



# MINUTES

## GENERAL MEETING

**Tuesday 18 February 2020**

commencing at 10.38am

Strathpine Chambers  
220 Gympie Road, Strathpine

**ENDORSED GM20200225**

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***Adoption Extract from General Meeting – 25 February 2020 (20/553)***

**4. A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING**

**General Meeting - 18 February 2020 (Pages 20/253 - 20/540)**

**RESOLUTION**

Moved by Cr Koliانا Winchester

Seconded by Cr James Houghton

**CARRIED 11/0**

That the minutes of the General Meeting held 18 February 2020, be confirmed.

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**RESOLUTION**

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**RESOLUTION**

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**RESOLUTION**

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**RESOLUTION**

REPORT DETAIL

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## 1. OPENING PRAYER

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The Acting Mayor recited the Opening Prayer and invited Councillors to join him in the recitation of the Lord's Prayer.

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## 2. ATTENDANCE & APOLOGIES

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### Attendance:

Cr Mike Charlton (Acting Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Peter Flannery  
Cr Adam Hain  
Cr Julie Greer  
Cr James Houghton  
Cr Koliانا Winchester  
Cr Denise Sims  
Cr Mick Gillam  
Cr Matthew Constance  
Cr Darren Grimwade

Chief Executive Officer	(Mr Greg Chemello)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Planning	(Mr David Corkill)
Deputy CEO / Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Infrastructure Planning	(Mr Andrew Ryan)
Director Finance & Corporate Services	(Ms Donna Gregory)

Manager Development Services	(Mr Dan Staley)
Team Leader Planning	(Mr Marco Alberti)
Team Leader Planning	(Ms Amy White)
Manager Legal Services	(Mr John Hall)
Manager Community Services, Sport and Recreation	(Mr Mark McCormack)

Meeting Support	(Kim Reid)
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### Suspended:

Under section 175K (previously section 182A) of the *Local Government Act 2009* Cr Allan Sutherland (Mayor) and Cr Adrian Raedel are currently suspended from office

### Apologies:

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## 3. MEMORIALS OR CONDOLENCES

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Cr Adam Hain made mention of the late **Mr Duncan Mathers**, a resident from the Caboolture area who recently passed away. Mr Mathers was retired from Suncity Roofing & Supplies Pty Ltd and was described as a dedicated family man and an honest business man.

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



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**4. A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING**

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**General Meeting - 11 February 2020 (Pages 20/183 to 20/252)**

**RESOLUTION**

Moved by Cr Koliانا Winchester

Seconded by Cr Julie Greer

**CARRIED 11/0**

That the minutes of the General Meeting held 11 February 2020 be confirmed.

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**5. PRESENTATION OF PETITIONS**

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

There were no petitions tabled.

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**6. CORRESPONDENCE**

There was no correspondence tabled.

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**7. COMMUNITY COMMENT**

Cr Mike Charlton (Acting Mayor) opened the Community Comment session, making the required statement regarding the conduct of the Session, and invited the following participants to address the Council.

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**7.1. Community Comment: Mr Dean Teasdale - Plight of the koala in the Moreton Bay Region (A19639746)**

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Mr Dean Teasdale addressed the Council in respect of the plight of the koala in the Moreton Bay Region, making the following points:

- Moreton Bay Region has a nationally significant koala population but is also a hub of human activity and growth.
- We live in one of the fastest growing regions in the country, however, along with that comes growth challenges and opportunities.
- Council has failed to meet the challenge to find a way of combining the two priorities of growth quotas and the protection and enhancement of our local environment.
- Concerns that koalas are being translocated into the study area while others disappear from tracking maps.
- Removing the possibility of translocating koalas from the assessment processes of any development application is a critical important missed step.
- Council needs a strategy that identifies habitat loss, fragmentation and degradation as the major threat to koalas in key parts of their range.
- Retention of linear open space corridors through urban area can help mitigate impacts, especially where they link existing parks, reserves and remnant habitat patches large enough to maintain the koala population.

7. *COMMUNITY COMMENT Cont'd*

**7.2. Community Comment: Mr Greg Chippendale - MBRC Planning Scheme (A19646064)**

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Mr Greg Chippendale addressed the Council in respect of Moreton Bay Regional Council's Planning Scheme, making the following points:

- Regulations and laws and how the planning scheme needs to be abided by.
- The sensitivity of foreshore development in relation to Bribie Island.
- Building heights and density, specific areas of non-compliance.
- How no Councillor has a good grasp on what residents want over the whole region.
- Delegation and the role of the Chair of Planning.
- How Council's approval of the Development Application (DA) at 233 Welsby Parade, Bribie Island has set a precedent for other DA's along the foreshore at Bribie Island.

**7.3. Community Comment: Mr Gary Parsons - MBRC Planning Scheme (A19651015)**

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Mr Gary Parsons addressed the Council in respect of DA approvals and the Planning Scheme in relation to Division 1, making the following points:

- Councillors have a responsibility to have an understanding of the Moreton Bay Region (all divisions) not only the divisions that they represent.
- The Development Application (DA) for 233 Welsby Parade, Bribie Island which has recently been approved, does not comply with Council's Planning Scheme.
- The Divisional Councillor was asked by residents/submitters to defer the DA so submitters could review the proposed changes to the DA's height (from 19 metres to 15 metres), however this request was not raised with Council and residents therefore did not have the opportunity to address Council regarding their concerns.
- The final approved DA is 15.757 metres which is above the 15 metres height zoned for that area.
- By allowing the 757mm height relaxation on this DA, Council gave the developer a higher density and another level/floor of units.
- There should be an area/neighbourhood type plan introduced to help protect the 15 metre height areas along the foreshore on Bribie Island.

**7.4. Community Comment: Mr John Davidson - Samford Valley Parklands (A19661901)**

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Mr John Davidson addressed the Council in respect of the Samford Valley Parklands, Soccer Field Expansion Project, making the following points:

- Spoke regarding the Petition tabled at Council Meeting of 18 August 2019 from impacted local residents.
- The lack of impacted resident engagement about changes to the 2005 Samford Valley Master Plan.
- Issues regarding safety and security.
- Visual pollution day and night from the lights installed at the soccer fields.
- Noise pollution from field use and from the licensed premise which is near residential housing.
- Traffic and parking in the Royal Estate.
- The inconsistency of council feedback to residents in the area.

7. COMMUNITY COMMENT *Cont'd*

**7.5. Community Comment: Mr David Marsden - Development Application at 71-73 Landsborough Avenue and 116 Mein Street, Scarborough (A1966684)**

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Mr David Marsden addressed the Council in respect of the Development Application at 71-73 Landsborough Avenue and 116 Mein Street, Scarborough, making the following points:

- Spoke about the Development Application (DA) proposed for 71-73 Landsborough Avenue and 116 Mein Street, Scarborough.
- Believes the DA fails to comply with many of the provisions of the current MBRC Planning Scheme.
- Community consultation by the applicant has been non-existent during development of the proposal with the applicant making just the minimum public notifications required to satisfy the planning delegate.
- The DA has not adequately addressed the significant increase in traffic in Mein Street. This problem could be partially addressed by reducing the height of the building and hence, the number of apartments in the proposed development.
- The proposed development will have a height of almost 31 metres which exceeds the maximum height of 21 metres identified on the relevant height overlay map by a significant 10 metres.
- There should be a difference in building height along the foreshore to create a variety in the environment and allow for light and ventilation penetration. This would be achieved if the proposed DA complied with the height overlay for the area.
- The applicant should be required to review the design to make it compliant with required setbacks.
- The community is not opposed to appropriate development and supports economic growth, however the application, as submitted, pays little regard to the current town plan.

**7.6. Community Comment: Ms Christine West - Development Application at 54 Warner Road, Warner (A19678626)**

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Ms Christine West addressed the Council in respect of the Development Application at 54 Warner Road, Warner, making the following points:

- Spoke regarding the proposed Development Application (DA) at 54 Warner Road, Warner noting 184 public submissions were received objecting to the application, with not one submission being received in support of the DA.
- Wanted to represent the members of the community that are not blessed with a voice such as the koala, Wallum froglet, wallaby and all the animals that call 54 Warner Road home.
- Australia has one of the highest rates of extinction of any country in the world.
- The State Government's new koala mapping has effectively wiped away all protection for our region and offers no protection for koalas that remain in the South East Urban Footprint.
- This table of 11 people get to decide the fate of this region's wildlife.
- Council's vote today will irrevocable change these animals' lives and their homes.
- If Council approves this DA, it will be the catalyst for widespread devastation to both the urban koala and the Wallum froglet both listed as vulnerable species.

**8. NOTIFIED MOTIONS**

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There were no notified motions.

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

*(s262 of the Local Government Regulation 2012)*

There were no notices of motion.

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

*(as referred by the Chief Executive Officer)*

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

The Session Chairperson and designated Spokesperson for the respective portfolio, is as follows:

Session	Spokesperson
1 Governance	Cr Mike Charlton (Acting 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 Koliaana Winchester
6 Lifestyle & Amenity	Cr Denise Sims
7 Economic Development, Events & Tourism	Cr Peter Flannery
8 Regional Innovation	Cr Darren Grimwade

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**1 GOVERNANCE SESSION**

**(Cr M Charlton, Acting Mayor)**

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**ITEM 1.1**

**AUDIT COMMITTEE - EXTENSION OF TERM FOR INDEPENDENT MEMBERS - REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A19654236 : 6 February 2020  
*Responsible Officer:* DG, Director (FCS Directorate)

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**Executive Summary**

The Audit Committee is established in accordance with section 105 of the *Local Government Act 2009* (the Act) and acts as a source of independent advice to Council and CEO on governance, risk management, accountability and audit-related matters.

Under its terms of reference, two suitably qualified independent members are appointed to the Audit Committee. The current term for the independent members is due to cease on 31 March 2020.

The purpose of this report is to seek endorsement of a transition strategy for the independent members of the Audit Committee to better enable the Committee to fulfil its statutory responsibilities. This is normal practice with other local governments.

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**RESOLUTION**

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**Moved by Cr Denise Sims**

**Seconded by Cr Matt Constance**

**CARRIED 11/0**

- 1. That the existing independent Audit Committee members be offered an extended term of six months from April 2020 to September 2020.**
- 2. That Council publicly advertise for two independent Audit Committee positions in March 2020 with appointment to commence from May 2020.**
- 3. That the Audit Committee composition temporarily be comprised of six members, two Councillors and four independent members, for the period to September 2020.**

*ITEM 1.1 AUDIT COMMITTEE - EXTENSION OF TERM FOR INDEPENDENT MEMBERS - REGIONAL - A19654236  
(Cont.)*

## **OFFICER'S RECOMMENDATION**

1. That the existing independent Audit Committee members be offered an extended term of six months from April 2020 to September 2020.
2. That Council publicly advertise for two independent Audit Committee positions in March 2020 with appointment to commence from May 2020.
3. That the Audit Committee composition temporarily be comprised of six members, two Councillors and four independent members, for the period to September 2020.

## **REPORT DETAIL**

### **1. Background**

Section 210 of the Local Government Regulation 2012 specifies that the Audit Committee must consist of at least three, but no more than six members, and must include one, but no more than two, Councillors.

Council's Audit Committee is currently comprised of two Councillors and two independent members.

The terms of reference for the Audit Committee, endorsed by Council, currently states that external members will be appointed for a maximum term of four years.

The current term for the independent members is due to cease on 31 March 2020.

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

A transition strategy is being proposed to ensure the effective functioning of the Audit Committee and its oversight over key responsibilities and initiatives including:

- the completion of the strategic review of Council's current Internal Audit Model;
- the recruitment and effective transitioning of new independent Audit Committee Members; and
- the effective oversight of the Queensland Audit Office's certification of Council's 2019/20 Financial Statements.

It is proposed that the existing independent Audit Committee members be offered a six-month extension to their terms, until September 2020.

Public advertising for two new independent Audit Committee members could occur in March, with appointment from May 2020. The Audit Committee would temporarily be comprised of six members, four independent and two Councillors, remaining in compliance with section 210 of the Local Government Regulation 2012.

### **3. Strategic Implications**

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

The recommended transition strategy complies with section 210 of the Local Government Regulation 2012.

#### **3.2 Corporate Plan / Operational Plan**

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

#### **3.3 Policy Implications**

Temporarily amending the composition of the Audit Committee will enable the Audit Committee to better fulfil its obligations as specified in Council's Audit Committee Policy: 2150-024.

*ITEM 1.1 AUDIT COMMITTEE - EXTENSION OF TERM FOR INDEPENDENT MEMBERS - REGIONAL - A19654236  
(Cont.)*

3.4 Risk Management Implications

The proposal is recommended to mitigate the risks associated with there being no transition period between independent members.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

A small increase in expenses will occur to remunerate the additional independent Audit Committee members but can be accommodated within Council's existing operational budget.

3.7 Economic Benefit Implications                     Nil identified

3.8 Environmental Implications                     Nil identified

3.9 Social Implications                     Nil identified

3.10 Consultation / Communication

Chief Executive Officer and Cr Matt Constance - Audit Committee Chair

**ITEM 1.2  
REVIEW OF DELEGATIONS - COUNCIL TO CHIEF EXECUTIVE OFFICER -  
REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A14668414 : 3 February 2020 - Refer Supporting Information (A19664013, A19664015, A19664014 - due to size provided separately)  
*Responsible Officer:* KC, Team Leader Meeting Support (FCS Executive Services)

**Executive Summary**

Council is able to exercise certain powers under both State legislation and its own local laws and, in a majority of instances, can delegate these powers to the Chief Executive Officer (CEO). The CEO may then on-delegate relevant powers to suitably qualified and experienced Council officers to exercise as required.

The *Local Government Act 2009* (the Act) requires the CEO to establish a Register of Delegations which must record all delegations by the Council, Mayor or the CEO.

Section 257(5) of the Act requires delegations from the Council to the CEO to be reviewed annually by the local government.

To assist Councils in fulfilling this requirement, the Local Government Association of Queensland (LGAQ), with the assistance of King & Company, has developed a register that contains all possible delegations from Council to the CEO. This register was developed following a comprehensive review of State legislation impacting on local government.

This report recommends that Council delegates to the CEO, all functions and powers as listed in the LGAQ's Register of Delegations (current as at the 9 October 2019 LGAQ Register), to ensure that Council's delegations to the CEO are completely up-to-date in accordance with all legislation. The CEO may on-delegate such functions and powers to suitably qualified officers, if and where appropriate.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Adam Hain

CARRIED 11/0

1. That pursuant to section 257 of the *Local Government Act 2009*, the Council delegates to the Chief Executive Officer all functions and powers delegated to it under the legislation listed in the Local Government Association of Queensland's Register of Delegations from Council to the Chief Executive Officer (current as at 9 October 2019), as amended from time to time and contained in supporting information #1.
2. That existing Council delegations to the Chief Executive Officer which do not directly relate to the various Acts and legislation listed in the Local Government Association of Queensland's Register of Delegations, but which must be maintained for particular purposes, be re-adopted as contained in supporting information #2.
3. That existing Council delegations to the Chief Executive Officer which are current and which directly relate to the various Acts and legislation listed in the Local Government Association of Queensland's Register of Delegations, be incorporated into the Register to allow all existing sub-delegations to remain current, as identified in supporting information #2.
4. That existing Council delegations to the Chief Executive Officer which have been exercised and/or are no longer required, be repealed and removed from Council's register, as identified in supporting information #2.



*ITEM 1.2 REVIEW OF DELEGATIONS - COUNCIL TO CHIEF EXECUTIVE OFFICER - REGIONAL - A14668414  
(Cont.)*

5. That pursuant to section 257 of the *Local Government Act 2009*, the Council delegates to the Chief Executive Officer its powers under the following Moreton Bay Regional Council Local Laws and Subordinate Local Laws, as amended from time to time, and as contained in supporting information #3:
- a) Local Law No. 1 (Administration) 2011
  - b) Local Law No. 2 (Animal Management) 2011
  - c) Subordinate Local Law No. 2 (Animal Management) 2011
  - d) Local Law No. 3 (Community and Environmental Management) 2011
  - e) Local Law No. 4 (Local Government Controlled Areas and Roads) 2011
  - f) Local Law No. 5 (Parking) 2011
  - g) Local Law No. 6 (Bathing Reserves) 2011
  - h) Local Law No. 7 (Waste Management) 2018

*ITEM 1.2 REVIEW OF DELEGATIONS - COUNCIL TO CHIEF EXECUTIVE OFFICER - REGIONAL - A14668414*  
(Cont.)

## OFFICER'S RECOMMENDATION

1. That pursuant to section 257 of the *Local Government Act 2009*, the Council delegates to the Chief Executive Officer all functions and powers delegated to it under the legislation listed in the Local Government Association of Queensland's Register of Delegations from Council to the Chief Executive Officer (current as at 9 October 2019), as amended from time to time and contained in supporting information #1.
2. That existing Council delegations to the Chief Executive Officer which do not directly relate to the various Acts and legislation listed in the Local Government Association of Queensland's Register of Delegations, but which must be maintained for particular purposes, be re-adopted as contained in supporting information #2.
3. That existing Council delegations to the Chief Executive Officer which are current and which directly relate to the various Acts and legislation listed in the Local Government Association of Queensland's Register of Delegations, be incorporated into the Register to allow all existing sub-delegations to remain current, as identified in supporting information #2.
4. That existing Council delegations to the Chief Executive Officer which have been exercised and/or are no longer required, be repealed and removed from Council's register, as identified in supporting information #2.
5. That pursuant to section 257 of the *Local Government Act 2009*, the Council delegates to the Chief Executive Officer its powers under the following Moreton Bay Regional Council Local Laws and Subordinate Local Laws, as amended from time to time, and as contained in supporting information #3:
  - a) Local Law No. 1 (Administration) 2011
  - b) Local Law No. 2 (Animal Management) 2011
  - c) Subordinate Local Law No. 2 (Animal Management) 2011
  - d) Local Law No. 3 (Community and Environmental Management) 2011
  - e) Local Law No. 4 (Local Government Controlled Areas and Roads) 2011
  - f) Local Law No. 5 (Parking) 2011
  - g) Local Law No. 6 (Bathing Reserves) 2011
  - h) Local Law No. 7 (Waste Management) 2018

## **REPORT DETAIL**

### **1. Background**

Section 257(5) of the Local Government Act 2009 (the Act) requires delegations to the CEO be reviewed annually by Council.

It is current practice for MBRC to delegate powers to the CEO on an on-going, one-off basis based on matters identified at a particular time ie. when new legislation takes effect or legislation is amended.

The LGAQ responded to requests from member councils for assistance to meet this legislative requirement by developing a reliable and complete Delegations Register Service for State legislation.

LGAQ sought the assistance of King & Company in a comprehensive review of all State legislation impacting on local government to develop a list of all the possible delegations from Council to CEO, as well as from CEO to employees or contractors.

ITEM 1.2 REVIEW OF DELEGATIONS - COUNCIL TO CHIEF EXECUTIVE OFFICER - REGIONAL - A14668414  
(Cont.)

The LGAQ's Register references in excess of 100 pieces of legislation and is generally updated twice a year during the two major Queensland Parliamentary recesses (summer and winter) when there is confidence that there will be no changes to Acts. Exceptions being when key legislation (eg *Local Government Act 2009*, *Planning Act 2016*, etc) have major or important amendments, and in that circumstance, a special update is prepared and notified to subscribers. The most current update to the register occurred in October 2019.

Council's adoption of the LGAQ's Register from Council to the CEO, as recommended, would establish a delegation framework to facilitate a much more efficient system for the annual review as required by the Act.

The delegation of these functions and powers to the CEO via one resolution will also ensure that Council's delegations are always up-to-date in accordance with all legislation, and will provide a base for annual reviews of the framework in line with changes to legislation.

## 2. Explanation of Item

Council is required to make many operational decisions each year under both State legislation and Council's own local laws eg. the issuing of permits, licences and approvals. It would not be practical for these decisions to be made at Council meetings via Council resolutions.

Section 257 of the Act allows a local government to delegate a power under the Act or another Act, other than where an Act specifically states that the power must be exercised by Council resolution. Section 257(1)(b) of the Act specifically provides for a power to be delegated to the CEO.

The Act requires Councils to review delegations to the CEO annually. Through King and Company Solicitors, the LGAQ has developed a complete list of all possible delegations under State legislation which can be delegated to the CEO.

The LGAQ's Register is comprehensive, and although a small number of the delegations listed may not be specifically relevant to the operations of Moreton Bay Regional Council, providing a delegation on such matters has no effect on Council operations. The most efficient process for establishing the new framework is considered to be for Council to provide the CEO with all delegations as listed in the LGAQ register.

Subject to Council delegating its powers to the CEO as contained in the supporting information to this report, the CEO (pursuant to s259 of the Act) then has the ability to on-delegate specifically identified powers to appropriately qualified officers, other than where the local government or legislation specifically directs that the power not be further delegated.

To enable efficient and effective operational decisions to be made, with the surety of currency in respect of delegation of power, each annual review will then only need to be made from the LGAQ's updated listings for that year. As such, this report and the proposed framework not only ensures that Council's delegations are up-to-date today, but also facilitates ease of future reviews.

It should be noted that the recommendation to adopt the LGAQ's Register does not preclude other specific delegations of power being delegated to the CEO, for example the recent delegation of planning and development assessment functions within the Mill at Moreton Bay PDA under the *Economic Development Act 2012*.

Further, the delegation of Council's powers under the Council's Local Laws and Subordinate Local Laws to the CEO, and the CEO's subsequent on-delegation to employees or contractors or appointment of authorised officers, is normal practice to enable officers to undertake their roles in enforcing compliance with the Local Government Acts and the Council's own Local Laws and Subordinate Local Laws.

Council Departments will continue to work on the appropriate assignment of on-delegations for the CEO's decision.

ITEM 1.2 REVIEW OF DELEGATIONS - COUNCIL TO CHIEF EXECUTIVE OFFICER - REGIONAL - A14668414  
(Cont.)

