SES - REGIONAL UNIT OF THE YEAR - REGIONAL (PF)

Cr Peter Flannery acknowledged the Moreton Bay Region SES that had been named the Brisbane Region SES Regional Unit of the Year. Cr Flannery congratulated the Unit on this accolade and also reported that Julie-Ann Jacobson of the Petrie SES Group had been awarded the Regional Member of the Year. The Moreton Bay Region SES will now compete for the state title at the Queensland State Awards this coming weekend.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Matt Constance

CARRIED 11/0

That a Mayoral letter of be sent to SES Local Controller, Henk van den Ende congratulating all the SES units in the Moreton Bay Region for winning the Brisbane Region SES Regional Unit of the Year award.

ITEM 9.4

MORETON BAY WETLANDS EXPO - DIVISION 2 (PF)

Cr Peter Flannery reported that he had represented the Mayor at the Moreton Bay Wetlands Expo which was held at Captain Cook Park on the Deception Bay foreshore, on Sunday 21 October 2018. Cr Flannery said that the event, organised by the Redcliffe Environmental Forum, included many educational and hands-on exhibits and stalls, and that it had been very well attended.

ITEM 9.5

VOLUNTEER RECOGNITION FUNCTION - REGIONAL (JH)

Cr James Houghton reported on his attendance to the Volunteer Recognition Function which was held at Eatons Hill Hotel last Wednesday 17 October 2018, along with fellow Councillors and Council staff. The function was to acknowledge the great work volunteers do in our region. Cr Houghton said that it was a great night with feedback received from a volunteer that they had a terrific time and that it was amazing to see the Councillors themselves wait on tables.

Crs Winchester, Sims and Charlton (Deputy Mayor) concurred that it was a very well-run event and also acknowledged the wonderful work that the volunteers do.

COMMITTEE RECOMMENDATION

Moved by Cr James Houghton

Seconded by Cr Denise Sims

CARRIED 11/0

That a Mayoral letter of congratulation be sent to Moreton Bay Region Industry and Tourism Limited (MBRIT) and Council staff on staging of the recent successful Volunteer Recognition Function.

CLOSURE

There being no further business the Chairperson closed the meeting at 11.51am.