It must be noted that this report and recommendation does not affect or refer to any **direct powers** that the CEO may have under legislation.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

This review and the recommendations of this report are in accordance with the legislative requirements relating to delegation of powers to the CEO and to review these delegations annually.

A comparison has been undertaken to identify existing delegations which are not contained in the LGAQ's Register but which must be maintained for particular purposes. These delegations have been included and highlighted in the attached list for re-adoption (refer supporting information #2).

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

This review and delegation process plays an important role in the operations of Council in accordance with State legislation, Council's local laws and policies.

3.4 Risk Management Implications

The top-down approach for Council to make all delegations as listed in the LGAQ's Register to the CEO will ensure that Council's delegations are completely up-to-date in accordance with all legislation. This will then also provide a base for all future annual reviews.

3.5 Delegated Authority Implications

The adoption and use of the LGAQ's Register of Delegations service will provide assurance that all Council delegations are current.

It is appropriate that existing delegations with direct correlation to those contained in the LGAQ's Register be maintained and incorporated into the register to enable existing sub-delegations to remain in place.

3.6 Financial Implications  Nil identified.

3.7 Economic Benefit  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Consultation / Communication

Consultation has been undertaken with the Council as part of a workshop on 13 February 2020, the Governance Project Team, Legal Services and the Chief Executive Officer.

**ATTENDANCE**

Mr Dan Staley and Marco Alberti attended the meeting at 11.33am for discussion on Item 2.1.

## **ITEM 2.1 - DECLARATION OF INTEREST**

### **Conflict of Interest - Declaration - Cr Mike Charlton (Acting Mayor)**

Pursuant to s175E of the Local Government Act 2009, Cr Mike Charlton (Acting Mayor) declared a perceived conflict of interest in Item 2.1 as an employee of PeakUrban Pty Ltd, consultants on this application, Mr Tim Connolly, is a personal friend and long-term associate of Cr Mike Charlton (Acting Mayor).

However, Cr Mike Charlton (Acting Mayor) has considered his position and is firmly of the opinion that he could participate in the debate and resolution on the matter in the public interest.

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

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

**Moved by Cr James Houghton**

**Seconded by Cr Peter Flannery**

**CARRIED 10/0**

*Cr Mike Charlton (Acting Mayor) having made a declaration of interest is not entitled to vote*

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

**Cr Mike Charlton (Acting Mayor) remained in the meeting.**

**2 PLANNING & DEVELOPMENT SESSION**

(Cr M Gillam)

**ITEM 2.1 - DEFERRED TO PAGE 20/462**

**DA/38356/2019/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK, SALES OFFICE AND UTILITY INSTALLATION AND VARIATION TO THE PLANNING SCHEME TO INCLUDE THE LAND IN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATION NEIGHBOURHOOD PRECINCT, ENVIRONMENTAL MANAGEMENT AND CONSERVATION ZONE WITH AMENDMENTS ALSO TO THE FLOOD HAZARD OVERLAY CODE AND DWELLING HOUSE CODE AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 129 LOTS) LOCATED LOT 2 AND 54 WARNER ROAD, WARNER - DIVISION 9**

**APPLICANT:** Ausbuild Development Corp Pty Ltd ACN 168 741 455 C/- PeakUrban Planning & Survey Pty Ltd

**OWNER:** Jacey Holdings Pty Ltd as Trustee; and ADC Group No 10 Pty Ltd

*Meeting / Session:* 2 PLANNING & DEVELOPMENT

*Reference:* A19479485: 16 December 2019 – Refer Supporting Information A19659821, A19658787, A19671376, A19672413 & A19671168 (due to size provided separately)

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

**Executive Summary**

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

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Ausbuild Development Corp Pty Ltd ACN 168 741 455 C/- PeakUrban Planning & Survey Pty Ltd
<b>Lodgement Date:</b>	12 April 2019
<b>Properly Made Date:</b>	15 April 2019
<b>Confirmation Notice Date:</b>	30 April 2019
<b>Information Request Date:</b>	15 May 2019
<b>Info Response Received Date:</b>	19 August 2019
<b>Public Notification Dates:</b>	23 August 2019 to 8 October 2019
<b>No. of Submissions:</b>	Properly Made: 176 Not Properly Made: 8
<b>Decision Due Date:</b>	21 February 2019

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 9
<b>Property Address:</b>	Lot 2 and 54 Warner Road, Warner
<b>RP Description</b>	Lot 2 on RP195936 Lot 2 on RP105475 ( <b>Site</b> )
<b>Land Area:</b>	12.7007 ha
<b>Property Owner</b>	Jacey Holdings Pty Ltd as Trustee; and ADC Group No 10 Pty Ltd

ITEM 2.1 - DEFERRED TO PAGE 20/462 DA/38356/2019/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK, SALES OFFICE AND UTILITY INSTALLATION AND VARIATION TO THE PLANNING SCHEME TO INCLUDE THE LAND IN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATI - A19479485 (Cont.)

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	Moreton Bay Planning Scheme 2016
Planning Locality / Zone	Coast and Riverlands and Rural Residential Place Types; Industry Zone (Light Industry Precinct); and Limited Development Zone
Level of Assessment:	Impact Assessment

This application seeks;

- (a) a Material Change of Use - Preliminary Approval for Dwelling Houses, Home Based Business, Park, Sales Office and Utility Installation and Variation to the Moreton Bay Regional Council Planning Scheme (**MBRC Planning Scheme**) to include the land into the General Residential Zone - Next Generation Neighbourhood Precinct and Environmental Management and Conservation Zone with variations also to the Dwelling House Code and Flood Hazard Overlay Code, and
- (b) Reconfiguring a Lot - Development Permit for Subdivision (2 into 129 lots)

at Lot 2 and 54 Warner Road, Warner.

The development application also proposes the delivery of a number of infrastructure items and upgrades to not only support the development, but also broader outcomes sought by the community. It is proposed that the delivery of these infrastructure items will be secured through an Infrastructure Agreement to provide certainty to the applicant and Council in terms of their delivery.

The Site is included predominantly within the Industry Zone - General Industry Precinct with a small portion of the Site included in the Limited Development Zone while being located in the Coast and Riverlands and Rural Residential Place Types under the Strategic Framework of the MBRC Planning Scheme. The Site has a total area of approximately 12.7 ha with approximately;

- (a) 4.23ha proposed for residential lots;
- (b) 2.28ha proposed for new road, and
- (c) 6.19ha proposed as a riparian reserve that is to be revegetated and transferred to the Council.

The proposal's approximate density is 19.78 dwellings per ha (Figure 1).



Figure 1: ROL Plans (Peak Urban, 2019)

*ITEM 2.1 - DEFERRED TO PAGE 20/462 DA/38356/2019/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK, SALES OFFICE AND UTILITY INSTALLATION AND VARIATION TO THE PLANNING SCHEME TO INCLUDE THE LAND IN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATI - A19479485 (Cont.)*

The application was publicly advertised for a period of 30 business days with 184 submissions received focused on concerns about the environment, traffic and the nature/density of the development. Having assessed the development application and considered submissions made in respect to the development application, it is the recommendation of Council officers to approve the development application subject to conditions.

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

**Moved by Cr James Houghton**

**Seconded by Cr Adam Hain**

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

**After considerable debate, Council deferred voting on the item to a later stage of the meeting (refer to page number 20/462)**

#### **ADJOURNMENT**

The meeting adjourned at 12.47pm for a short break.

The meeting resumed at 12.53pm.

#### **ATTENDANCE**

Ms Amy White attended the meeting at 12.55pm for discussion on Item 2.2 with Marco Alberti leaving the meeting at this time.



**ITEM 2.2 - DECLARATION OF INTEREST**

**Conflict of Interest - Declaration - Cr Mick Gillam**

Pursuant to s175E of the *Local Government Act 2009*, Cr Mick Gillam declared a perceived conflict of interest in Item 2.2 as the consultant utilised by the applicant for Item 2.2, IB Town Planning, has been used by Cr Gilliam previously.

**Cr Mick Gillam retired from the meeting at 12.57PM taking no part in the debate or resolution regarding same.**

**ITEM 2.2**

**DA/39704/2019/V23R - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (1 INTO 2 LOTS AND ACCESS EASEMENTS), MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (73 DWELLINGS - STAGE 1) AND MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (53 DWELLINGS - STAGE 2), LOCATED OVER PART OF LOT 890 LAKEVIEW PROMENADE, NEWPORT - DIVISION 5**

**APPLICANT: NEWPORT WATERFRONT UNIT TRUST C/- IB TOWN PLANNING**  
**OWNER: STOCKLAND DEVELOPMENT PTY LTD**

*Meeting / Session:* 2 PLANNING & DEVELOPMENT  
*Reference:* A19541402 : 8 January 2020 – Refer Supporting Information A19620647, A19541356 and A19625719 - due to size constraints provided separately)  
*Responsible Officer:* CA, Senior Planner (PL Development Services)

**Executive Summary**

This report is being presented to the Council for a decision as the proposal has raised significant community concerns and in accordance with the delegations to Council officers, the Divisional Councillor has requested that the development application be determined by the Council instead of under Council officer delegation. Therefore, Council is now the entity authorised to decide the development application.

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Newport Waterfront Unit Trust C/- IB Town Planning
<b>Lodgement Date:</b>	31 October 2019
<b>Properly Made Date:</b>	8 November 2019
<b>Confirmation Notice Date:</b>	14 November 2019
<b>Information Request Date:</b>	N/A - No Information Request issued
<b>Info Response Received Date:</b>	N/A
<b>Public Notification Dates:</b>	27/11/2019 - 18/12/2019
<b>No. of Submissions:</b>	Properly Made: 506 Not Properly Made: 21
<b>Decision Due Date:</b>	21 February 2020
<b>Prelodgement Meeting Held:</b>	Yes

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 5
<b>Property Address:</b>	Part of Lot 890 Lakeview Promenade, Newport
<b>RP Description</b>	Part of Lot 890 SP310453
<b>Land Area:</b>	Development Area: 1.149ha
<b>Property Owner</b>	Stockland Development Pty Ltd

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

ITEM 2.2 DA/39704/2019/V23R - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (1 INTO 2 LOTS AND ACCESS EASEMENTS), MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (73 DWELLINGS - STAGE 1) AND MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT F - A19541402 (Cont.)

A development application for a Reconfiguring a Lot - Development Permit for Subdivision (1 into 2 Lots and Access Easements), Material Change of Use - Development Permit for Multiple Dwelling (73 Dwelling - Stage 1) and Material Change of Use - Development Permit for Multiple Dwelling (53 Dwellings - Stage 2), located over part of Lot 890 Lakeview Promenade, Newport was accepted as properly made on 8 November 2019.

This development application seeks approval for a Multiple Dwelling within the master planned Newport Estate. The Newport Estate is a greenfield subdivision that is establishing a true Next Generation Neighbourhood Precinct outcome through the provision of diverse housing options, interconnected streets, active transport linkages and open spaces areas. The estate also contains an existing six (6) storey Retirement Facility and existing approvals for a retail/commercial precinct and child care centre, therefore providing a range of services for the community.

The development application incorporates both two storey townhouses and six storey (approx. 20.5m high) apartments that will be constructed over two (2) stages. Overall, a total number of 126 dwellings are proposed, with Stage 1 of the development consisting of 73 dwellings and Stage 2 providing 53 dwellings. The development incorporates a site responsive design that provides two storey townhouses along the frontage of the site, transitioning to a higher built form of six storey apartments along the lake and park frontages. The design outcome ensures a high level of street activation, while minimising amenity (privacy and overshadowing) impacts by restricting the higher built form to the lake and park frontages. Further, the development will be constructed as two (2) separate buildings in order to provide a break in the built form and a view corridor to the lake. The overall residential density of the development is 110 dwellings per hectare. A total of 270 car parking spaces are proposed, representing an additional 144 spaces above the minimum required under the Planning Scheme.

The application was publicly advertised with 506 properly made submissions received, including 496 submissions opposed to the development and 10 submissions in support.

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

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

## RESOLUTION

**Moved by Cr James Houghton**

**Seconded by Cr Julie Greer**

**CARRIED 6/4**

*Cr Koliانا Winchester, Cr Peter Flannery, Cr Denise Sims, Cr Brooke Savige voted against the motion  
Cr Mick Gillam had declared a conflict of interest and had left the meeting.*

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

ITEM 2.2 DA/39704/2019/V23R - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (1 INTO 2 LOTS AND ACCESS EASEMENTS), MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (73 DWELLINGS - STAGE 1) AND MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT F - A19541402 (Cont.)

**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Reconfiguring a Lot - Development Permit for Subdivision (1 into 2 Lots and Access Easements), Material Change of Use - Development Permit for Multiple Dwelling (73 dwellings - Stage 1) and Material Change of Use - Development Permit for Multiple Dwelling (53 dwellings - Stage 2) over Part of Lot 890 Lakeview Promenade, Newport, described as Lot 890 SP310453, subject to the following plans/documents and conditions:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Cover Sheet - Stage 1	Dwg No: TP00.00.S1 1 Rev. 1	RotheLowman	29/10/2019
Proposed Subdivision & Easement Plan - Stage 1	Dwg No: TP00.02.S1 1 Rev. 1	RotheLowman	29/10/2019
Proposed Site Plan - Stage 1	Dwg No: TP00.03.S1 1 Rev. 1	RotheLowman	29/10/2019
Ground Floor Plan - Stage 1	Dwg No: TP01.00.S1 P3 Rev. P3	RotheLowman	21/11/2019
Level 1 Floor Plan - Stage 1	Dwg No: TP01.01.S1 1 Rev. 1	RotheLowman	29/10/2019
Level 2 Floor Plan & Podium - Stage 1	Dwg No: TP01.02.S1 1 Rev. 1	RotheLowman	29/10/2019
Level 3 - 5 Typical Floor Plan - Stage 1	Dwg No: TP01.03.S1 1 Rev. 1	RotheLowman	29/10/2019
Roof Plan - Stage 1	Dwg No: TP01.06.S1 1 Rev. 1	RotheLowman	29/10/2019
Elevations - Sheet 1 - Stage 1	Dwg No: TP02.01.S1 2 Rev. 2	RotheLowman	29/10/2019
Elevations - Sheet 2 - Stage 1	Dwg No: TP02.02.S1 2 Rev. 2	RotheLowman	29/10/2019
Sections - Stage 1	Dwg No: TP03.01.S1 1 Rev. 1	RotheLowman	29/10/2019
Townhouse Type - Stage 1	Dwg No: TP11.111.S1 /1 Rev. 1	RotheLowman	29/10/2019
Cover Sheet - Stage 2	Dwg No: TP00.00.S2 1 Rev. 1	RotheLowman	29/10/2019
Ground Floor Plan - Stage 2	Dwg No: TP01.00.S2 P3 Rev. 3	RotheLowman	21/11/2019
Level 1 Floor Plan - Stage 2	Dwg No: TP01.01.S2 1 Rev. 1	RotheLowman	29/10/2019
Level 2 Floor Plan & Podium - Stage 2	Dwg No: TP01.02.S2 1 Rev. 1	RotheLowman	29/10/2019
Level 3 - 5 Typical Floor Plan - Stage 2	Dwg No: TP01.03.S2 1 Rev. 1	RotheLowman	29/10/2019
Roof Plan - Stage 2	Dwg No: TP01.06.S2 1 Rev. 1	RotheLowman	29/10/2019
Elevations - Sheet 1 - Stage 2	Dwg No: TP02.01.S2 1 Rev. 1	RotheLowman	29/10/2019
Elevations - Sheet 2 - Stage 2	Dwg No: TP02.02.S2 1 Rev. 1	RotheLowman	29/10/2019
Sections - Stage 2	Dwg No: TP03.01.S2 1 Rev. 1	RotheLowman	29/10/2019
Townhouse Type - Stage 2	Dwg No: TP11.111.S2 /1 Rev. 1	RotheLowman	29/10/2019
Noise Assessment Technical Note	190061-01-F01 Rev. 1	NV Engineers	28/10/2019

ITEM 2.2 DA/39704/2019/V23R - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (1 INTO 2 LOTS AND ACCESS EASEMENTS), MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (73 DWELLINGS - STAGE 1) AND MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT F - A19541402 (Cont.)

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Waste Management Program	WMP - LR1955 (Issue 3)	IB Town Planning	October 2019
Traffic Engineering Assessment	Ref: 19300 Version 1	Rytenskild Traffic Engineering	29/10/2019
Stormwater Drainage Concept	Dwg No: C-SK3Rev. A	MRC Consulting Engineers	24/10/2019
Landscape Design - Masterplan	DA03 190822	Form Landscape Architects	29/10/2019
Landscape Design - Ground Level	DA03 190822	Form Landscape Architects	29/10/2019
Landscape Design - Level 2	DA03 190822	Form Landscape Architects	29/10/2019
Landscape Design - Garden Lane	DA03 190822	Form Landscape Architects	29/10/2019

CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Lot Creation</b>	
	Demonstrate that a Lot, reflective of that identified as proposed Lot 3820 on the approved Plan of Development for the Newport Estate, has been created (Council Ref: DA/33296/2016/VCHG/2 or as amended).	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>2</b>	<b>Dedicated Road Access</b>	
	Provide dedicated constructed road access to the development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) and to be maintained at all times.
<b>3</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.
<b>4</b>	<b>Access Easements</b>	
	Provide vehicle and pedestrian access easements generally in accordance with the approved plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).

ITEM 2.2 DA/39704/2019/V23R - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (1 INTO 2 LOTS AND ACCESS EASEMENTS), MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (73 DWELLINGS - STAGE 1) AND MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT F - A19541402 (Cont.)

CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>5</b>	<b>Certify Lots are in Accordance with Approved Plan</b>	
	Provide certification from a Licensed Surveyor that the lots created accord with the approved plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>6</b>	<b>Payment of Rates</b>	
	Pay all outstanding rates and charges applicable to the subject land.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>7</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
<b>DEVELOPMENT ENGINEERING</b>		
<b>8</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan),
<b>9</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan),

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<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>2</b>	<b>Development Sequencing</b>	
	Register the subdivision associated with the Reconfiguring a Lot component of this application.	Prior to the commencement of use or endorsement of any Community Management Statement, whichever occurs first.
<b>3</b>	<b>Develop in Stages</b>	
	Develop the site generally in accordance with the stages identified on the approved plans in consecutive order. Development must comply with each condition of the development approval as it relates to each stage, unless otherwise stated in the condition.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>4</b>	<b>Community Management Statement</b>	
	Ensure that the Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> <li>1. Car parking provisions;</li> <li>2. Landscaping requirements;</li> <li>3. Communal Open Space and Recreation areas;</li> <li>4. Bin storage requirements and collection locations; and</li> <li>5. Stormwater Management requirements.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>5</b>	<b>Extent of Dwellings</b>	
	Develop the Dwellings on the site as follows: <ul style="list-style-type: none"> <li>• 20 dwellings containing two (2) bedrooms; and</li> <li>• 53 dwellings containing three (3) bedrooms.</li> </ul>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>6</b>	<b>Storage Facilities</b>	

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>		
<b>DEVELOPMENT PLANNING</b>		
	Provide a storage area of 8m <sup>3</sup> per dwelling. Each storage area must be clearly allocated to individual units.  Note - Storage areas can be co-located in garages, allocated car park areas; or incorporated into building design.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>7</b>	<b>On-Site Car Spaces</b>	
A	Provide on-site car spaces as generally shown on the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plans. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>8</b>	<b>Bicycle Parking Facilities</b>	
	Install secure bicycle parking facilities for a minimum of seventy-three (73) bicycles.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>9</b>	<b>Electrical Transformer</b>	
	Ensure that where electrical transformers are located in the front setback (only where an internal road is not proposed) it is screened so that the transformer is not visible from any road frontage and achieves the following: 1. A combination of screening device and landscaping; 2. The screening device is constructed of durable, weather resistant materials; and 3. Is integrated with the design of the development and positively contributes to the streetscape.  Where an internal road is proposed the transformer is to be located at the end of the roadway internal to the site with	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.



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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>		
<b>DEVELOPMENT PLANNING</b>		
	provision made for maintenance access through the site.  Note: The use of barbed wire or metal prongs is not permitted	
<b>10</b>	<b>Clothes Drying Facilities</b>	
	Provide external clothes drying facilities that are screened from adjoining properties and the street, or provide an electric clothes dryer within each dwelling.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>11</b>	<b>Materials and Finishes to Driveway and External Car Parking Spaces</b>	
	Construct the driveway and pedestrian entry/loading bay of materials and finishes to soften the visual impact of these areas. In order to achieve the above, one or a combination of the following is to be used: <ol style="list-style-type: none"> <li>1. coloured aggregate;</li> <li>2. coloured asphalt;</li> <li>3. brick pavers;</li> <li>4. approved porous surfacing; and/or</li> <li>5. banding patterns in the surface design.</li> </ol> Notes: <ol style="list-style-type: none"> <li>1. Council may approve other materials and finishes that are compatible with the objectives of this requirement.</li> <li>2. Driveways and parking areas must not be surfaced with the same material, unless different colours, textures or borders are used to differentiate between them.</li> <li>3. The use of a plain concrete finish for the driveways and parking areas is not acceptable.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, and to be maintained.
<b>12</b>	<b>Street Numbering and Building Names</b>	
	Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>13</b>	<b>Internal Fire System</b>	
	A External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to the commencement of use or Council endorsement of any Community

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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>	
<b>DEVELOPMENT PLANNING</b>	
	Management Statement, whichever occurs first and to be maintained.
<p>B A continuous path of travel having the following characteristics is provided between the vehicle access point to the site and each external fire hydrant and hydrant booster point on the land:</p> <ol style="list-style-type: none"> <li>1. An unobstructed width of no less than 3.5m;</li> <li>2. An unobstructed height of no less than 4.8m;</li> <li>3. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance;</li> <li>4. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<p>C On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.</p>	At all times.
<p>D For development that contains on-site fire hydrants external to buildings:</p> <ol style="list-style-type: none"> <li>1. Those external hydrants can be seen from the vehicular entry point to the site; or</li> <li>2. A sign identifying the following is provided at the vehicular entry to the site: <ul style="list-style-type: none"> <li>o The overall layout of the development (to scale);</li> <li>o Internal road names (where used);</li> <li>o All communal facilities (where provided);</li> <li>o The reception area and on-site manager's office (where provided);</li> <li>o External hydrants and hydrant booster points;</li> <li>o Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and</li> <li>o Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.</li> </ul> </li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<p>E For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.</p> <p>Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard</p>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>		
<b>DEVELOPMENT PLANNING</b>		
	AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.	
<b>14</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>15</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>16</b>	<b>Waste Management Program</b>	
A	Implement the approved waste management program;  Note: This development will use 1.1 m <sup>3</sup> bins serviced at the kerbside of Aqua Street.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to the commencement of use or Council endorsement of

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>		
<b>DEVELOPMENT PLANNING</b>		
		any Community Management Statement, whichever occurs first and to be maintained.
<b>17</b>	<b>Acoustic Attenuation Measures</b>	
A	Provide the following acoustic attenuation measures as specified in the approved Technical Note by NV Engineers: <ol style="list-style-type: none"> <li>1. Solid balustrades to the perimeter of the communal outdoor areas.</li> <li>2. Mechanical plant and equipment that is designed, sited and acoustically treated in order to achieve the specified noise limits.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide certification from a suitably qualified person that the above attenuation measures have been installed/implemented in accordance with the specifications of the approved Technical Note by NV Engineers.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>18</b>	<b>Operational Limits</b>	
	Limit the use of pool and associated communal area to between 6.30am and 9pm only.	To be maintained at all times.
<b>19</b>	<b>Landscaping</b>	
A	Provide landscaping on site generally in accordance with the approved plans and Planning Scheme Policy - Integrated Design Appendix D - Landscaping.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
C	Maintain the landscaping.	At all times.
<b>20</b>	<b>Front Fencing</b>	
	Ensure that any front fencing is constructed generally in accordance with the approved plans, and to a height as stated on the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement,

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<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>		
<b>DEVELOPMENT PLANNING</b>		
		whichever occurs first and to be maintained.
<b>21</b>	<b>On Site Services</b>	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are sufficiently screened from view of any road, park or lake frontage.  Note: Rainwater tanks are not permitted within easements.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>22</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>23</b>	<b>Fibre Ready Telecommunications – Multi</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that: <ol style="list-style-type: none"> <li>1. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and</li> <li>2. Has suitable space and access for the installation, maintenance and repair of all elements up to and including the Network Termination Device (NTD) and Power Supply Unit (PSU) or the likely location of a NTD and PSU for each dwelling; and</li> <li>3. A conduit with draw string, from either the telecommunication room or riser/closet location to each NTD or the likely location of each NTD.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification to Council from the Installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done.  Note: The location or the likely location of the NTD is determined by the owner in consultation with the electrician/electrical engineer. NBN Co have guidelines available to help determine the best location. A template for certification is available from Council for the purpose of this condition.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>24</b>	<b>Telecommunications Internal Wiring</b>	
A	Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.  Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>25</b>	<b>Electricity</b>	
	Provide evidence (e.g. Certificate of Supply) demonstrating that an underground electricity supply has been provided to the development.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>DEVELOPMENT ENGINEERING</b>		
<b>26</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>27</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>28</b>	<b>Stormwater</b>	

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>		
<b>DEVELOPMENT PLANNING</b>		
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>29</b>	<b>Stormwater Management</b>	
A	Implement and maintain the works identified in the approved Stormwater Drainage Concept.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Stormwater Drainage Concept.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first, for each stage.
<b>30</b>	<b>Construction Management Plan</b>	
A	<p>Submit and have approved by Council a Construction Management Plan (CMP) prepared by the Principal Contractor for each stage. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following:</p> <ol style="list-style-type: none"> <li>1. Material delivery and storage locations</li> <li>2. Waste locations and collection details</li> <li>3. Construction office accommodation</li> <li>4. Contractor / tradesman vehicle parking arrangements</li> <li>5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> </ol> <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs)</li> <li>2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable</li> <li>3. Traffic control measures may need to be put in place for the duration of the construction works to control</li> </ol>	Not less than two (2) weeks prior to commencement of works and to be maintained current at all times.

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>		
<b>DEVELOPMENT PLANNING</b>		
	<p>contractor / tradesman vehicle parking arrangements, this should be documented within the CMP</p> <p>4. Materials unloading and loading must occur on-site unless prior written approval is given by Council.</p> <p>5. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.</p>	
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
<b>31</b>	<b>Erosion and Sediment Control</b>	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>32</b>	<b>Driveway Crossover</b>	
A	Construct the driveway crossover in accordance with the approved plans and documents of development and MBRC Standard Drawing/s RS-051.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>33</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>34</b>	<b>Refuse Collection - Pram Ramp and Signage</b>	



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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 1</b>		
<b>DEVELOPMENT PLANNING</b>		
A	Provide a concrete pram ramp for refuse collection generally in the location of the approved refuse collection areas.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
B	Signpost the development road frontage for a 12.5m HRV in the approved location/s as a loading zone in accordance with Part 11- Parking Controls of the Manual of Uniform Traffic Control Devices (MUTCD) noting restricted access to the loading zone on refuse collection days to a maximum of two days per week.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>35</b>	<b>Minimum Flood Planning Level</b>	
	Design and construct the habitable floor level to at least the Council adopted Flood Planning Level (FPL). The FPL for this site at the time of approval is 3.2m AHD.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 2</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>2</b>	<b>Community Management Statement</b>	
	Ensure that the Community Management Statement for the development reflects the following: <ol style="list-style-type: none"> <li>1. Car parking provisions;</li> <li>2. Landscaping requirements;</li> <li>3. Communal Open Space and Recreation areas;</li> <li>4. Bin storage requirements and collection locations; and</li> <li>5. Stormwater Management requirements.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>3</b>	<b>Extent of Dwellings</b>	
	Develop the Dwellings on the site as follows: <ul style="list-style-type: none"> <li>• 23 dwellings containing two (2) bedrooms; and</li> <li>• 30 dwellings containing three (3) bedrooms.</li> </ul>	Prior to the commencement of use or Council endorsement of any Community

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 2</b>		
<b>DEVELOPMENT PLANNING</b>		
		Management Statement, whichever occurs first and to be maintained.
<b>4</b>	<b>Storage Facilities</b>	
	Provide a storage area of 8m <sup>3</sup> per dwelling. Each storage area must be clearly allocated to individual units.  Note - Storage areas can be co-located in garages, allocated car park areas; or incorporated into building design.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>5</b>	<b>On-Site Car Spaces</b>	
A	Provide on-site car spaces as generally shown on the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plans. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>6</b>	<b>Bicycle Parking Facilities</b>	
	Install secure bicycle parking facilities for a minimum of fifty-three (53) bicycles.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>7</b>	<b>Electrical Transformer</b>	
	Ensure that where electrical transformers are located in the front setback (only where an internal road is not proposed) it is screened so that the transformer is not visible from any road frontage and achieves the following: <ol style="list-style-type: none"> <li>1. A combination of screening device and landscaping;</li> <li>2. The screening device is constructed of durable, weather resistant materials; and</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.

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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 2</b>	
<b>DEVELOPMENT PLANNING</b>	
<p>3. Is integrated with the design of the development and positively contributes to the streetscape.</p> <p>Where an internal road is proposed the transformer is to be located at the end of the roadway internal to the site with provision made for maintenance access through the site.</p> <p>Note: The use of barbed wire or metal prongs is not permitted</p>	
<b>8</b>	<b>Clothes Drying Facilities</b>
<p>Provide external clothes drying facilities that are screened from adjoining properties and the street, or provide an electric clothes dryer within each dwelling.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
<b>9</b>	<b>Street Numbering and Building Names</b>
<p>Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
<b>10</b>	<b>Internal Fire System</b>
<p>A External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
<p>B A continuous path of travel having the following characteristics is provided between the vehicle access point to the site and each external fire hydrant and hydrant booster point on the land:</p> <ul style="list-style-type: none"> <li>5. An unobstructed width of no less than 3.5m;</li> <li>6. An unobstructed height of no less than 4.8m;</li> <li>7. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance;</li> <li>8. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point.</li> </ul>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
<p>C On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian Standard</p>	<p>At all times.</p>

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 2</b>		
<b>DEVELOPMENT PLANNING</b>		
	AS1851 (2013) - Routine service of fire protection systems and equipment.	
D	<p>For development that contains on-site fire hydrants external to buildings:</p> <p>3. Those external hydrants can be seen from the vehicular entry point to the site; or</p> <p>4. A sign identifying the following is provided at the vehicular entry to the site:</p> <ul style="list-style-type: none"> <li>o The overall layout of the development (to scale);</li> <li>o Internal road names (where used);</li> <li>o All communal facilities (where provided);</li> <li>o The reception area and on-site manager's office (where provided);</li> <li>o External hydrants and hydrant booster points;</li> <li>o Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and</li> <li>o Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.</li> </ul>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
E	<p>For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.</p> <p>Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
<b>11</b>	<b>External Lighting</b>	
A	<p>Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.</p>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.</p>
B	<p>Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).</p>	<p>Prior to the commencement of use or Council endorsement of any Community</p>

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 2</b>		
<b>DEVELOPMENT PLANNING</b>		
		Management Statement, whichever occurs first.
<b>12</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>13</b>	<b>Waste Management Program</b>	
A	Implement the approved waste management program;  Note: This development will use 1.1 m <sup>3</sup> bins serviced at the kerbside of Aqua Street.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>14</b>	<b>Acoustic Attenuation Measures</b>	
A	Provide the following acoustic attenuation measures as specified in the approved Technical Note by NV Engineers: 3. Solid balustrades to the perimeter of the communal outdoor areas. 4. Mechanical plant and equipment that is designed, sited and acoustically treated in order to achieve the specified noise limits.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide certification from a suitably qualified person that the above attenuation measures have been installed/implemented in	Prior to the commencement of use or

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CONDITION	TIMING	
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 2</b>		
<b>DEVELOPMENT PLANNING</b>		
	accordance with the specifications of the approved Technical Note by NV Engineers.	Council endorsement of any Community Management Statement, whichever occurs first.
<b>15</b>	<b>Operational Limits</b>	
	Limit the use of pool and associated communal area to between 6.30am and 9pm only.	To be maintained at all times.
<b>16</b>	<b>Landscaping</b>	
A	Provide landscaping on site generally in accordance with the approved plans and Planning Scheme Policy - Integrated Design Appendix D - Landscaping.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
C	Maintain the landscaping.	At all times.
<b>17</b>	<b>Front Fencing</b>	
	Ensure that any front fencing is constructed generally in accordance with the approved plans, and to a height as stated on the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>18</b>	<b>On Site Services</b>	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are sufficiently screened from view of any road, park or lake frontage.  Note: Rainwater tanks are not permitted within easements.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>19</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are	Prior to commencement of use or endorsement of any Community Management

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<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 2</b>		
<b>DEVELOPMENT PLANNING</b>		
	stages) for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ol>	Statement whichever occurs first.
<b>20</b>	<b>Fibre Ready Telecommunications – Multi</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that: <ol style="list-style-type: none"> <li>4. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and</li> <li>5. Has suitable space and access for the installation, maintenance and repair of all elements up to and including the Network Termination Device (NTD) and Power Supply Unit (PSU) or the likely location of a NTD and PSU for each dwelling; and</li> <li>6. A conduit with draw string, from either the telecommunication room or riser/closet location to each NTD or the likely location of each NTD.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification to Council from the Installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done.  Note: The location or the likely location of the NTD is determined by the owner in consultation with the electrician/electrical engineer. NBN Co have guidelines available to help determine the best location. A template for certification is available from Council for the purpose of this condition.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>21</b>	<b>Telecommunications Internal Wiring</b>	
A	Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.	Prior to the commencement of use or Council endorsement of any Community

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 2</b>		
<b>DEVELOPMENT PLANNING</b>		
	Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Management Statement, whichever occurs first.
<b>22</b>	<b>Electricity</b>	
	Provide evidence (e.g. Certificate of Supply) demonstrating that an underground electricity supply has been provided to the development.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>DEVELOPMENT ENGINEERING</b>		
<b>23</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>24</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>25</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>26</b>	<b>Stormwater Management</b>	
A	Implement and maintain the works identified in the approved Stormwater Drainage Concept.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.



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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 2</b>	
<b>DEVELOPMENT PLANNING</b>	
B	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Stormwater Drainage Concept.
	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>27</b>	<b>Construction Management Plan</b>
A	Submit and have approved by Council a Construction Management Plan (CMP) prepared by the Principal Contractor for each stage. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following: <ol style="list-style-type: none"> <li>1. Material delivery and storage locations</li> <li>2. Waste locations and collection details</li> <li>3. Construction office accommodation</li> <li>4. Contractor / tradesman vehicle parking arrangements</li> <li>5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> </ol> <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs)</li> <li>2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable</li> <li>3. Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP</li> <li>4. Materials unloading and loading must occur on-site unless prior written approval is given by Council.</li> <li>5. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.</li> </ol>
	Not less than two (2) weeks prior to commencement of works and to be maintained current at all times.
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.
	At all times during construction of the development.
<b>28</b>	<b>Erosion and Sediment Control</b>

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT - STAGE 2</b>		
<b>DEVELOPMENT PLANNING</b>		
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>29</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>30</b>	<b>Refuse Collection - Pram Ramp and Signage</b>	
A	Provide a concrete pram ramp for refuse collection generally in the location of the approved refuse collection areas.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
B	Signpost the development road frontage for a 12.5m HRV in the approved location/s as a loading zone in accordance with Part 11- Parking Controls of the Manual of Uniform Traffic Control Devices (MUTCD) noting restricted access to the loading zone on refuse collection days to a maximum of two days per week.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>31</b>	<b>Minimum Flood Planning Level</b>	
	Design and construct the habitable floor level to at least the Council adopted Flood Planning Level (FPL). The FPL for this site at the time of approval is 3.2m AHD.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

<b>ADVICES - ALL STAGES</b>	
<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	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

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

<b>PROPERTY NOTE</b>	
<b>1</b>	<b>DS11 Structures on Boundaries Adjoining Public Land</b>
	<p>The following property note will be attached to Council's database for Lot 2:</p> <p><i>"The maintenance of any structure, including fences, retaining walls, and revetment walls, located on a lot adjacent to the common property boundary with public land, including roads and parks, is the responsibility of the lot owner."</i></p>

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

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**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	(a) Reconfiguring a Lot Development Permit for Subdivision (1 into 2 lots and Access Easements)  AND (b) Material Change of Use Development Permit for Multiple Dwelling (73 dwellings - Stage 1)  AND (c) Material Change of Use Development Permit for Multiple Dwelling (53 dwellings - Stage 2)
<b>Relevant Period of Approval</b>	Reconfiguring a Lot – 4 years AND Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	Building Works – Development Permit (Building Act)
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were 506 properly made submissions about this application.

**REPORT DETAIL**

**1. Background**

There are various applications relating to the creation of Newport Estate, however the most recent being:

**DA/33286/2016/V3RL**

On 15 May 2017, Council's delegate approved a Reconfiguring a Lot – Development Permit for Subdivision (7 into 1,380 residential lots, 12 future development lots, 4 utility lots, 9 common property lots and balance lot) by Negotiated Decision.

**DA/33286/2016/VCHG/1**

On 21 March 2018, Council's delegate approved a Change (Minor) application incorporating changes to lot depths, amendment to title arrangements, staging, Precinct D lot mix changes and precinct foot path and driveway locations.

**DA/33286/2016/VCHG/2**

On 7 December 2018, Council's delegate approved a Change (Minor) application incorporating changes predominantly relating to sequencing of development stages and infrastructure, layout amendments to optimise product mix, revisions to pedestrian network and road typologies to resolve engineering design issues.

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2. Explanation of Item

2.1 Proposal Description

This development application has been submitted over part of a Balance Lot (Lot 890 SP310453) within the master planned Newport Estate. The proposal incorporates a Multiple Dwelling use that will be constructed over two (2) stages comprising of two (2) individual buildings.

In particular, the application seeks the following approvals:

- Reconfiguring a Lot - Development Permit for Subdivision (1 into 2 Lots & Access Easements)
- Material Change of Use - Development Permit for Multiple Dwelling (73 Dwellings - Stage 1)
- Material Change of Use - Development Permit for Multiple Dwelling (53 Dwellings - Stage 2)

The purpose of the Reconfiguring a Lot component of the development application is to subdivide the development site into two (2) separate lots. This will facilitate the construction of individual Multiple Dwelling developments on separate allotments. Further, Easements are proposed to be established over the site to allow a single vehicle crossover to the development serving both buildings, as well as providing pedestrian access around the perimeter of the development (refer to Figure 1 below).

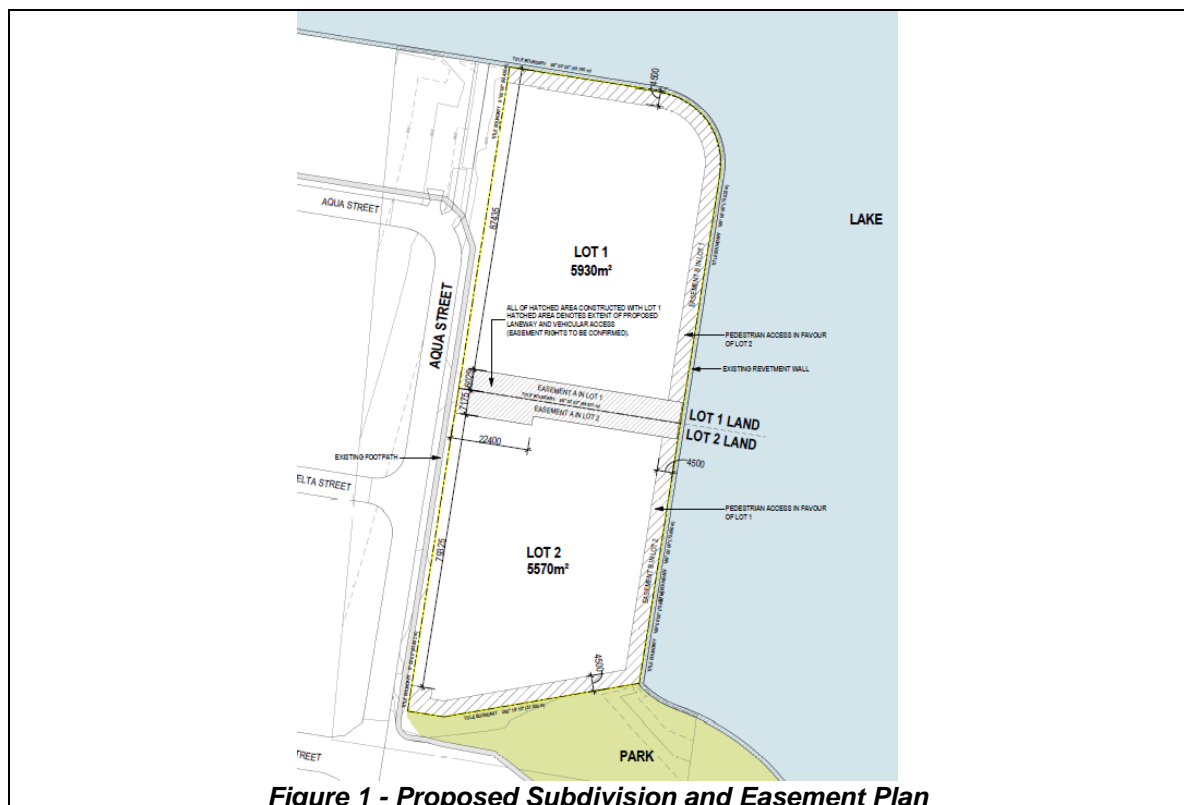


Figure 1 - Proposed Subdivision and Easement Plan

The Material Change of Use components of the development application are to facilitate the construction of a Multiple Dwelling over two (2) stages. A total of 126 dwellings are proposed, with Stage 1 consisting of 73 dwellings and Stage 2 providing 53 dwellings. The overall residential density of the development (based on 126 dwellings on a 1.149ha site) is 110 dwellings per hectare.

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A breakdown of the unit type for each stage is provided below:

**Stage 1 - 73 Dwellings**

- 4 x 3 bedroom townhouses
- 2 x 3 bedroom poolside villas
- 20 x 2 bedroom apartments
- 47 x 3 bedroom apartments

**Stage 2 - 53 Dwellings**

- 7 x 3 bedroom townhouses
- 4 x 3 bedroom poolside villas
- 19 x 2 bedroom apartments
- 23 x 3 bedroom apartments

The development provides a high quality and architecturally designed built form outcome that has given consideration to its surroundings by providing a layout that includes two storey townhouses along the road frontage of the site, transitioning to a higher built form of six storey (approx. 20.5m high) apartments along the lake and park frontages. The design outcome ensures a high level of street activation, while minimising amenity (privacy and overshadowing) impacts by restricting the higher built form to the lake and park frontages. The buildings rise to six (6) storeys along the lake and park frontages will capitalise on the lake/ocean view providing high quality amenity for residents, as well as casual surveillance of the adjacent park. Further, the development constructed as two (2) separate buildings will provide a break in the built form and a view corridor to the lake.

A total of 270 car parking spaces are proposed for the development, representing an additional 144 spaces above the minimum required under the Planning Scheme. Stage 1 will provide 144 car parking spaces, with Stage 2 providing a further 126 spaces. The car parking area for both stages consists of two (2) levels sleeved behind the townhouses and accessible via the shared central access between the two sites.

2.2 Description of the Site and Surrounds

The application is made over land included within the General Residential Zone - Next Generation Neighbourhood Precinct. The site is included within the Next Generation Neighbourhood Place Type under the Strategic Framework of the MBRC Planning Scheme. The site is mapped as having a maximum building height of 8.5m as shown on Overlay Map - Building Heights.

The site is located within the master planned Newport Estate and forms part of Precinct C on the approved Plan of Subdivision (refer to Figure 1 below).

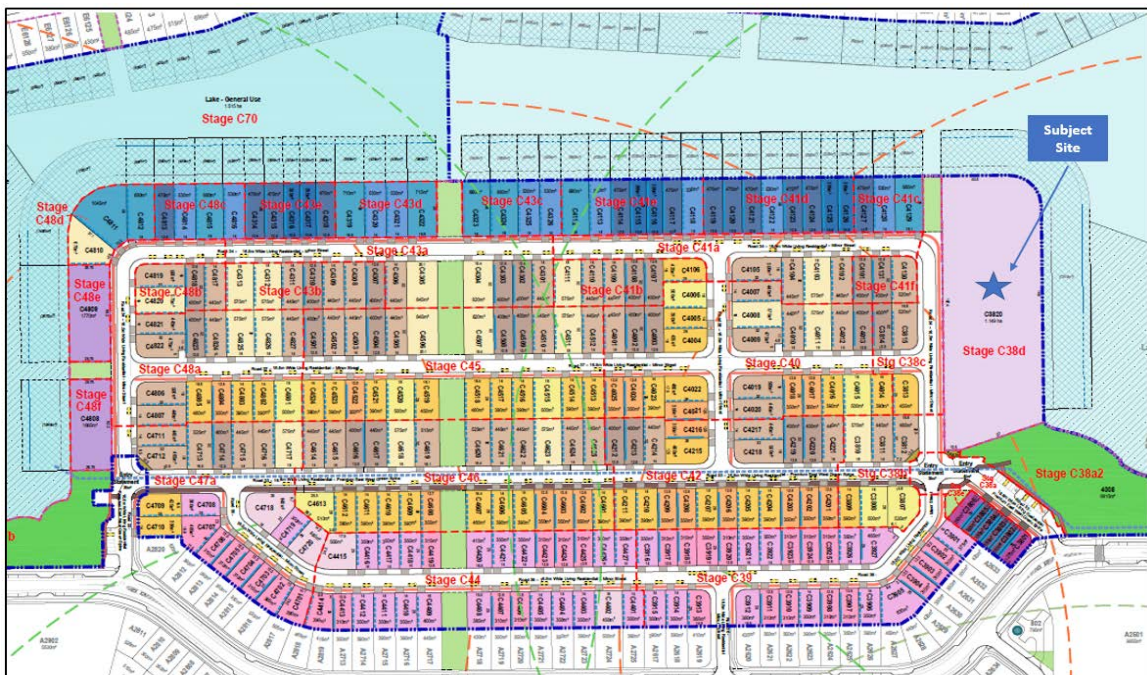


Figure 2 - Part of the Newport Estate Approved Plan of Development

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The Newport Estate is a greenfield subdivision providing a prime example of the outcomes sought for the Next Generation Neighbourhood Precinct. This is due to the variety of housing products within the estate, being 1 & 2 storey dwellings, approved 2 and 3 storey multiple dwellings and a 6 storey Retirement Facility. Further, the estate has approval for a retail/commercial precinct and Child Care Centre, both in proximity to the development site. This proposed development will add further diversity to the housing product within this master planned estate.

The development site has a total area of 1.149 hectares and was noted as a high density allotment as part of the original subdivision approval. The site does not directly adjoin residential lots, however is surrounded by a large lake along two (2) sides, a local park to the south and road reserve along the western frontage. Bus stops are also conveniently located along Boardman and Griffith Road providing a public transport option for future residents. Lakeview Promenade has also been designed to cater for a future bus service.

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.

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

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:

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently. (2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.

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	<p>a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied.</p> <p>(3) Fire hydrants are suitable identified so that fire services can locate them at all hours.</p>	<p>The recommendations of this report include a condition of development that internal fire systems are installed within the development where required.</p>
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
Yes	<p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <p>(a) altered stormwater quality and hydrology</p> <p>(b) waste water</p> <p>(c) the creation or expansion of non-tidal artificial waterways</p> <p>(d) the release and mobilization of nutrients and sediments.</p> <p>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply, particularly as stormwater quality was addressed through the original subdivision approval and creation of the lake. No further stormwater quality requirements are to be implemented as part of this application.</p>
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <p>(a) coastal dependent development; or</p>	<p>Under the MBRC Planning Scheme, the site is mapped as containing flood and coastal hazard risks.</p> <p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been</p>



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	<p>(b) temporary, readily relocatable or able to be abandoned development; or</p> <p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) 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>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) 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>(6) 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>(7) 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>determined to comply as all hazards will be addressed as part of the approved earthworks for the site.</p>
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.3.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

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

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*

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

Strategic Outcome	Complies	Assessment
<b>Theme - Strong Communities</b>		
<i>Utilise the principles of urban design to promote healthy and safe communities.</i>	Y	The scale and form of the development will make a positive contribution to the public spaces of the precinct. The buildings rise to six (6) storeys along the lake and park frontages and will capitalise on the lake/ocean view providing high quality amenity for residents, as well as casual surveillance of the adjacent park. The architectural design of the development provides for a high level of street activation whilst not impacting on the amenity (privacy and overshadowing) of nearby and future dwellings.
<i>Community, cultural and sporting facilities are provided where needed within the region.</i>	N/A	
<i>The built form contributes to a sense of place and identity.</i>	Y	The Newport Estate is a master planned subdivision that envisions housing diversity and a variety of built form outcomes. As part of the original subdivision approval, the development site was designated as a high density allotment, subject to a future development application. The Newport Estate is an establishing community and it is considered that the development has been designed to reflect the anticipated character of the Newport Estate.  The development also achieves a high level of amenity, both internal and external to the site through landscaping, setbacks, building materials and the transitioning of

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Strategic Outcome	Complies	Assessment
		building height.
<i>Provision of a well connected, diverse and accessible public open space network.</i>	Y	The development provides direct pedestrian connection to the adjacent park and lake, as well as being in proximity to an approved retail/commercial precinct along Lakeview Promenade.
<i>Provide an integrated, high-quality, urban community greenspace network to cater for recreational and environmental needs in existing and new neighbourhoods.</i>	Y	The site is located within the master planned Newport Estate that has provided multiple communal open space areas. The development is located adjacent to a park and shared use lake, with direct pedestrian connection to these areas.
<i>Provide for a variety of outdoor recreation opportunities including recreation trails and camping areas to meet community demands.</i>	N/A	The site is within the urban footprint and it is not required to provide recreation trails or camping areas.
<i>A variety of housing options is provided to meet diverse community needs, and achieve housing choice and affordability.</i>	Y	The proposed development incorporates both townhouse dwellings and apartments providing improved housing choice and affordability.
<b>Theme - Settlement Pattern and Urban Form</b>		
<i>A more compact urban form is developed within the urban footprint by a program of urban design and sustainability principles aimed at increasing the jobs and people per hectare in targeted locations (to help achieve Council's long term 70% local employment target), creating walkable communities, and a viable quality transit system.</i>	Y	The proposed development provides a total of 126 dwellings on a 1.149ha site over six (6) storeys. This equates to a site density of 110 dwellings per hectare. The development provides for a more compact urban form within the urban footprint and in particular the Newport Estate provides interconnected streets and active transport options. Further, the site is in proximity to an approved retail/commercial precinct and existing bus stops along Boardman and Griffith Road. Lakeview Promenade has also been designed to cater for a future bus service.
<i>A strong network of activity centres with well designed public and civic spaces, and active frontages that provide a focal point for compact, self-contained and diverse communities and convenient access to an appropriate mix of businesses, services, community facilities, recreation,</i>	N/A	

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Strategic Outcome	Complies	Assessment
<i>entertainment and employment opportunities and provided with convenient access by a quality public transport and active transport system.</i>		
<i>An attractive, safe, convenient, efficient and sustainable new town housing approximately 25,000 people together with a major shopping centre and a wide range of employment opportunities and community, education and recreation facilities continues to be developed at North Lakes.</i>	N/A	The site is not within North Lakes.
<i>New development that is in close proximity to existing and proposed public transport stops and stations contributes to the use and viability of public transport, the use of active transport and the development of walkable neighbourhoods by providing well designed and appropriate higher density and mixed use development.</i>	Y	<p>The site includes pedestrian connections to the adjacent park, lake and approved retail/commercial precinct. Further, the site is in proximity to existing bus stops along Boardman and Griffith Road with Lakeview Promenade designed to cater for a future bus service.</p> <p>Overall, the site has excellent locational attributes that lends itself to support a higher density outcome that will contribute to the use and viability of public and active transport options as well as retail/commercial uses.</p>
<i>Council will seek to increase residential densities and employment opportunities within the urban corridor and specifically within and adjoining activity centres and public transport in order to maximise access to and use of services and facilities and opportunities for use of public transport, walking and cycling and also adjacent to areas of high scenic amenity e.g. waterfront, environmental areas with high standards of amenity and accessible open space.</i>	Y	<p>The development site is within the Next Generation Neighbourhood Precinct where a density of between 11 to 75 dwellings per hectare is anticipated. The development proposes a total of 126 dwellings, equating to a site density of 110 dwellings per hectare.</p> <p>In accordance with this Strategic Outcome, a higher density outcome on this site is supported due to its excellent locational attributes. In particular:</p> <ol style="list-style-type: none"> <li>1. Two sides of the site are adjacent to a large lake - providing high quality on-site scenic amenity for future residents;</li> </ol>

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Strategic Outcome	Complies	Assessment
		2. One side of the site is adjacent to a local park - providing highly accessible open space; 3. Within 250m of a future retail/commercial precinct; 4. Within walking distance of existing bus stops along Griffith and Boardman Road. It is also noted that Lakeview Promenade has been designed to cater for a future bus service.
<p><i>New master planned walkable neighbourhoods, activity centres and enterprise and employment areas served by public transport have a role to play in helping to accommodate regional dwelling and employment targets, and require comprehensive planning to coordinate future development with infrastructure delivery.</i></p>	<p><b>Y</b></p>	<p>The development is part of the master planned Newport Estate. The overall development involves the delivery of the following key features:</p> <ul style="list-style-type: none"> <li>• Large non-tidal lake waterbody;</li> <li>• Public access to nominated areas within the lake to provide additional recreational opportunities;</li> <li>• Public interfaces with the lake including two large waterside parks, roadways, view corridors and small 'pocket parks';</li> <li>• Esplanade parkland along the northern foreshore of the site;</li> <li>• A north-south green spine creating a tree-lined pedestrian prioritised linkage through the middle of the development offering direct routes to Kippa-Ring railway station, a central neighbourhood park, bus stop on the district collector and 'lake loop' pedestrian circuit with a terminating vista to the lake;</li> <li>• An integrated network of pedestrian pathways connecting key destinations within and adjacent to the site such as the waterside parks, esplanade park, village centre site and sports fields existing to the south-east and proposed to the immediate west;</li> <li>• A village centre site prominently positioned in Precinct B1 at the main entrance to the community;</li> <li>• A variety of residential</li> </ul>

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Strategic Outcome	Complies	Assessment
		accommodation including traditional detached housing and attached housing constructed as an integrated product, along with sites preserved for future medium to high density development and retirement living; and <ul style="list-style-type: none"> <li>New road links including a central district collector between Griffith Road and Nathan Road that will support a bus route and on-road cycle lanes.</li> </ul>
<p><i>Caboolture West is one of the best areas to live in South East Queensland. There is a lot of natural bushland and wildlife retained in the area as well as many parks and open space areas. There is a range of homes that people can afford that reflect the needs of all residents from families with children to retirees, singles and extended families. The area has a “sense of place” with views to the range, river and mountains. It is easy to move around due to many choices in how you can travel. Many people walk or cycle to local destinations such as shops, schools and other services that are easily accessed by dedicated pathways. Nearly all the services and shops needed are in the Caboolture West area. You don’t have to travel long distances to work and there is a convenient public transport/bus service connecting to these sites.</i></p>	<p><b>N/A</b></p>	<p>The site is not within the identified Caboolture West local area.</p>
<p><b>Theme - MBRC Place Model Element - Next generation neighbourhood place type</b></p>		
<p><b>3.14.9.4 Specific Outcomes - Settlement pattern and urban form</b></p> <p>1. Next generation places cater for a mix of dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing, dual occupancies, medium density residential units and housing for older persons;</p> <p>2. Development across a Next generation neighbourhood place type has a minimum</p>	<p><b>Y</b></p> <p><b>Y</b></p>	<p>The proposal is for a Multiple Dwelling that provides both townhouse dwellings and apartments. It is noted that this development site forms part of a larger master planned estate which seeks to achieve a range of residential densities and built form options.</p> <p>The proposed development provides a total of 126 dwellings on a 1.149ha site. This equates to a</p>

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Strategic Outcome	Complies	Assessment
<p><i>density of 35 people and/or jobs per hectare (for people this equates to a net residential density of 15 – 25 dwellings per hectare);</i></p> <p>3. <i>Adaptable housing is encouraged in response to changing housing needs;</i></p> <p>4. <i>Community activities (schools, pre-schools, child care centres, places of worship, community health services and other community activities) are designed to have a low rise built form on landscape sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres, or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;</i></p> <p>5. <i>Buildings address the street and non-residential uses have active street frontages;</i></p> <p>6. <i>At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient locations for local centres and neighbourhood hubs are on main through streets or on central intersections and within a 15 minute walking distance and responsive to active transport;</i></p> <p>7. <i>Development for the expansion (into adjoining lots) of a local centre or</i></p>	<p></p> <p>Y</p> <p>N/A</p> <p>Y</p> <p>Y</p> <p>N/A</p>	<p>site density of 110 dwellings per hectare, therefore achieving the <b>minimum</b> density anticipated for the precinct.</p> <p>The proposed Multiple Dwelling provides an additional form of housing within the Newport Estate.</p> <p>The proposal is for a residential development.</p> <p>The development provides a high level of street activation through the provision of two (2) storey townhouses along the frontage of the site contributing to active street frontages</p> <p>A development permit for a Shopping Centre has been approved in proximity to this site, therefore creating a Neighbourhood Hub within walking distance of the development (DA/34215/2017/V2K).</p> <p>The proposal is for residential development.</p>

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Strategic Outcome	Complies	Assessment
<p><i>neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:</i></p> <ul style="list-style-type: none"> <li><i>a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities;</i></li> <li><i>b. it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node;</i></li> <li><i>c. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses;</i></li> <li><i>d. a new local centre or neighbourhood hub is to service an unserved catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood;</i></li> <li><i>e. they are appropriately designed to have high quality urban design outcomes.</i></li> </ul> <p>8. <i>New development should have regard to the existing character of the Next generation neighbourhood, however high quality urban design outcomes have priority.</i></p>	<p>Y</p>	<p>The development has been architecturally designed to reflect the anticipated and establishing character of the Newport Estate. The development also achieves a high level of amenity, both internal and external to the site through the transitioning of building height, landscaping, setbacks and building materials.</p>

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;



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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Next Generation Neighbourhood precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1, PO2, PO4, PO7, PO24
<b>Overlay Codes</b>		
Coastal Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: Although mapped within a Balance and Medium Risk Area, the site is required to be filled to the defined flood event in accordance with an approved operational works permit (DA/33286/2016/V4D/26). Therefore, the flood risk no longer applies to the site.
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: Although mapped within a Balance and Medium Risk Area, the site is required to be filled to the defined flood event in accordance with an approved operational works permit (DA/33286/2016/V4D/26). Therefore, the flood risk no longer applies to the site.
<b>Development Codes</b>		
Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO8
Reconfiguring a Lot Code - General Residential Zone (Next Generation Neighbourhood Precinct)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1, PO2

The assessment of the development proposal against the Performance Outcomes of the applicable codes is discussed below in section 2.3.3.

#### 2.4.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code (Next Generation Neighbourhood Precinct)</b>	
<b>PO1</b> The Next generation neighbourhood precinct has a low to medium residential density of between 15 and 75 dwellings per ha (site density).	No example provided.
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
<p>The development proposes to construct a total of 126 dwellings on a site with an area of 1.149ha. This equates to a residential density of 110 dwellings per hectare.</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><b>PO2</b> Buildings and structures have a height that:</p> <ul style="list-style-type: none"> <li>a. is consistent with the low to medium rise character of the Next Generation Neighbourhood precinct;</li> <li>b. responds to the topographic features of the site, including slope and orientation;</li> <li>c. is not visually dominant or overbearing with respect to the streetscape;</li> <li>d. responds to the height of development on adjoining land where contained within another precinct or zone.</li> </ul> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p><b>E2</b> Building height does not exceed:</p> <ul style="list-style-type: none"> <li>a. that mapped on Overlay map – Building heights; or</li> <li>b. for domestic outbuildings, including free standing carports and garages, 4m and a mean height not exceeding 3.5m.</li> </ul>
<p><i>Performance Outcome Assessment</i></p>	
<p>The site is mapped as having a maximum building height of 8.5m as shown on Overlay Map - Building Height. The application proposes a development where part of the built form has a maximum height of 20.5m (6 storeys) and therefore seeks a performance solution.</p> <p>The development consists of an architecturally designed built form that will provide a mixed product of two (2) storey townhouses and six (6) storey apartments over two (2) stages. The proposal incorporates a high quality and site responsive design that has given consideration to the height of the development by transitioning from low scale two (2) storey townhouse dwellings along the road frontage to a higher built form of six (6) storey apartments along the lake and park frontage. The design outcome ensures a high level of street activation, while minimising amenity (privacy &amp; overshadowing) impacts and provide a high quality on-site amenity for future residents. Further, the development is separated into two (2) buildings in order to provide a break in the built form and a view corridor to the lake.</p> <p>While Overlay Map - Building Heights identifies the site as having a maximum height of 8.5m, the General Residential Zone Code (Next Generation Neighbourhood Precinct) only references this specific height as an Example (E2). Examples are incorporated within the Planning Scheme to provide at least one (1) way (or an example) to achieve compliance with the corresponding Performance Outcome, being PO2 in this instance. As a specific building height is not referenced within Performance Outcome PO2, or the Overall Outcomes, there is opportunity for the building to exceed the height suggested by the Overlay Map and still comply with the code.</p> <p>The Performance Outcome requires buildings and structures have a height that:</p> <ul style="list-style-type: none"> <li>a. Is consistent with the low to medium rise character of the Next Generation Neighbourhood Precinct;</li> <li>b. Responds to the topographic features of the site, including slope and orientation;</li> <li>c. Is not visually dominant or overbearing with respect to the streetscape;</li> <li>d. Responds to the height of development on adjoining land where contained within another precinct or zone.</li> </ul>	

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Performance Outcome	Example
<p>In considering point a. above, it is important to understand what is envisioned as low to medium rise for the Next Generation Neighbourhood Precinct. This is outlined within Planning Scheme Policy - Residential Design which notes low rise apartments as having a typical height of 2-3 storeys and medium rise apartments with a typical height of 4-6 storeys. In this instance, a maximum of six (6) storeys is proposed for part of the built form and therefore the development is considered to be medium rise and is consistent with point a. of the above Performance Outcome.</p> <p>Point b. of the Performance Outcome requires buildings to respond to the topographic features of the site. In accordance with existing operational works development permits, the site will be relatively flat with a slight batter towards the lake. However, as noted above, the design response has stepped the height of the building down towards the most sensitive interface at Aqua Street. The six storey elements of the building are adjacent to open space and Lake frontage. The proposal is therefore able to comply with this part of the Performance Outcome.</p> <p>With regards to Point c., the proposal has carefully considered the built form outcome when viewed from the Aqua Street frontage and has incorporated two (2) storey townhouses along the street in order to minimise the development being visually dominant or overbearing within the streetscape. Although the development is also providing six (6) storey apartments, as these apartments are setback from the street, they will not be visually dominant or overbearing from the streetscape. It is acknowledged that the apartments will be viewed from the park and other areas at Newport, however this will be from a distance and will not impact on privacy or be visually dominant or overbearing.</p> <p>Lastly, the development does not adjoin land contained within another precinct or zone and therefore Point d. is not applicable.</p> <p>Overall, the proposal complies with the Performance Outcome.</p>	
<p><b>PO4</b> Residential buildings and structures are setback to:</p> <ul style="list-style-type: none"> <li>a. be consistent with the low to medium density next generation neighbourhood character intended for the area, where buildings are positioned closer to the footpath to create more active frontages and maximise private open space at the rear;</li> <li>b. result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites;</li> <li>c. maintain private open space areas that are of a size and dimension to be usable and functional;</li> <li>d. maintain the privacy of adjoining properties;</li> <li>e. ensure parked vehicles do not restrict pedestrian and traffic movement and safety;</li> </ul>	<p><b>E4.1</b> Setbacks (excluding built to boundary walls) comply with <b>Table 6.2.6.3.3 'Setbacks'</b> - Setback (Residential uses).</p> <p>Note - greater setbacks may be required if the lot adjoins an environmental corridor or area (Refer to values and constraints for details).</p>

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Performance Outcome	Example
<p>f. limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties;</p> <p>g. provide adequate separation to particular infrastructure and waterbodies to minimise adverse impacts on people, property, water quality and infrastructure;</p> <p>h. ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties.</p> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	
<i>Performance Outcome Assessment</i>	
<p>This application seeks a performance solution with regards to the proposed setbacks. In this instance alternatives to the example setbacks are as follows:</p> <ul style="list-style-type: none"> <li>• An architectural feature of the townhouses will be built to the boundary at ground level. It is noted that this feature extends from the townhouse to the street frontage to frame each individual townhouse and provide clear entry points.</li> <li>• Small portions of the development slightly extend within 4.5m of the lake boundary. The alternatives to the example relate to decks/patios within private open space areas and the roof of the development.</li> <li>• Alternatives are sought to the side boundary setback adjoining the park. This area of the development relates to the apartments constructed along the lake frontage, with the apartments adjoining this boundary having decks extending into the side boundary setback where above Level 3.</li> </ul> <p>The Performance Outcome requires residential buildings to be consistent with the low to medium density next generation neighbourhood character intended for the area, where buildings are positioned closer to the footpath to create active frontages and maximise private open space. Further, the Performance Outcome requires development to not be visually dominant or overbearing with respect to the streetscape and the adjoining sites. The development achieves compliance with these parts of the Performance Outcome as the proposed townhouses along the Aqua Street frontage provide a high level of street activation through architectural features built to the boundary, however the design of the townhouse allows the built form to not be visually overbearing or dominant along the streetscape.</p> <p>The Performance Outcome also requires that the privacy of adjoining properties be maintained. The development does not directly adjoin residential properties, with the site containing boundaries along Aqua Street, the Lake and Newport Park, therefore the development does not impact on the privacy of adjoining properties. It is noted that there will be some overlooking of the Newport Park, however the casual surveillance of public open spaces is encouraged within the Planning Scheme, specifically Performance Outcome PO15 of the Residential Uses Code.</p> <p>Overall, the proposal complies with the Performance Outcome.</p>	

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Performance Outcome	Example																																		
<p><b>PO7</b> Residential buildings and structures will ensure that site cover:</p> <ul style="list-style-type: none"> <li>a. does not result in a site density that is inconsistent with the character of the area;</li> <li>b. does not result in an over development of the site;</li> <li>c. does not result in other elements of the site being compromised (e.g. Setbacks, open space etc);</li> <li>d. reflects the low to medium density character intended for the area.</li> </ul> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p><b>E7</b> Site cover (excluding eaves, sun shading devices, patios, balconies and other unenclosed structures) does not exceed the specified percentages in the table below.</p> <table border="1" data-bbox="927 656 1447 1003"> <thead> <tr> <th rowspan="2">Building height</th> <th colspan="6">Lot Size</th> </tr> <tr> <th>300m<sup>2</sup> or less</th> <th>301-400m<sup>2</sup></th> <th>401-500m<sup>2</sup></th> <th>501-1000m<sup>2</sup></th> <th>1001-2500m<sup>2</sup></th> <th>Greater than 2501m<sup>2</sup></th> </tr> </thead> <tbody> <tr> <td>8.5m or less</td> <td>75%</td> <td>70%</td> <td>60%</td> <td>60%</td> <td>60%</td> <td>60%</td> </tr> <tr> <td>&gt;8.5m - 12.0m</td> <td>50%</td> <td>50%</td> <td>60%</td> <td>50%</td> <td>50%</td> <td>50%</td> </tr> <tr> <td>Greater than 12.0m</td> <td>N/A</td> <td>N/A</td> <td>N/A</td> <td>50%</td> <td>40%</td> <td>40%</td> </tr> </tbody> </table> <p>Note - Refer to Planning scheme policy - Residential design for method of calculation.</p>	Building height	Lot Size						300m <sup>2</sup> or less	301-400m <sup>2</sup>	401-500m <sup>2</sup>	501-1000m <sup>2</sup>	1001-2500m <sup>2</sup>	Greater than 2501m <sup>2</sup>	8.5m or less	75%	70%	60%	60%	60%	60%	>8.5m - 12.0m	50%	50%	60%	50%	50%	50%	Greater than 12.0m	N/A	N/A	N/A	50%	40%	40%
Building height	Lot Size																																		
	300m <sup>2</sup> or less	301-400m <sup>2</sup>	401-500m <sup>2</sup>	501-1000m <sup>2</sup>	1001-2500m <sup>2</sup>	Greater than 2501m <sup>2</sup>																													
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Greater than 12.0m	N/A	N/A	N/A	50%	40%	40%																													
<i>Performance Outcome Assessment</i>																																			
<p>This application seeks a performance solution with regards to the proposed site cover for the development. Example, E7, suggests a site cover of 60% when the building height is 8.5m or less. In this instance the development is proposing the ground floor and level 1 with a site cover of 68% and 69% for Stage 1 and 67% and 68% for Stage 2. All other levels provide less site coverage than what is suggested by the example.</p> <p>The Performance Outcome requires that development does not result in a site density that is inconsistent with the character of the area. In accordance with Performance Outcome, PO1, of the Zone Code, the Next Generation Neighbourhood Precinct has a low to medium density of between 15 and 75 dwellings per hectare (site density). This application is proposing a site density of 110 dwellings per hectare, exceeding the site cover outlined in PO1.</p> <p>This assessment has assumed the site density outlined in Performance Outcome PO1 is the site density sought for the area and therefore compliance with the Performance Outcome is not achieved.</p> <p>Assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>																																			
<p><b>PO24</b> Safe access is provided for all vehicles required to access the site.</p>	<p><b>E24.3</b> Access driveways, manoeuvring areas and loading facilities provide for service vehicles listed in Schedule 8 Service vehicle requirements for the relevant use. The on-site manoeuvring is to be in accordance with Schedule 8 Service vehicle requirements.</p>																																		
<i>Performance Outcome Assessment</i>																																			

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Performance Outcome	Example
<p>Schedule 8 Service Vehicle Requirements within the MBRC Planning Scheme suggests that the regular service vehicle required for a Multiple Dwelling is a MRV, with the occasional service by a HRV.</p> <p>This application has demonstrated that the site can be accessed by a MRV, however a HRV is unable to manoeuvre within the site.</p> <p>The Performance Outcome requires that development provides safe access for all vehicles required to access the site. Typically, the requirement of a HRV to access a Multiple Dwelling site is for refuse collection. In this instance waste is to be collected along the road frontage and therefore a refuse collection vehicle is not required to enter and manoeuvre through the development. Further, should a resident require a HRV to attend the site, due to the sites wide frontage there would be suitable room for a HRV to stop and unload.</p> <p>Overall, the provision of a MRV to access and manoeuvre the site is considered appropriate and therefore the proposal complies with the Performance Outcome.</p>	

Performance Outcome	Example
<b>Residential Uses Code</b>	
<p><b>PO8</b> Driveways, pedestrian entries and internal access ways are located and designed to:</p> <ol style="list-style-type: none"> <li>provide lawful access;</li> <li>not detract from the creation of active street frontages and positively contribute to the intended streetscape character;</li> <li>not negatively impact adjoining uses;</li> <li>provide a safe pedestrian environment;</li> <li>not result in excessive crossovers and hardstand areas;</li> <li>provide safe access onto an appropriate order road;</li> <li>not interfere with infrastructure owned by Council or a utility provider;</li> <li>allow adequate space for on-street parking;</li> <li>allow adequate space for street planting and street trees;</li> <li>allow for garbage collection and street infrastructure.</li> </ol> <p>Note - Refer to Planning scheme policy - Integrated design for details and examples.</p>	<p><b>E8.2</b> Development provides crossovers with:</p> <ol style="list-style-type: none"> <li>a maximum width of 5.5m for a shared driveway; or</li> <li>a maximum of 1, 3m wide crossover for every 7.5m of primary road frontage.</li> </ol> <p>Note - Refer to Planning scheme policy - Integrated design for details and examples.</p> <p>Note - Development on a laneway provides access from the lane only in accordance with laneway development provisions.</p>
<b>Performance Outcome Assessment</b>	
<p>This application seeks a performance solution in order to provide a driveway crossover having a width of 7.5m.</p> <p>Vehicle access to both stages of the development will be via a shared driveway crossover constructed as part of Stage 1 of the development. The driveway is considered to provide lawful access to the site and a safe pedestrian environment. Further, due to the site containing a</p>	

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Performance Outcome	Example
	<p>considerably wide frontage, the development will allow adequate space for on-street parking and garbage collection, as well as sufficient space for street planting.</p> <p>Although the driveway will be 7.5m wide, the landscaping plans submitted as part of the application indicate that pavement patterning will be provided in order to promote an active frontage and positively contribute to the intended streetscape character.</p> <p>Overall, the proposal complies with the Performance Outcome.</p>

Performance Outcome	Example
<b>Reconfiguring a Lot Code - General Residential Zone (Next Generation Neighbourhood Precinct)</b>	
<p><b>PO1</b> Reconfiguring of a lot achieves a minimum net residential density of 11 lots per hectare, whilst not exceeding 25 lots per hectare, maintaining a diverse medium density neighbourhood character.</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>This application seeks to subdivide the development site into two (2) lots resulting in a site density of 1.74 dwellings per hectare, being less than the 11 lots per hectare required by the Performance Outcome. Overall Outcome 2a. of the code also requires that a net residential density of between 11-25 dwellings per hectare be achieved.</p> <p>The Reconfiguring a Lot component of the development application is to create two (2) management lots having site areas of approximately 5930m<sup>2</sup> and 5570m<sup>2</sup>. The purpose of these lots is to facilitate the construction of individual Multiple Dwelling developments. This application also seeks approval for the Multiple Dwelling use over these lots providing some certainty of the built form outcome for the site. Therefore, the subdivision component of this application does not limit the development potential of the lot or the ability to achieve the outcomes sought within the Next Generation Neighbourhood Precinct, being to create a diverse neighbourhood with a variety of housing choices.</p> <p>Whilst it is acknowledged the Reconfiguring a Lot component of the application is unable to comply with Performance Outcome PO1 and Overall Outcome 2a. due to not achieving the minimum density requirements, Section 60(2)(b) of the <i>Planning Act 2016</i> outlines that the assessment manager, after carrying out the assessment - <i>may decide to approve the application even if the development does not comply with some of the assessment benchmarks</i>. Section 60(2)9b) provides an example in that <i>an assessment manager may approve an application for development that does not comply with some of the benchmarks if the decision resolves a conflict between the benchmarks</i>.</p> <p>In this instance, the Reconfiguring a Lot component of the application is purely sought to facilitate the construction of separate Multiple Dwelling developments. The built form outcome for the site, being a Multiple Dwelling, is consistent with the Next Generation Neighbourhood Precinct Place Type as identified through the assessment of the Strategic Framework within section 2.4.1 of this report.</p>	

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Performance Outcome	Example
Based on the above, the proposal is consistent with the outcomes sought for the Next Generation Neighbourhood Precinct, with the development providing improved housing choice and affordability.	
<p><b>PO2</b> Lots have an area, shape and dimension sufficient to ensure they can accommodate:</p> <ul style="list-style-type: none"> <li>a. a Dwelling house including all domestic outbuildings and possible on site servicing requirements (e.g. on-site waste disposal);</li> <li>b. areas for car parking, vehicular access and manoeuvring;</li> <li>c. areas for useable and practical private open space.</li> </ul>	<p><b>E2</b> Lot sizes and dimensions (excluding any access handles) comply with Lot Types A, B, C, D, E or F in accordance with 'Table 9.4.1.6.3.3 - Lot Types' - Lot Types.</p> <p>Note - For the purpose of rear lots, frontage is the average width of the lot (excluding any access handle or easement)</p>
<i>Performance Outcome Assessment</i>	
<p>This application seeks a performance solution to subdivide the development site into two (2) large management lots to facilitate the construction of Multiple Dwelling development.</p> <p>The Reconfiguring a Lot component of the development application is to create two (2) management lots having site areas of approximately 5930m<sup>2</sup> and 5570m<sup>2</sup>. The purpose of these lots is to facilitate the construction of individual Multiple Dwelling developments. This application also seeks approval for the Multiple Dwelling use over these lots providing some certainty of the built form outcome for the site.</p> <p>The application has demonstrated that the proposed lots have an area, shape and dimension to appropriately accommodate dwellings, servicing requirements, areas for car parking, vehicular access and manoeuvring. Further, the development provides both private open space and communal open spaces areas that are useable and practical.</p> <p>Therefore, the proposal complies with the Performance Outcome.</p>	

2.4.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcomes PO1 and PO7 of the General Residential Zone Code (Next Generation Neighbourhood Precinct). Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

General Residential Zone Code - Next Generation Neighbourhood Precinct - Section 6.2.6.3		
Overall Outcomes	Complies Y/N	Comments
a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.	<b>N</b>	<p>The proposed development provides a total of 126 dwellings on a 1.149ha site over six (6) storeys. This equates to a site density of 110 dwellings per hectare.</p> <p>As the proposal does not comply with the Overall Outcome, an assessment</p>



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General Residential Zone Code - Next Generation Neighbourhood Precinct - Section 6.2.6.3		
Overall Outcomes	Complies Y/N	Comments
		against the Strategic Framework of the MBRC Planning Scheme is required.
b. Neighbourhoods will have a mix of residential uses, tenure and densities on a variety of lot sizes providing housing choice and affordability for different lifestyle choices and life stages to meet diverse community needs.	Y	The development provides both townhouse dwellings and apartments that will contribute to the diversity of housing types within the Newport community. This development forms part of a large master planned community which seeks to achieve a range of residential densities and built form options.
c. Neighbourhoods are designed to provide well-connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that provide high levels of accessibility between residences, open space areas and places of activity.	Y	No change is proposed to the movement and open space networks approved under the subdivision development permit for the Newport Estate (DA/33286/2016/VCHG/2).  In particular, the development site is in a prime location to provide a high level of accessibility to multiple open space areas due to the provision of interconnected streets and active transport linkages, as well as the approved retail/commercial precinct along Lakeview Promenade.
d. Medium to high density uses (e.g. Multiple dwelling, Relocatable home park, Residential care facility, Retirement facility, Rooming accommodation, Short-term accommodation) are located in proximity to a range of services and public transport stops(s) or station(s).	Y	The development site is located in proximity to an approved retail/commercial precinct and child care centre along Lakeview Promenade. Further, the site is within walking distance of existing bus stops along Griffith and Boardman Road. It is also noted that Lakeview Promenade has been designed to cater for a future bus service.
e. The design, siting and construction of residential uses are to: <ul style="list-style-type: none"> <li>i. contribute to an attractive streetscape with priority given to pedestrians;</li> <li>ii. encourage passive surveillance of public spaces;</li> <li>iii. results in privacy and residential amenity consistent with the low to medium density residential character intended for the area;</li> <li>iv. provide a diverse and attractive built form;</li> </ul>	Y	The development has been architecturally designed to provide a site responsive layout that incorporates two (2) storey townhouses along the street frontage, transitioning to a higher built form of six (6) storey apartments along the lake and park frontages.  The design outcome ensures a high level of street activation, while minimising amenity (privacy and overshadowing) impacts by restricting the higher built form to the lake and park frontages. Further, apartments

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General Residential Zone Code - Next Generation Neighbourhood Precinct - Section 6.2.6.3		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>v. orientate to integrate with the street and surrounding neighbourhood;</li> <li>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on-site;</li> <li>x. be of a scale and density consistent with the low to medium density residential character intended for the area;</li> <li>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure;</li> <li>xii. ensure domestic outbuildings are subordinate in appearance and function to the dwelling.</li> </ul>		<p>along the lake and park frontages provides high quality on-site amenity for future residents as well as encouraging passive surveillance of the adjoining park.</p> <p>The development appropriately caters for car parking, with the provision of 270 car parking spaces, and appropriate on-site manoeuvring.</p>
f. Non-residential uses in the next generation neighbourhood precinct....	N/A	
g. Community activities...	N/A	
h. Corner stores may establish as a standalone use (not part of a neighbourhood hub) where...	N/A	
i. Retail and commercial activities (forming part of a neighbourhood hub)...	N/A	
j. The design, siting and construction of non-residential uses...	N/A	
k. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs....	N/A	
<ul style="list-style-type: none"> <li>l. General works associated with the development achieves the following:                             <ul style="list-style-type: none"> <li>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity</li> </ul> </li> </ul>	Y	<p>Electricity, telecommunications, roads, sewerage, water supply and street lighting are included as part of the development. All necessary services will be provided to meet the needs of the site.</p> <p>As part of the Isle of Newport subdivision, Stormwater Management reporting was undertaken for the entire</p>

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General Residential Zone Code - Next Generation Neighbourhood Precinct - Section 6.2.6.3		
Overall Outcomes	Complies Y/N	Comments
<p>(underground wherever possible), water and sewerage (where available);</p> <p>ii. the development manages stormwater to:</p> <p>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p> <p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p> <p>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</p> <p>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment</p>		<p>subdivision. Stormwater quantity and quality was considered for the development site and no additional stormwater infrastructure is required from this proposed development.</p> <p>The proposed development layout has been accompanied by a Traffic Engineering Assessment prepared by rytenschild Traffic Engineering. This assessment has reviewed the internal car parking, access driveway and driveway crossover arrangements and has demonstrated that the proposed development layout is compliant with the MRBC Planning Scheme and AS2890. Turning movement diagrams have been provided for the car park and all necessary movements have been demonstrated satisfactorily.</p> <p>The development is consistent with the Traffic Impact Assessment approved as part of the Newport subdivision where the assessment anticipated this site to accommodate 150 dwellings, with road networks constructed accordingly. The current development application proposes a total of 126 dwellings, therefore less than originally anticipated for the site.</p> <p>Earthworks have been undertaken in accordance with the overarching approvals for the site.</p>
<p>m. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>	Y	<p>The proposed development is for a Multiple Dwelling in a residential area. The application was accompanied by a Noise Assessment that reviewed potential noise impacts from the development site, particularly with regards to the outdoor communal areas and mechanical plant and equipment.</p> <p>With regards to outdoor communal areas, it was identified that with the inclusion of solid balustrades noise impacts are not anticipated to unduly affect future surrounding residents. The findings are based on an</p>

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General Residential Zone Code - Next Generation Neighbourhood Precinct - Section 6.2.6.3		
Overall Outcomes	Complies Y/N	Comments
		<p>assumption that activities would be occurring between 6.30am and 9pm. Therefore, it is recommended that a condition be applied requiring solid balustrades to the perimeter of the communal outdoor areas be provided and that the communal area hours be limited.</p> <p>With regards to mechanical plant and equipment, the Noise Assessment has derived the noise limits that would be applicable to any future mechanical plant installed at the site. It is therefore also a recommendation that a condition be applied requiring mechanical plant and equipment be designed, sited and acoustically treated in order to achieve the specified noise limits.</p>
n. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.	Y	The proposed Multiple Dwelling is not a noise generating use.
o. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	Y	The original subdivision approval provided a Noise Impact Assessment that identified lots that would be impacted by road traffic noise. This site is not one of these identified lots.
p. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	N/A	
q. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by....	N/A	The proposed development is free of constraints due to works completed under previous approvals.
r. Development in the Next generation neighbourhood precinct includes 1 or more of the following:  Multiple Dwelling	Y	The Multiple Dwelling use is included within the list of uses included within the Next Generation Neighbourhood Precinct.

Based on the above assessment, the proposal is inconsistent with one (1) of the Overall Outcomes, being 1 a., relating to the anticipated site density for the Next Generation Neighbourhood Precinct. Therefore, in accordance with section 1.7.2 of the MBRC Planning

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Scheme, an assessment against the Strategic Framework is set out in section 2.4.1 of this report.

In addition, section 45 (5) of the *Planning Act 2016* states the assessment may be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise. In this instance the proposal does not warrant an assessment against other relevant matters as the development complies with the MBRC Planning Scheme.

## 2.5 Trunk Infrastructure

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

### 2.5.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal.

### 2.5.2 Levied Charge Credit

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

#### (a) Payment of previous charges or contributions

There is no record of a previous charge or contribution having been made in relation to the land in accordance with section 14 of the CR. The proposed development involves part of Lot 890 being excised as a new lot (Lot C3820 in accordance with the approved Newport Plan of Subdivision) for the purposes of this development. Recommended Condition 1 requires the creation of this new lot triggering the requirement for the associated payment of infrastructure charges for 1 residential lot.

Therefore, as a result of the creation of this new lot and payment of the associated charge, the credit available under this option is \$17,603.73 based on the proportional split stated in Table 3 of the CR.

#### (b) Lawful use of land

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

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

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

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

The proposed development involves part of Lot 890 being excised as a new lot (Lot C3820 in accordance with the approved Newport Plan of Subdivision) for the purposes of this development. Recommended Condition 1 requires the creation of this new lot triggering the requirement for the associated payment of infrastructure charges for 1 residential lot.

Therefore, as a result of the creation of this new lot and payment of the associated charge, the credit available under this option is \$17,603.73 based on the proportional split stated in Table 3 of the CR.

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**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.

The original subdivision approval for the Newport Estate required the imposition of an additional payment condition. This is due to the Traffic Impact Assessment (TIA) submitted with the application identifying that additional works are required to be carried out at the Klingner Road / Boardman Road intersection over and above a trunk infrastructure upgrade already identified in the Council's Priority Infrastructure Planning as Item INT20 to be delivered in 2031. These works were not planned and represented works caused by the development. It is noted that the approved TIA identified this lot as a high-density allotment and calculated the daily trip generation based on 150 dwellings. This development application proposes a total of 126 dwellings, being less than what was assumed in the approved TIA.

Therefore, having assessed the proposed development, it does not warrant the imposition of an additional payment condition as traffic impacts were assessed as part of the original subdivision approval and an extra payment condition applied at that time.

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**

The application was referred to Development Engineering for review. The following comments have been provided:

**Traffic, Access & Parking**

1. The traffic report by rytenskild dated 29th October 2019 demonstrates that the proposal is in accordance with the original Traffic Impact Assessment by Cardno for the Newport Master Plan. The original Traffic Impact Assessment (prepared by Cardno) for the overall Newport Master Plan, allowed for 150 high density dwellings on the subject site, being more than what is proposed by this development.
2. Traffic report by rytenskild dated 29th October 2019 demonstrates that the proposal is in accordance with AS2890.1 and council's planning scheme. An MRV can access the site and refuse collection is proposed from the street.

**Stormwater / Flooding**

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1. Stormwater quality has been addressed through the original subdivision approval and creation of the lake. Therefore, there are no further stormwater requirements for this proposal.
2. A lawful point of discharge has been demonstrated in the MRC consulting engineers Stormwater Drainage Concept Plan C-SK3, with external stormwater and roads provided as part of DA/33286/2016/V4D/26.
3. The site has been filled to above the defined flood event as part of DA/33286/2016/V4D/26. A condition is recommended requiring the habitable floor level of the development achieve the minimum flood planning level of 3.2m AHD.

#### **2.7.1.2 Environmental Health**

The application was referred to Environmental Health for review. The following comments have been provided:

##### **Acoustic Amenity**

An acoustic technical note has been submitted in support of the development application. The note identifies the predicted noise impact level from activities associated with the communal recreation areas. It was identified that with the inclusion of solid balustrades these impacts are not anticipated to unduly affect future surrounding residents. The findings are based on an assumption that activities would be occurring between 6.30am and 9pm. It is appropriate therefore that a condition be applied limiting communal area hours. The note also recommends further assessment and certification of mechanical plant and equipment. A condition requiring the certification of mechanical plant and equipment is therefore also recommended.

##### **Waste**

A waste management program has been provided and is acceptable for the proposed use. This development will use 14 x 1.1m<sup>3</sup> bins. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with the waste management program.

#### **2.7.2 Referral Agencies**

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

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

##### **2.7.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

##### **2.7.2.3 Third Party Agencies**

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

#### **2.8 Public Consultation**

##### **2.8.1 Public Notification Requirements under the Development Assessment Rules**

- (a) Public Notification was served on all adjoining landowners on 25 November 2019.
- (b) The development application was advertised in the Courier Mail on 26 November 2019.
- (c) A notice in the prescribed form was posted on the relevant land on 26 November 2019 and maintained for a period of at least 15 business days until 18 December 2019.

##### **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		506
	Petition	-	0
Not Properly Made	Letter, Email, Fax		21
	Petition	-	0
<b>Total</b>			<b>527</b>

The matters raised within the submissions are outlined below:

Summary of Submissions - In Support
<p><u>Built Form and Design</u></p> <ul style="list-style-type: none"> <li>The Multiple Dwelling has been architecturally designed by RotheLowman Architects to ensure the development contributes positively to the locality in terms of form, scale and the provision of high-quality finishes.</li> <li>The building transitions in height away from future/proposed neighbouring properties from 2 storeys to 6 storeys at the lake edge.</li> <li>There is already a six-storey multiple dwelling to the south, therefore this proposal would not appear out of place in this area.</li> <li>There will be little to no impacts in terms of loss of amenity through shadowing or overlooking.</li> <li>The development is broken up into 2 buildings to reduce overall bulk and scale.</li> <li>A mix of unit types will be provided, including townhouses and apartments with access to private open space areas, as well as a communal open space area.</li> <li>The development offers a range of housing choice in direct response to the outcomes of the Next Generation Neighbourhood Precinct.</li> </ul> <p><u>Height</u></p> <ul style="list-style-type: none"> <li>The proposed building height ranges from two storeys (8.3m) to six storeys (20.4m) from natural ground level across the site.</li> <li>The transition in building height is specifically designed to suit the existing landscape and surrounding uses ensuring the buildings contribute positively to the locality whilst maintaining the impact to surrounding land uses.</li> <li>The proposed building height and density was contemplated within the master-planning for Stockland's Newport Estate (greenfield development), making the issue of building height significantly different to the way it would otherwise be considered in a traditional infill development scenario.</li> <li>The Next Generation Residential Neighbourhood contemplates low to medium rise character which is defined in the <i>Planning Scheme Policy - Residential Design</i> as 4-6 storey high apartment buildings with images of 6 storey buildings as an example of the desired built form.</li> </ul> <p><u>Density</u></p> <ul style="list-style-type: none"> <li>Residential density in this greenfield estate developed by Stockland has been determined across the entire development footprint. Whilst the proposal represents an individual site density of 110 dwellings per hectare, the overall density across the estate remain consistent with the 75 dwellings per hectare anticipated in the Next Generation Neighbourhood Precinct.</li> <li>The master-planning had originally contemplated 150 dwellings on this site, whereas the proposed development is for a total of 126 dwellings, ensuring the outcome is consistent and supported by the planning that has already been undertaken.</li> </ul>



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**Summary of Submissions - In Support**

- The nearby retirement village has been approved by Council with a site density of 124 dwellings per hectare, a higher density than what is proposed as part of this application.

Housing Choice

Any residential community needs a variety of housing choices so that residents can choose the housing style that best suits their stage in life. This improves people's quality of life and makes the residential dwelling stock more efficient and suited to peoples needs. This development adds an important choice for existing and new residents to the area.

Infrastructure

- All infrastructure (roads, water, sewer, stormwater etc) has been designed specifically to accommodate a development of the proposed size and scale on the subject site.
- Detailed reports were provided as part of the original subdivision application and these have been ratified where required to support the current proposal.
- The traffic generated by the current proposal is well within the planning and assumptions that were allowed for during the time of the original subdivision.
- The proposal will have no significant adverse impacts on the broader traffic network with Stockland already committed to a number of different road and/or intersection upgrades in the area under the conditions of their existing approvals.

Economic Benefits

- There are significant benefits during both the construction and post construction phases. During the construction phase the project will support building workers and local supplies. Post construction, the additional residents will help to support the future shopping centre which is needed to support the emerging community.

Community Expectations

- Stockland has fully disclosed the intention for this subject site as ultimately being apartments within all Newport related marketing collateral and within every contract of sale at Newport. The proposed development is consistent with this disclosure to Stockland's customers.

Comparison with Newport Marina Complex

- Comparisons are being drawn between the recent decision of MBRC to refuse a development application at the Newport Marina for a 6 storey residential tower with some commercial at ground level which is less than 1km from the subject site. There are differences between the two proposals, being the zoning (Industry Zone) which does not contemplate residential development at the height and densities that were proposed. By contrast, the current application is within a greenfield master-planned community, located within the Next Generation Neighbourhood Precinct which does contemplate a residential development of the proposed scale. To draw similarities between the two projects is not reasonable in this instance and would unlikely ever set a 'precedent' for development at the Marina given the contrasting contexts.

Mitigation of Lake Management Costs

- The proposed development will deliver an additional 126 unit owners into the Newport Lakefront Community Title Scheme with all unit owners contributing money into the Administration and Sinking funds for this Body Corporate. Approval and

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<b>Summary of Submissions - In Support</b>
delivery of the proposed development will help keep lake management costs affordable to residents within the Community Title Scheme.
<b>Discussion</b>
The above comments in support are noted.

<b>Summary and Assessment of Submissions - Opposed</b>
<p><u>Residential Density</u></p> <ul style="list-style-type: none"> <li>The General Residential Zone Code (Next Generation Neighbourhood Precinct) sets a clear requirement within both the Performance Outcome (PO1) and Overall Outcome (1a.) to provide a low to medium residential density of between 15 and 75 dwellings per hectare.</li> <li>Despite initially seeking to remove density as part of the recent planning scheme amendment, the maximum density will now be maintained for the Next Generation Neighbourhood Precinct demonstrating an important requirement and expectation for the precinct.</li> <li>The proposal provides a total of 126 dwellings equating to approximately 110 dwellings per hectare, therefore not complying with the Performance Outcome and Overall Outcome and substantially exceeding the maximum density requirement. The consequence of this non-compliance is development having a level of intensity that changes the character of the area which is valued.</li> </ul>
<p><b>Discussion</b></p> <p>The issues raised by the submitters are acknowledged and it is recognised that the density outcome sought by the development exceeds the anticipated density of between 15 and 75 dwellings per hectare within the General Residential Zone Code (Next Generation Neighbourhood Precinct).</p> <p>The development proposes an overall site density of 110 dwellings per hectare, therefore exceeding the range of between 15 and 75 dwellings per hectare required by Performance Outcome PO1 and Overall Outcome 1a. of the General Residential Zone Code (Next Generation Neighbourhood Precinct). The development proposal therefore requires assessment against the Strategic Outcomes within the Strategic Framework.</p> <p>Within the Strategic Framework, the Specific Outcomes for the Next Generation Neighbourhood Precinct (3.14.9.1) do not provide a maximum site density requirement, however only requires that the Next generation neighbourhood place type has a <b>minimum</b> density of 35 people and/or jobs per hectare - equating to a net residential density of 15-25 dwellings per hectare. Therefore, a higher density development could be considered within the Next Generation Neighbourhood Precinct, particularly as this precinct seeks housing diversity with a mix of dwellings, including medium density residential units, to be provided.</p> <p>A higher density on this site could also be supported due to its excellent locational attributes. In particular:</p> <ol style="list-style-type: none"> <li>Two sides of the site are adjacent to a large lake - limiting direct amenity impacts to adjoining properties and providing high quality on-site amenity for future residents;</li> <li>One side of the site being adjacent to a local park - providing highly accessible open space and opportunities for increased surveillance of public areas supporting good town planning principles such as Crime Prevention Through Environmental Design;</li> </ol>

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**Summary and Assessment of Submissions - Opposed**

3. Within 250m of a future retail/commercial precinct as well as being within close distance of existing bus stops along Griffith and Boardman Road. It is also noted that Lakeview Promenade has been designed to cater for a future bus service. Strategic Outcome 3.6.5 specifically discusses infill development and states that *“Council will seek to increase residential densities and employment opportunities within the urban corridor and specifically within and adjoining activity centres and public transport in order to maximise access to and use of services and facilities and opportunities for use of public transport, walking and cycling and also adjacent to areas of high scenic amenity e.g waterfront, environmental areas with high standards of amenity and accessible open space.”*

It is acknowledged that the site is located within the master planned Newport Estate, with the original subdivision providing an overall net residential density of 16.1 lots per hectare (as noted within the Applicant’s Planning Report submitted with the original subdivision application). This net residential density is within the lower end of what is anticipated for the Next Generation Neighbourhood Precinct being 11-25 lots per hectare as part of a subdivision.

Further, as part of the original subdivision approval, this lot was notated as a high density allotment as demonstrated on the approved Plan of Development. Although development on this site is subject to a separate application, it is noted that the intent at the time of the original subdivision was that this lot would cater for a higher form of development. This is also reflected in the Traffic Impact Assessment approved for the Newport Estate that specifically anticipated this site to accommodate 150 dwellings, with road networks constructed accordingly. The current development application proposes a total of 126 dwellings, therefore less than originally anticipated.

Overall, the increased site density on this particular site is warranted and is not a reason for the refusal of the application.

Building Height

- The Overlay map - Building Heights which applies to the subject site sets a maximum building height of 8.5m. The maximum building height of the proposed development, for each tower, is six (6) storeys and 20.4m above natural ground level.
- Exceedance of the maximum building height will result in a visually dominant and overbearing building, causing adverse visual amenity impacts to the streetscape and surrounding uses.
- The proposed building height is not responsive to the features of the subject site, which includes a predominate low-rise built form in the areas immediately surrounding the subject site.
- The exceedance in density and building height combine to result in overdevelopment of the subject site beyond reasonable community expectations and will have direct, adverse consequence on amenity and character.
- The building height will expose surrounding properties to adverse visual amenity and overlooking impacts and will reduce privacy to surrounding dwellings.
- The buildings will change the character of the area, dwarfing the surrounding neighbourhood and overlooking the private homes of Newport.
- The proposed height of the unit towers will have a significant negative impact on the privacy of homes within at least a 600m radius.
- The height of the development will block easterly breezes and create overshadowing on some nearby residences to the west for at least 2 hours.

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**Summary and Assessment of Submissions - Opposed**

**Discussion**

The submitters concern regarding height are acknowledged, particularly due to the development proposing a built form containing a maximum height of approximately 20.5m, in lieu of 8.5m as identified by Overlay Map - Building Heights.

The development consists of two (2) stages that will provide two (2) storey townhouses constructed along the road frontage (Aqua Street) of the site with six (6) storey apartments located along the lake and park frontage. The proposal is a site responsive design that has given consideration to the height of the development by transitioning from low scale two (2) storey townhouse dwellings along the road frontage to a higher built form along the lake and park frontage in order to minimise any amenity (privacy & overshadowing) impacts. Further, the development is separated into two (2) buildings in order to provide a break in the built form and a view corridor to the lake.

While Overlay Map - Building Heights identifies the site as having a maximum height of 8.5m, the General Residential Zone Code (Next Generation Neighbourhood Precinct) only references this specific height as an Example (E2). Examples are incorporated within the Planning Scheme to provide at least one (1) way (or an example) to achieve compliance with the corresponding Performance Outcome, being PO2 in this instance. As a specific building height is not referenced within Performance Outcome PO2, or the Overall Outcomes, there is opportunity for the building to exceed the height suggested by the Overlay Map and still comply with the code.

The Performance Outcome relating to building height (PO2) requires buildings and structures have a height that:

- a. Is consistent with the low to medium rise character of the Next Generation Neighbourhood Precinct;
- b. Responds to the topographic features of the site, including slope and orientation;
- c. Is not visually dominant or overbearing with respect to the streetscape;
- d. Responds to the height of development on adjoining land where contained within another precinct or zone.

In considering point a. above, it is important to understand what is envisioned as low to medium rise for the Next Generation Neighbourhood Precinct. This is outlined within Planning Scheme Policy - Residential Design which notes low rise apartments as having a typical height of 2-3 storeys and medium rise apartments with a typical height of 4-6 storeys. The application is proposing a built form containing a maximum of six (6) storeys, therefore the development is considered to be medium rise and is consistent with point a. of the above Performance Outcome.

Point b. of the Performance Outcome requires buildings to respond to the topographic features of the site. In accordance with existing operational works development permits, the site will be relatively flat with a slight batter towards the lake. However, as noted above, the design response has stepped the height of the building down towards the most sensitive interface at Aqua Street. The six storey elements of the building are adjacent to open space and Lake frontage. The proposal is therefore able to comply with this part of the Performance Outcome.

With regards to Point c., the proposal has carefully considered the built form outcome when viewed from the Aqua Street frontage and has incorporated two (2) storey townhouses along the street in order to minimise the development being visually dominant or overbearing within the streetscape. Although the development is also

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**Summary and Assessment of Submissions - Opposed**

providing six (6) storey apartments, as these apartments are setback from the street, they will not be visually dominant or overbearing from the streetscape. It is acknowledged that the apartments will be viewed from the park and other areas at Newport, however this will be from a distance and will not impact on privacy or be visually dominant or overbearing.

Overall, the proposal is able to achieve compliance with the above Performance Outcome and therefore the proposed height of the development is not a reason for the refusal of the application.

Setbacks and Site Cover

- The proposed development results in setbacks and site cover that are non-compliant with the zone code.
- These non-compliances, in combination with the non-compliance building height and residential density, will result in a development that is visually dominant and overbearing to the adjoining site, which largely reflect a low-rise and low-density character.
- The subject site comprises a sufficient area, dimensions and scale to accommodate a Multiple Dwelling development that achieves the minimum setback and site cover intended by the Example provisions within the code.
- The building setbacks will expose surrounding properties to adverse visual amenity and overlooking impacts and will reduce privacy to surrounding dwellings.

**Discussion**

Concerns have been raised regarding the proposed setbacks and site cover, noting that what is proposed is non-compliant with the zone code.

Specific setback and site cover requirements are Examples within the code, they are not mandatory or prescriptive requirements. A performance-based approach to assessment is a requirement of the current Qld planning system and therefore the proposal has an opportunity to provide alternative outcomes, as long as the corresponding Performance Outcome can be achieved.

In this instance, alternatives to the example setbacks are as follows:

- An architectural feature of the townhouses will be built to the boundary at ground level, in lieu of being setback 2m. It is noted that this feature extends from the townhouse to the street frontage to frame each individual townhouse and provide clear entry points.
- Small portions of the development slightly extend within 4.5m of the lake boundary. The alternatives to the example relate to decks/patios within private open space areas and the roof of the development.
- Alternatives are sought to the side boundary setback adjoining the park. This area of the development relates to the apartments constructed along the lake frontage, with the apartments adjoining this boundary having decks extending into the side boundary setback where above Level 3.

The Performance Outcome relating to setbacks, PO4, requires that residential buildings be consistent with the low to medium density next generation neighbourhood character intended for the area, where buildings are positioned closer to the footpath to create more active frontage and maximise private open space. Further, the Performance Outcome requires development to not be visually dominant or overbearing with respect to the streetscape and the adjoining sites. The development achieves compliance with these parts of the Performance Outcome with the proposed townhouses along the Aqua Street

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**Summary and Assessment of Submissions - Opposed**

frontage providing a high level of street activation through architectural features built to the boundary, however the design of the townhouse allows the built form to not be visually overbearing or dominant along the streetscape.

The Performance Outcome also requires that the privacy of adjoining properties be maintained. The development does not directly adjoin residential properties, with the site containing boundaries along Aqua Street, the Lake and Newport Park, therefore the development does not impact on the privacy of adjoining properties. It is noted that there will be some overlooking of the Newport Park, however the casual surveillance of public open spaces is encouraged within the Planning Scheme, specifically Performance Outcome PO15 of the Residential Uses Code.

With regards to site cover, the Example, E7, suggests a site cover of 60% when the building height is 8.5m or less. In this instance the development is proposing a site cover for the ground floor and level 1 of 68% and 69% for Stage 1 and 67% and 68% for Stage 2, with all other levels providing less site coverage than what is suggested by the example.

The corresponding Performance Outcome, PO7, requires that residential buildings ensure that site cover:

- a. Does not result in site density that is inconsistent with the character of the area;
- b. Does not result in an over development of the site;
- c. Does not result in other elements of the site being compromised (e.g. setbacks, open space etc);
- d. Reflects the low to medium density character intended for the area.

As previously discussed, the proposal exceeds the site density required by Performance Outcome PO1 of the zone code, however the Strategic Framework provides an opportunity for a higher density, particularly as this precinct seeks housing diversity with a mix of dwellings, including medium density residential units, to be provided. Further, the proposed site cover only slightly exceeds what is suggested by Example E7 for the ground floor and level 1 only, with all other levels complying with the suggested site cover. Therefore, the built form outcome is not considered an over development of the site, particularly as sufficient open space areas are provided, with minimal setback encroachments proposed. The development presents a high quality outcome that responds to its context, is respectful of the streetscape and adjoining properties and is also considered to reflect the medium density character intended for the Next Generation Neighbourhood Precinct.

Overall, the setbacks and site cover proposed for the development are not reasons to refuse the application.

Community Expectation

- The non-compliant building height and residential density contrasts with the community's reasonable expectations and will result in adverse impacts to neighbouring residents in terms of outlook, access to natural light and visual privacy. The development will adversely alter the character of the neighbourhood which is valued.
- The General Residential Zone (Next Generation Neighbourhood Precinct) sets a clear community expectation for the scale, height and density reasonably expected within the precinct.

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<p><b>Summary and Assessment of Submissions - Opposed</b></p>
<ul style="list-style-type: none"> <li>• The level of exceedance in both building height and density is inconsistent with the established character of Newport and the emerging character of the Stockland Newport Estate, which are both characterised by a predominant and established character of low-rise residential development.</li> <li>• The development application notes that residents were advised that a high-rise would be built on this site, referring to flyover images, physical models, masterplan etc.</li> </ul>
<p><b>Discussion</b></p> <p>The concerns raised by the submitters are acknowledged, particularly as the proposed development seeks alternative development outcomes to the Examples within the Planning Scheme.</p> <p>It is further acknowledged that although the original approval to create this lot intended the site to be a high density allotment and that the developer incorporates images of apartments on their website, the development is subject to current Planning Scheme requirements and will be assessed accordingly. As outlined in the discussions above, the Planning Scheme does provide scope to approve development that exceeds height and density as outlined within the zone code, with the Strategic Framework providing an overarching view for the Next Generation Neighbourhood Precinct.</p> <p>Overall, these are not reasons to refuse the application.</p>
<p><u>Traffic and Parking</u></p> <ul style="list-style-type: none"> <li>• This site feeds onto narrow suburban streets. The existing infrastructure was not approved with the concept of dealing with congested dwelling densities. The roads around this site were approved for a maximum dwelling density of 75 dwellings per hectare.</li> <li>• The added pressure of such a huge increase in density will have major impacts on traffic flow, parking and pedestrian safety and access by emergency vehicles.</li> <li>• This development will exacerbate traffic congestion which is currently forming at the intersection of Griffith Road and Boardman Road at the access to Stockland's development. This will become even more exaggerated when all of the homes on the Stockland development have been settled.</li> <li>• The infrastructure is not adequate to deal with unexpected traffic increases. The pressure on our community of heightened traffic congestion is already an issue.</li> <li>• Parking and traffic is already under pressure due to the popular Spinnaker Park that adjoins the development site and the construction of the townhouse development on the corner of Aegean Street and Lakeview Promenade, with parking spilling out onto local street and Lakeview Promenade.</li> <li>• Parking and traffic will be become exacerbated when further planned construction takes place and new residents move into the area.</li> <li>• The narrow access roads which will be traversed by young families on foot were not constructed to allow for the increase in traffic which will be generated by the proposed 600 extra vehicles per day.</li> <li>• The likelihood of road accidents and pedestrian injuries will be heightened because of the poor road geometry - especially so at the intersection with Lakeview Promenade.</li> <li>• There will be an increase in traffic flow from the Town House construction currently being developed on Aegean Street and other approved sites. The result on this congested traffic site will have major impact on traffic flow as well as driver visibility and pedestrian safety.</li> </ul>
<p><b>Discussion</b></p> <p>The concerns raised by the submitters are acknowledged and it is recognised that this development will increase traffic movement throughout the estate, as well as the wider</p>

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<b>Summary and Assessment of Submissions - Opposed</b>
<p>community. However, the development permit that created this site approved a Traffic Impact Assessment (TIA) for the entire Newport Estate. The TIA specifically anticipated this site to accommodate 150 dwellings, with infrastructure constructed accordingly, including road networks and pedestrian footpaths that are incorporated all over the Newport Estate to provide a connected and walkable community.</p> <p>The current development application proposes a total of 126 dwellings, therefore less dwellings than originally anticipated within the TIA. It is further noted that the development will provide adequate car parking spaces with a total of 270 spaces to be provided servicing 126 dwellings. The number of car parking spaces to be provided more than doubles the number of spaces suggested to be provided by the Planning Scheme.</p> <p>Overall, these are not reasons to refuse the application.</p>
<p><u>Construction</u></p> <ul style="list-style-type: none"> <li>No consideration has been given to the construction impacts on local residents. The effects of heavy equipment, construction noise, pile driving, dust, vehicles (both passenger and industrial) on the residents have been ignored.</li> <li>Where will the site workers park? Will they occupy the parking bays for the playground or park on the streets?</li> </ul>
<p><b>Discussion</b></p> <p>A development of this size will be required to provide a Construction Management Plan to Council for assessment and approval prior to the commencement or works on-site. This would be a condition of any development permit issued over the site.</p> <p>Overall, these are not reasons to refuse the application.</p>
<p><u>Economic Need</u></p> <ul style="list-style-type: none"> <li>The development application does not demonstrate sufficient economic need to support it and displays a significant ignorance of the current and forecast supply of apartments in appropriately zone localities on the Redcliffe Peninsula.</li> </ul>
<p><b>Discussion</b></p> <p>The economic need of the development proposal is not a planning consideration.</p> <p>Therefore, this is not a reason to refuse the application.</p>
<p><u>Setting a Precedent</u></p> <ul style="list-style-type: none"> <li>If this development is approved, then here lies a precedent for future developers to think they can do the same.</li> </ul>
<p><b>Discussion</b></p> <p>Development applications are subject to rigorous assessment in relation to the relevant assessment benchmarks and factors in the location and surrounding area of the site. Each application is assessed upon its own merits.</p> <p>In this way, the outcome of this development application would not represent a precedent which would be broadly applied.</p> <p>This is not a reason for the refusal of the application.</p>



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<b>Summary and Assessment of Submissions - Opposed</b>
<p><u>Reliance upon Existing Development Approval</u></p> <ul style="list-style-type: none"> <li>Concern has been raised that the development application material relies on the development approval that created the site to justify the proposed development.</li> </ul>
<p><b>Discussion</b></p> <p>The development application is subject to assessment against the relevant codes within the MBRC Planning Scheme. Further, as the application is subject to Impact Assessment, the <i>Planning Act 2016</i> allows the assessment manager to carry out an assessment against any other relevant matter. Therefore, consideration could be given to the existing approval within the decision making process.</p> <p>This is not a reason to refuse the application.</p>

2.8.3 *Notice of Compliance*

The Notice of Compliance was received by Council on 19 December 2019. 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 submitters have appeal rights in accordance with the *Planning Act 2016*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

- a) In the event that an appeal is made to the Planning & Environment Court against Council's decision, the Council will incur additional costs in defending its position.
- b) Should the application be approved, Infrastructure Charges are applicable.

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay Region.

3.8 Environmental Implications

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

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3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.8.

## **ATTENDANCE**

Cr Mick Gillam returned to the meeting at 1.36pm after Item 2.2.

## **ADJOURNMENT**

The meeting adjourned at 1.37pm for lunch.

The meeting resumed at 2.21pm

*Dan Staley and Amy White remained in attendance when the meeting resumed.*

**ITEM 2.3**

**DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDSBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5**

**APPLICANT: WINDSOR DEVELOPMENT COMPANY PTY. LTD. C/- RYALL & SMYTH ARCHITECTS**

**OWNER: MS. GEORGINA BLOMFIELD TTE & MR WAYNE SPEAR, MS. GEORGINA BLOMFIELD TTE, BERNE NO.26 PTY. LTD.**

Meeting / Session: 2 PLANNING & DEVELOPMENT  
Reference: A19601052 : 18 February 2020 – Refer Supporting Information A19601071, A19625496 & A19625431 (due to size constraints provided separately)  
Responsible Officer: GH, Principal Planner (Development Services)

**Executive Summary**

This report is being presented to the Council for a decision as the proposal has raised significant community concerns and in accordance with the delegations to Council officers, the Divisional Councillor has requested that the development application be determined by the Council instead of under Council officer delegation. Therefore, Council is now the entity authorised to decide the development application.

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Windsor Development Company Pty. Ltd. C/- Ryall Smyth Architects
<b>Lodgement Date:</b>	3 September 2019
<b>Properly Made Date:</b>	13 September 2019
<b>Confirmation Notice Date:</b>	19 September 2019
<b>Information Request Date:</b>	3 October 2019
<b>Info Response Received Date:</b>	26 November 2019
<b>Public Notification Dates:</b>	29 November 2019 to 19 December 2019
<b>No. of Submissions:</b>	Properly Made: 191 Not Properly Made: 11
<b>Decision Due Date:</b>	18 February 2020
<b>Prelodgement Meeting Held:</b>	Yes (PRE/5074 - held 22 May 2019)

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 5
<b>Property Address:</b>	71 and 73 Landsborough Avenue and 116 Mein Street, Scarborough
<b>RP Description</b>	Lot 719 RP 30477, Lot 720 RP 30477, Lot 721 RP 30477, Lot 565 RP 30477
<b>Land Area:</b>	2,428m <sup>2</sup>
<b>Property Owner</b>	Ms. Georgina Blomfield TTE & Mr. Wayne Spear; Ms. Georgina Blomfield TTE; Berne No.26 Pty. Ltd.

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	Urban Neighbourhood Place Type General Residential Zone, Urban Neighbourhood Precinct
<b>Level of Assessment:</b>	Impact Assessment

*ITEM 2.3 DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5 - A19601052 (Cont.)*

This application seeks approval for a Material Change of Use - Development Permit for Multiple Dwelling (48 Dwellings), Shop and Food and Drink Outlet, situated at the above-mentioned property. It is proposed to construct a new mixed-use building comprising ten (10) storeys with an overall maximum building height of 31.03m. The proposed building contains 427m<sup>2</sup> of retail Gross Floor Area (GFA) at ground level fronting Landsborough Avenue and forty-eight (48) residential apartments above podium level.

The application was publicly advertised with 191 'properly made' submissions received.

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

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

## RESOLUTION

**Moved by Cr James Houghton**

**Seconded by Cr Matt Constance**

**CARRIED 6/5**

*Cr Koliانا Winchester, Cr Denise Sims, Cr Peter Flannery, Cr Brooke Savige, Cr Matt Constance voted against the motion*

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

## Moreton Bay Regional Council

*ITEM 2.3 DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5 - A19601052 (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 Multiple Dwelling (48 Dwellings), Shop and Food and Drink Outlet at 71 and 73 Landsborough Avenue and 116 Mein Street, Scarborough, described as Lots 719, 720, 721 & 565 on RP30477, subject to the following plans/documents and conditions:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Basement Level Plan	2177, DA-100, Revision F	Ryall & Smyth Architects	25/11/2019
Ground Level / Level 1 Plan	2177, DA-101, Revision F	Ryall & Smyth Architects	25/11/2019
Level 2 Plan	2177, DA-102, Revision F	Ryall & Smyth Architects	25/11/2019
Level 3 Plan	2177, DA-103, Revision F	Ryall & Smyth Architects	25/11/2019
Level 4 Plan	2177, DA-104, Revision F	Ryall & Smyth Architects	25/11/2019
Level 5 Plan	2177, DA-105, Revision F	Ryall & Smyth Architects	25/11/2019
Level 6 Plan	2177, DA-106, Revision F	Ryall & Smyth Architects	25/11/2019
Level 7 Plan	2177, DA-107, Revision F	Ryall & Smyth Architects	25/11/2019
Level 8 Plan	2177, DA-108, Revision F	Ryall & Smyth Architects	25/11/2019
Level 9 Plan	2177, DA-109, Revision F	Ryall & Smyth Architects	25/11/2019
Level 10 Plan	2177, DA-110, Revision F	Ryall & Smyth Architects	25/11/2019
Roof Plan	2177, DA-111, Revision F	Ryall & Smyth Architects	25/11/2019
Basement Level Plan	2177, DA-112, Revision F	Ryall & Smyth Architects	25/11/2019
Ground Level / Level 1 Plan	2177, DA-113, Revision F	Ryall & Smyth Architects	25/11/2019
Level 2 Plan	2177, DA-114, Revision F	Ryall & Smyth Architects	25/11/2019
Level 3 Plan	2177, DA-115, Revision F	Ryall & Smyth Architects	25/11/2019
Level 4 Plan	2177, DA-116, Revision F	Ryall & Smyth Architects	25/11/2019
Level 5 Plan	2177, DA-117, Revision F	Ryall & Smyth Architects	25/11/2019
Level 6 Plan	2177, DA-118, Revision F	Ryall & Smyth Architects	25/11/2019
Level 7 Plan	2177, DA-119, Revision F	Ryall & Smyth Architects	25/11/2019
Level 8 Plan	2177, DA-120, Revision F	Ryall & Smyth Architects	25/11/2019
Level 9 Plan	2177, DA-121, Revision F	Ryall & Smyth Architects	25/11/2019
Level 10 Plan	2177, DA-122, Revision F	Ryall & Smyth Architects	25/11/2019
Roof Plan	2177, DA-123, Revision F	Ryall & Smyth Architects	25/11/2019
Typical Plan	2177, DA-124, Revision F	Ryall & Smyth Architects	25/11/2019
Typical Plan	2177, DA-125, Revision F	Ryall & Smyth Architects	25/11/2019
Typical Plan	2177, DA-126, Revision F	Ryall & Smyth Architects	25/11/2019
Typical Plan	2177, DA-127, Revision F	Ryall & Smyth Architects	25/11/2019
Typical Plan	2177, DA-128, Revision F	Ryall & Smyth Architects	25/11/2019
Typical Plan	2177, DA-129, Revision F	Ryall & Smyth Architects	25/11/2019
Section 01, 02, 03	2177, DA-200, Revision F	Ryall & Smyth Architects	25/11/2019
Section 04, 05	2177, DA-201, Revision F	Ryall & Smyth Architects	25/11/2019
East Elevation	2177, DA-300, Revision F	Ryall & Smyth Architects	25/11/2019
North Elevation	2177, DA-301, Revision F	Ryall & Smyth Architects	25/11/2019
South Elevation	2177, DA-302, Revision F	Ryall & Smyth Architects	25/11/2019
West Elevation	2177, DA-303, Revision F	Ryall & Smyth Architects	25/11/2019
Site Cover - Level 3-10	2177, DA-400, Revision F	Ryall & Smyth Architects	25/11/2019
Typical Floor Plan	2177, DA-401, Revision F	Ryall & Smyth Architects	25/11/2019
Illustration 1 & 2	2177, DA-500, Revision F	Ryall & Smyth Architects	25/11/2019
Illustration 3 & 4	2177, DA-501, Revision F	Ryall & Smyth Architects	25/11/2019
Illustration 5	2177, DA-502, Revision F	Ryall & Smyth Architects	25/11/2019

## Moreton Bay Regional Council

*ITEM 2.3 DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDSBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5 - A19601052 (Cont.)*

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Illustration 6	2177, DA-503, Revision F	Ryall & Smyth Architects	25/11/2019
Illustration 7	2177, DA-504, Revision F	Ryall & Smyth Architects	25/11/2019
Material Palette	2177, DA-600, Revision F	Ryall & Smyth Architects	25/11/2019
Noise Assessment Report	4995R2	Noise Measurement Services	25/10/2019
Waste Management Program	-	Ryall Smyth	-
Concept Design Plan Stormwater and Civil Services	9421-C-SK-01 Rev B	McVeigh	30/10/2019

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Community Management Statement</b>	
	Ensure that the Community Management Statement for the development reflects the following: 6. Car parking provisions; 7. Landscaping requirements; 8. Communal Open Space and Recreation areas; 9. Bin storage requirements and collection locations; and 10. Stormwater Management requirements.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>3</b>	<b>Extent of Dwellings</b>	
	Develop the Dwellings on the site as 48 dwellings containing 3 bedrooms.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>4</b>	<b>On-Site Car Spaces</b>	
A	Provide on-site car parking as generally shown on the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access	Prior to the commencement of use or Council

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	lanes and driveways shown on the approved plan must not be used for any other purpose.	endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>5</b>	<b>Bicycle Parking Facilities</b>	
	Install secure bicycle parking facilities for a minimum of 60 bicycles.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>6</b>	<b>Configuration of Lots</b>	
	Amalgamate Lots 719, 720, 721 and 565 on RP30477  OR  Reconfigure the lots in accordance with a Standard Format Plan or a Building Format Plan.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
<b>7</b>	<b>Electrical Transformer</b>	
	Ensure that where electrical transformers are located in the front setback (only where an internal road is not proposed) it is screened so that the transformer is not visible from any road frontage and achieves the following: 6. A combination of screening device and landscaping; 7. The screening device is constructed of durable, weather resistant materials; and 8. Is integrated with the design of the development and positively contributes to the streetscape.  Where an internal road is proposed the transformer is to be located at the end of the roadway internal to the site with provision made for maintenance access through the site.  Note: The use of barbed wire or metal prongs is not permitted	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
<b>8</b>	<b>Clothes Drying Facilities</b>	
	Provide external clothes drying facilities that are screened from adjoining properties and the street or provide an electric clothes dryer within each dwelling.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>9</b>	<b>Privacy Screening</b>	
A	Provide privacy screening or alternate treatments where: 4. Habitable room windows or balconies of above ground floor dwellings directly face another habitable room or balconies on the same site or an adjoining site that are within 9m; and/or 5. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
B	Treatments may consist of one or more of the following: 1. Sill heights at a minimum of 1.5 metres above floor level; or 2. Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading between the floor level of the dwelling or balcony and 1.5m for windows and 1.2m for balconies; or 3. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
<b>10</b>	<b>Materials and Finishes to Driveway and External Car Parking Spaces</b>	
	Construct the driveway and visitor parking spaces of materials and finishes to soften the visual impact of these areas. In order to achieve the above, one or a combination of the following is to be used: 1. coloured aggregate; 2. coloured asphalt; 3. brick pavers; 4. approved porous surfacing; and/or 5. banding patterns in the surface design.  Notes: 9. Council may approve other materials and finishes that are compatible with the objectives of this requirement. 10. Driveways and parking areas must not be surfaced with the same material, unless different colours, textures or borders are used to differentiate between them. 11. The use of a plain concrete finish for the driveways and parking areas is not acceptable.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
<b>11</b>	<b>Street Numbering and Building Names</b>	
	Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.



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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>12</b>	<b>Identification Display Board</b>	
	<p>Install at each vehicular entry to the site a display board meeting the following criteria:</p> <ol style="list-style-type: none"> <li>1. Constructed from permanent and durable material;</li> <li>2. located in a visually prominent position;</li> <li>3. lighting to allow for 24 hour viewing; and</li> <li>4. contains an accurate site plan showing:                             <ul style="list-style-type: none"> <li>o The overall layout of the development to scale;</li> <li>o The internal access ways, visitor car parks and residential dwellings;</li> <li>o Any physical constraints that would restrict emergency vehicles;</li> <li>o The names of the access ways (if applicable);</li> <li>o The numbers of each unit if an internal numbering system has been used in the development;</li> <li>o The location of the manager's dwelling,</li> <li>o The location and name of facilities;</li> <li>o The location of fire hydrants and any water storage;</li> <li>o The position of the site identification diagram in relation to its surroundings with the words "You Are (x) Here" highlighted and related to that position.</li> </ul> </li> </ol> <p>Note: Assistance with the content of the diagram may be obtained from the Department of Emergency Services.</p>	<p>Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.</p>
<b>13</b>	<b>Internal Fire System</b>	
A	External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	<p>A continuous path of travel having the following characteristics is provided between the vehicle access point to the site and each external fire hydrant and hydrant booster point on the land:</p> <ol style="list-style-type: none"> <li>1. An unobstructed width of no less than 3.5m;</li> <li>2. An unobstructed height of no less than 4.8m;</li> <li>3. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance;</li> <li>4. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point.</li> </ol>	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
C	On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian	At all times.

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
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	Standard AS1851 (2013) - Routine service of fire protection systems and equipment.	
D	<p>For development that contains on-site fire hydrants external to buildings:</p> <ol style="list-style-type: none"> <li>1. Those external hydrants can be seen from the vehicular entry point to the site; or</li> <li>2. A sign identifying the following is provided at the vehicular entry to the site: <ul style="list-style-type: none"> <li>o The overall layout of the development (to scale);</li> <li>o Internal road names (where used);</li> <li>o All communal facilities (where provided);</li> <li>o The reception area and on-site manager's office (where provided);</li> <li>o External hydrants and hydrant booster points;</li> <li>o Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and</li> <li>o Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.</li> </ul> </li> </ol>	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
E	<p>For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.</p> <p>Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.</p>	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
<b>14</b>	<b>Landscaping</b>	
A	Provide landscaping on site generally in accordance with the approved plans and Planning Scheme Policy - Integrated Design Appendix D - Landscaping.	Prior to commencement of use or Council endorsement of any community management statement, whichever occurs first.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use or Council endorsement of any community management statement, whichever occurs first.

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C	Maintain the landscaping.	At all times.
<b>15</b>	<b>Vehicle Encroachment</b>	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to the commencement of use or Council endorsement of any community management statement, whichever occurs first.
<b>16</b>	<b>On Site Services</b>	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners include screening (e.g. fencing or landscaping) from view of any road frontage.  Note: Rainwater tanks are not permitted within easements.	Prior to the commencement of use or Council endorsement of any community management statement, whichever occurs first.
<b>17</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion (for each stage where there are stages) for the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
<b>18</b>	<b>Fibre Ready Telecommunications – Multi</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that: <ol style="list-style-type: none"> <li>1. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and</li> <li>2. Has suitable space and access for the installation, maintenance and repair of all elements up to and including the Network Termination Device (NTD) and Power Supply Unit (PSU) or the likely location of a NTD and PSU for each dwelling / tenancy; and</li> <li>3. A conduit with draw string, from either the telecommunication room or riser/closet location to each NTD or the likely location of each NTD.</li> </ol>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification to Council from the Installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done.	Prior to commencement of use or Council's endorsement of any Community Management

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	Note: The location or the likely location of the NTD is determined by the owner in consultation with the electrician/electrical engineer. NBN Co have guidelines available to help determine the best location. A template for certification is available from Council for the purpose of this condition.	Statement, whichever occurs first.
<b>19</b>	<b>Telecommunications Internal Wiring</b>	
A	Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling / tenancy that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.  Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>20</b>	<b>Electricity</b>	
A	Provide an underground electricity supply connection to the development.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
B	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that: <ol style="list-style-type: none"> <li>1. any electricity supply connection to an existing building or a private property pole is wholly contained in the lot it serves; and</li> <li>2. any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.</li> </ol>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>21</b>	<b>Building Height</b>	
	Provide certification from a suitably qualified person verifying the building height does not exceed 31.03m as per the	Prior to the commencement of use or Council endorsement of any

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CONDITION		TIMING
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	administrative definition of 'height' as contained within the Moreton Bay Regional Council Planning Scheme.	Community Management Statement, whichever occurs first and to be maintained.
<b>22</b>	<b>Acoustic Attenuation Measures</b>	
A	<p>Provide the following acoustic attenuation measures as specified in the Noise Assessment Report by Noise Measurement Services and as specified below:</p> <ol style="list-style-type: none"> <li>1. An acoustic barrier 2 metres (instead of 1.8m as specified in the approved report) high above the finished hardstand driveway and located in accordance with Plate ES1 of the report. The barrier is to achieve a surface area density not less than 12 kg/m<sup>2</sup> and have no air gaps. Material must be aesthetically pleasing and weather resistant such as sawn timber, plywood, coloured and patterned concrete, steel, brick or transparent acoustic fencing.</li> </ol> <p>Note: this condition is only applicable if the development approval DA/33335/2016/VCHG/1 (or as amended) to the north has not substantially commenced prior to this development substantially commencing.</p> <ol style="list-style-type: none"> <li>2. Mechanical plant and equipment that is designed, sited and acoustically treated in order to achieve the specified noise limits.</li> <li>3. Construct a solid awning above the commercial uses to mitigate noise impacts. The awning is to achieve a surface area density not less than 12 kg/m<sup>2</sup> and have no air gaps.</li> <li>4. Limit deliveries and waste collection to between 7am and 6pm only.</li> </ol> <p>Note: The above requirements place increased limitations over that required by the approved Noise Assessment report.</p>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide certification from a suitably qualified person that conditions 1, 2 and 3 above have been installed/implemented in accordance with the specifications of the condition and Noise Assessment Report by Noise Measurement Services.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>23</b>	<b>Waste Management Program</b>	
A	Implement the approved waste management program;	Prior to the commencement of use or Council endorsement of any

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	Note: This development will use 15 x 1.1 m <sup>3</sup> bins serviced at the kerbside in the loading bay.	Community Management Statement, whichever occurs first and to be maintained.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
D	Construct the temporary bin storage area with solid floor ceiling walls on the northern, eastern and western sides and a solid ceiling with no gaps in the joints between walls and ceiling.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>24</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>25</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever

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		occurs first and to be maintained.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>26</b>	<b>Storage Facilities</b>	
	Provide a storage area of 8m <sup>3</sup> per dwelling. Each storage area must be clearly allocated to individual units.  Note - Storage areas can be co-located in garages, allocated car park areas in basements; or incorporated into building design. This storage area is not located within the dwelling.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained, and to be maintained at all times.
<b>27</b>	<b>Commercial Tenancy Front Glazing</b>	
	Ensure a minimum of 50% of the ground floor non-residential tenancies incorporates windows or glazing to Landsborough Avenue that is to remain uncovered and free of signage.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained, and to be maintained at all times.
<b>28</b>	<b>Awning</b>	
	Provide an awning as generally shown on the approved plans that is: 1. Cantilevered; 2. Extends from the face of the building; 3. Has a minimum height of 3.2m and a maximum height of 4.2m above pavement level; and 4. Does not extend past the vertical plane of 1.5m inside the kerb.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>DEVELOPMENT ENGINEERING</b>		
<b>29</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.

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<b>30</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first
<b>31</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.  Submit and have approved by Council, a development application for operational works for the Stormwater connection to Landsborough Avenue.  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	To be maintained at all times.
<b>32</b>	<b>New Council Roads</b>	
A	Submit and have approved by Council, a development application for operational works for the following:  1. All frontage roads, external roads and associated works. The works are as follows: <ul style="list-style-type: none"> <li>• Mein Street - Construct six (6) indented on-street parking bays on the western side of Mein Street, south of the development site.</li> <li>• Any footpath that is to be replaced along Mein Street because of the above car parking bays, for example fronting 105 Mein Street, is to be replaced with a 1.5m wide reinforced concrete pathway.</li> </ul> Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.	Prior to commencement of works associated with this condition.
B	Construct, at no cost to Council and in accordance with the approved plans and documents of development the following: <ol style="list-style-type: none"> <li>1. All frontage roads and associated works</li> <li>2. All external roads and associated works.</li> </ol>	Prior to commencement of use.



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	This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	
<b>33</b>	<b>Construction Management Plan</b>	
A	<p>Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following:</p> <ol style="list-style-type: none"> <li>1. Material delivery and storage locations</li> <li>2. Waste locations and collection details</li> <li>3. Construction office accommodation</li> <li>4. Contractor / tradesman vehicle parking arrangements</li> <li>5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> </ol> <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs)</li> <li>2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable</li> <li>3. Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP</li> <li>4. Materials unloading and loading must occur on-site unless prior written approval is given by Council.</li> <li>5. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.</li> </ol>	Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
<b>34</b>	<b>Erosion and Sediment Control</b>	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the	Prior to commencement of works and to be maintained current at all times during construction.

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	International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	
<b>35</b>	<b>Acid Sulfate Soils</b>	
A	Prepare an Acid Sulfate Soil Investigation Report and if required an Acid Sulfate Soils Management Plan. The reports and analysis are to be undertaken in accordance with the MBRC Planning Scheme and prepared by a suitably qualified person.	Prior to the commencement of works.
B	Implement the requirements and recommendations of the Acid Sulfate Soil Management Plan.  All testing and monitoring is to be undertaken in accordance with the MBRC Planning Scheme.	While site works are occurring.
C	Provide certification from a suitably qualified person that all works have been undertaken in accordance with the Acid Sulfate Soil Management Plan.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
	Note: Council will only accept a 'suitably qualified person' as being either a Registered Professional Engineer of Queensland (RPEQ) or Environmental/Soil Scientist with current professional membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) and has obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.	Note only.
<b>36</b>	<b>Driveway Crossover</b>	
A	Construct a driveway crossover to the proposed development from Mein Street in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-051.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>37</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport	Prior to the commencement of use or Council endorsement of any Community Management

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	and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Statement, whichever occurs first.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.

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

ITEM 2.3 DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5 - A19601052 (Cont.)

<b>ADVICES</b>	
<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.
<b>3</b>	<b>Food Premises - Food Business Licence Advice</b>
	In accordance with the Food Act 2006 the following must be submitted to Council prior to the commencement of construction or fit out of any licensable food business: <ol style="list-style-type: none"> <li>1. An application for food business licence.</li> <li>2. Plans and elevations (refer to note below).</li> <li>3. Supporting documentation.</li> <li>4. Relevant fee.</li> </ol> <p>Note: The application is assessed against the provisions of the <i>Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent)</i>.</p>
<b>4</b>	<b>Food Premises - Commercial Exhaust Canopy</b>
	A food business may require a commercial exhaust canopy that would be required to comply with AS 1668.2-2012 The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings. An exhaust canopy can have an impact on the visual amenity of a building and cause noise and vibration issues that may affect the location and design of a food business.

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

ITEM 2.3 DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDSBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5 - A19601052 (Cont.)

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use Development Permit for Multiple Dwelling (48 Dwellings), Shop and Food and Drink Outlet.
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Operational Works – Development Permit</li> <li>• Building Works – Development Permit</li> </ul>
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were 191 properly made submissions about this application.

**REPORT DETAIL**

**1. Background**

A prelodgement meeting (PRE/5074) was held on held 22 May 2019 to discuss a proposal for Material Change of Use - Development Permit for Multiple Dwelling (48 Dwelling), Shop and Food and Drink Outlet.

**2. Explanation of Item**

**2.1 Proposal Details**

This application seeks approval for a Material Change of Use - Development Permit for Multiple Dwelling (48 Dwellings), Shop and Food and Drink Outlet. The resultant residential density of the development is 198 dwellings per hectare, consistent with the requirements of the General Residential Zone Code, Urban Neighbourhood Precinct (minimum 45/du/ha).

It is proposed to construct a new mixed-use building, containing ten (10) storeys. The ground floor level (Level 1) is proposed to contain 427m<sup>2</sup> retail GFA fronting Landsborough Avenue, intended to be occupied by either Shops and/or Food and Drink Outlets. The retail tenancies are proposed to be constructed to the Landsborough Avenue frontage (0m setback) with a pedestrian awning extending over the road reserve, consistent with the established streetscape along Landsborough Avenue. Levels three (3) to ten (10) of the building are proposed to contain forty-eight (48) dwellings. Each level is proposed as a consistent floor plate with each level containing six (6) three-bedroom dwellings. Car parking is proposed to be contained within a basement level, Level 1 (ground level beneath the building) and within Level 2 of the building.

The proposed building has an overall maximum building height of 31.03m (36.73 AHD), exceeding the suggested maximum building height of 21m as shown on Overlay map - Building Height. Despite exceeding the suggested maximum mapped building height, the proposed building is a consistent height, bulk and scale with existing and approved buildings on adjacent properties to the north and

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south of the site. An assessment of the proposed building height, bulk and scale is contained within section 2.4 of this report.

Each proposed dwelling is provided with a generous balcony (24m<sup>2</sup> dwellings with larger balconies up to 73m<sup>2</sup> for dwellings at the front) oriented to be typically east-facing to capture views of Moreton Bay. Privacy screens are proposed to be installed within the balconies to ensure an appropriate level of privacy is maintained to adjoining properties, as well as for future residents. At ground level 175m<sup>2</sup> of deep planting landscaping areas are proposed representing approximately 7.2% of the site. In addition to ground level landscaping, a perimeter raised planter (1.2m wide by 1.2m high) is proposed around the perimeter of the podium (Level 3) to visually soften the built form.

Access to the development is proposed via an access handle driveway arrangement from Mein Street. The proposed access handle is approximately 10m wide and will contain a loading bay adjacent to Mein Street, temporary refuse collection area, electricity transformer and a typical 5.5m wide driveway and areas of landscaping. The driveway will provide access to fifteen (15) undercroft car parking spaces at ground level to be allocated to the proposed retail tenancies. A ramp down from ground level will provide access to forty-nine (49) resident car spaces contained within a basement car parking level and a ramp up from ground level will provide access to a further fifty-two (52) resident car parking spaces on Level 2. The level 2 car parking areas will be fully enclosed (with the exception of ventilation) and will give the appearance of a solid built to boundary wall along the side boundaries (approx. 6.73m in height) and as a parapet wall above the awning of the retail tenancy fronting Landsborough Avenue. In total, 116 car parking spaces are proposed, exceeding the minimum suggested number of spaces in the planning scheme by 53 spaces. In addition, sixty (60) bicycle parking spaces are proposed including one per dwelling and a further twelve (12) for the retail tenancies. End of trip facilities are also provided at ground level.

A number of submissions received raised concerns regarding the suitability of Mein Street for vehicular access, citing the narrow width of the road and existing demand for on-street parking. Mein Street currently contains a 20m wide road reserve and approximately 7m wide road pavement, aligned off-centre towards the east of the road reserve. Given the existing width of the road pavement, when on street parking is utilised on opposite sides of the street, there is limited room to allow two vehicles to pass within the travel lanes. The recommendations of this report include a condition of development requiring external works to be completed by the developer within the western verge of Mein Street, typically south of the development site to Anderson Street, including formalising on-street parking spaces to improve traffic safety and efficiency, whilst maintaining on-street parking availability.

2.2 Description of the Site and Surrounds

The subject site has frontage to Landsborough Avenue and Mein Street and is located within the retail centre of Scarborough, commonly referred to as 'Scarborough Village'. The surrounding area along Landsborough Avenue is characterized by a continuous main street with shop fronts constructed on or near to the frontage with pedestrian awnings extending over the road reserve. A number of existing residential high-rise buildings are established along Landsborough Avenue above the 'main street'.

Directions	Planning Scheme Zone	Current Land Use
North	General residential zone, Urban neighbourhood precinct	Shop (limited-line supermarket)
South	General residential zone, Urban neighbourhood precinct	Mixed use building containing Food and Drink Outlet and Office with Multiple dwellings above
East	General residential zone, Urban neighbourhood precinct	Scarborough Beach park

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Directions	Planning Scheme Zone	Current Land Use
West	General residential zone, Urban neighbourhood precinct	Multiple Dwellings, Dwelling Houses fronting Mein Street

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.

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

2.3.1 *State Planning Policy*

The *State Planning Policy 2017* 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
Yes	(4) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently. (5) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied. (6) Fire hydrants are suitable identified so that fire services can locate them at all hours.	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply, subject to the inclusion of recommended conditions of development.
Assessment benchmark - mining and extractive resources		

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Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.3.2 *South East Queensland Regional Plan*

The site is located in the Urban Footprint.

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

2.4 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.



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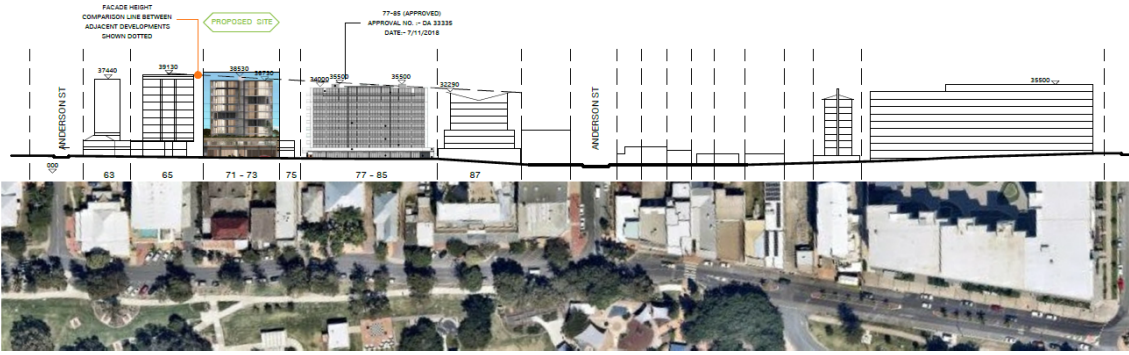
Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
6.2.6 General Residential Zone Code - Urban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO5, PO8, PO26, PO68
<b>Development Codes</b>		
9.3.2 Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO8, PO10,

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

#### 2.4.3 Performance Outcome Assessment

Performance Outcome	Example
<b>6.2.6 General Residential Zone Code - Urban neighbourhood precinct</b>	
<p><b>PO3</b> Buildings and structures have a height that:</p> <ol style="list-style-type: none"> <li>is consistent with the medium to high rise character of the Urban neighbourhood precinct;</li> <li>responds to the topographic features of the site, including slope and orientation;</li> <li>is not visually dominant or overbearing with respect to the streetscape;</li> <li>responds to the height of development on adjoining land where contained within another precinct or zone.</li> </ol> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p><b>E3</b> Building height:</p> <ol style="list-style-type: none"> <li>is within the minimum and maximum mapped on Overlay map – Building heights; or</li> <li>for domestic outbuildings, including free standing carports and garages, 4m and a mean height not exceeding 3.5m.</li> </ol>
<i>Performance Outcome Assessment</i>	
<p>Overlay Map - Building Height suggests that the building height for the site is a minimum of 5m and a maximum of 21m. The application seeks a Performance Solution with respect to the height of the building, proposed to be 31.03m.</p> <p>The proposal complies with the Performance Outcome (PO3) in the following regard:</p> <ol style="list-style-type: none"> <li>The proposed building has a height of 31.03m and contains ten (10) storeys (inclusive of above ground car parking level). The proposal is consistent with the medium to high rise character of the Urban neighbourhood precinct. <i>Planning Scheme Policy - Residential design</i> provides examples of 'high rise' buildings which are shown as containing 7+ storeys and provides examples of buildings that are typically consistent with the proposed building. With respect to the established streetscape along Landsborough Avenue, the building is of a consistent height and bulk to existing and approved buildings. It is noted the proposed building is lower than the adjoining building to the immediate South (65 Landsborough</li> </ol>	

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Performance Outcome	Example																												
<p>Avenue) and contains substantially less building bulk than other approved and existing buildings located within the vicinity. Refer existing and approved high-rise building details and streetscape analysis below.</p>																													
<table border="1"> <thead> <tr> <th data-bbox="357 533 855 600">Address</th> <th data-bbox="855 533 1003 600">No. Storeys</th> <th data-bbox="1003 533 1227 600">Building Height (to roof)</th> <th data-bbox="1227 533 1437 600">Building Height RL</th> </tr> </thead> <tbody> <tr> <td data-bbox="357 600 855 667">71-73 Landsborough Ave (Subject Site)</td> <td data-bbox="855 600 1003 667">10</td> <td data-bbox="1003 600 1227 667">31.03m</td> <td data-bbox="1227 600 1437 667">36.73m</td> </tr> <tr> <td data-bbox="357 667 855 757">4 Anderson Street (behind 63 Landsborough Avenue) (Alegria Scarborough)</td> <td data-bbox="855 667 1003 757">9</td> <td data-bbox="1003 667 1227 757">29.7m</td> <td data-bbox="1227 667 1437 757">37.44m</td> </tr> <tr> <td data-bbox="357 757 855 824">65 Landsborough Avenue (Landsborough65)</td> <td data-bbox="855 757 1003 824">10</td> <td data-bbox="1003 757 1227 824">32.5m</td> <td data-bbox="1227 757 1437 824">39.13m</td> </tr> <tr> <td data-bbox="357 824 855 891">77-85 Landsborough Avenue (approved, not built DA/33335/2016/VCHG/1)</td> <td data-bbox="855 824 1003 891">10</td> <td data-bbox="1003 824 1227 891">27.98m</td> <td data-bbox="1227 824 1437 891">35.5m</td> </tr> <tr> <td data-bbox="357 891 855 958">87 Landsborough Avenue (Scarborough Beach resort)</td> <td data-bbox="855 891 1003 958">9</td> <td data-bbox="1003 891 1227 958">28.2m</td> <td data-bbox="1227 891 1437 958">32.29m</td> </tr> <tr> <td data-bbox="357 958 855 1025">113 Landsborough Avenue/Rock Street (The Scarborough Grand)</td> <td data-bbox="855 958 1003 1025">9</td> <td data-bbox="1003 958 1227 1025">26.1m</td> <td data-bbox="1227 958 1437 1025">35.50m</td> </tr> </tbody> </table>		Address	No. Storeys	Building Height (to roof)	Building Height RL	71-73 Landsborough Ave (Subject Site)	10	31.03m	36.73m	4 Anderson Street (behind 63 Landsborough Avenue) (Alegria Scarborough)	9	29.7m	37.44m	65 Landsborough Avenue (Landsborough65)	10	32.5m	39.13m	77-85 Landsborough Avenue (approved, not built DA/33335/2016/VCHG/1)	10	27.98m	35.5m	87 Landsborough Avenue (Scarborough Beach resort)	9	28.2m	32.29m	113 Landsborough Avenue/Rock Street (The Scarborough Grand)	9	26.1m	35.50m
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<p><b>Streetscape analysis</b></p>  <p>b. The site exhibits gentle slope falling towards the north-eastern corner of the site. The proposed building is responsive to the existing topography of the site.</p> <p>c. The height of the building does not contribute to the building being visually dominant and overbearing. It is acknowledged there are existing buildings that are higher in the vicinity of the site and contain substantially more building bulk. The proposed development continues the established building pattern of retail commercial tenancies constructed on or close to the Landsborough Avenue frontage and a tower setback from the street above podium level. In addition, the building provides a high level of articulation to reduce visual dominance.</p> <p>d. All adjoining land is contained within the General residential zone, Urban neighbourhood precinct.</p> <p>It is recommended the Performance Solution be accepted in this instance.</p>																													
<p><b>PO5</b> Residential buildings and structures are setback to:</p> <p>a. be consistent with medium to high density Urban neighbourhood precinct character where</p>	<p><b>E5.1</b> Setbacks (excluding built to boundary walls) comply with Table 6.2.6.4.3 'Setbacks' - Setback (Residential uses).</p>																												

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Performance Outcome	Example
<p>buildings are positioned close to the footpath to create active frontages;</p> <p>b. maintain private open space areas that are of a size and dimension to be usable and functional;</p> <p>c. maintain the privacy of adjoining properties;</p> <p>d. ensure parked vehicles do not restrict pedestrian and traffic movement and safety;</p> <p>e. limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties;</p> <p>f. ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties;</p> <p>g. Provide adequate separation to particular infrastructure and water bodies to minimise adverse impacts on people, property, water quality and infrastructure.</p> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p>Note - Greater setbacks may be required if the lot adjoins an environmental corridor or area (Refer to values and constraints for details).</p> <p><b>E5.2</b> Buildings (excluding class 10 buildings and structures) ensure that built to boundary walls are:</p> <p>a. of a length and height in Table 6.2.6.4.4 'Built to boundary walls (Residential uses)';</p> <p>b. setback from the side boundary:</p> <p>i. not more than 20mm; or</p> <p>ii. if a plan of development shows only one built to boundary wall on the boundary, not more than 150mm;</p> <p>c. on the low side of a sloping lot.</p> <p>Editor's note - Lots containing built to boundary walls should also include an appropriate easement to facilitate the maintenance of any wall within 600mm of a boundary. For boundaries with built to boundary walls on adjacent lots a 'High Density Development Easement' is recommended; or for all other built to boundary walls an 'easement for maintenance purposes' is recommended.</p>
<i>Performance Outcome Assessment</i>	
<p>Example 5.1 suggests that boundary setbacks are in accordance with <i>Table 6.2.6.4.3 'Setbacks' - Setback (Residential uses)</i>. The application seeks a Performance Solution with respect to the following setbacks:</p> <p><i>Rear Boundary Setbacks (western boundary)</i></p> <ul style="list-style-type: none"> <li>• Level 2 - outermost projection (OMP) of residential car parking level (part of the building between 4.5m and 6.73m) proposed to be setback 1.5m as an alternative to the suggested setback of 2m (for parts of the building between 4.5 and 7.5m).</li> <li>• Levels 3 to 10 - OMP of rear balconies, proposed to be setback 4.7m as an alternative to the suggested 5m. The 300mm performance solution relates to a semi-open balcony for 6m part of the rear of the building.</li> </ul> <p><i>Side Boundary Setbacks (northern and Southern Boundaries)</i></p> <ul style="list-style-type: none"> <li>• Level 5 - OMP of balcony and wall (wall at the rear portion of the building only) setback 3m as an alternative to the suggested 3.5m to OMP. The performance outcome relates to the top 900mm of the wall of the 2.9m wall height that is above a building height of 14.5m.</li> <li>• Level 6 - OMP of balconies and wall (wall at the rear portion of the building only) proposed to setback 3m as an alternative to the suggested 3.5m to OMP.</li> <li>• Level 7 - OMP of balconies and wall (wall at the rear portion of the building only) proposed to be setback 3m as an alternative to the suggested 4m to OMP.</li> <li>• Level 8 - OMP of balconies and wall (wall at the rear portion of the building only) proposed to be setback 3m as an alternative to the suggested 4.5m to OMP.</li> </ul>	

ITEM 2.3 DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDSBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5 - A19601052 (Cont.)

Performance Outcome	Example
	<ul style="list-style-type: none"> <li>• Level 9 - OMP of balconies and wall (wall at the rear portion of the building only) proposed to be setback 3m as an alternative to the 5m to OMP.</li> <li>• Level 10 - OMP of balconies, wall (wall at the rear portion of the building only) and roof overhang proposed to be setback 3m as an alternative to the suggested 5.5m to OMP.</li> </ul> <p>It is noted that the application proposes a consistent floor plate for Levels 3-10 of the building. The building contains a high level of articulation along the side of the building, with parts of the building meeting the example setbacks, and other parts of the building forward of the example setback. The Performance Solutions proposed for the side boundary setbacks relates to parts of the building above 14.5m in height (upper part of Level 5 to the roof of the building) and typically relates to semi-open balconies. The proposed side boundary setbacks generally comply when measured to the wall of the building, with the exception of the rear of the bedroom walls and small parts of the building at Level 9 and 10.</p> <p>Example E5.2 suggests that built to boundary walls are of a length and height in Table 6.2.6.4.4 'Built to boundary walls (residential uses). In accordance with Table 6.2.6.4.4, the site has a frontage greater than 18m and refers to Queensland Development Code (QDC) criteria relating to built to boundary walls. It is noted that the QDC does not include provisions relating to Multiple Dwellings and therefore there is no suggested maximum built to boundary wall length or height specified.</p> <p>The proposal achieves Performance Outcome PO5 in the following regard:</p> <ol style="list-style-type: none"> <li>a. The proposal is consistent with medium to high density Urban Neighbourhood Precinct character and the proposed buildings are positioned close to the footpath to create active frontages. The proposed retail uses at ground level are proposed to be constructed to the boundary along Landsborough Avenue with cantilevered awning to maintain the established active frontage of the main street environment. The proposed building is consistent with the bulk and scale of adjoining buildings (existing and approved) in the vicinity;</li> <li>b. The proposed building includes private open space areas that are of a size and dimension to be usable and functional;</li> <li>c. The proposed building has been designed to maintain the privacy of adjoining properties as far as practical in a high density living environment. The floor plan of the proposed dwellings are oriented to face East (towards Moreton Bay) and not directly face adjoining properties to the extent practical. Privacy screen treatments have been proposed to all habitable room windows and balconies to maintain the privacy of adjoining properties. The recommendations of this report include a condition of development requiring the provision of privacy treatments to habitable rooms, windows and balconies to be provided prior to the commencement of use and to be maintained.</li> <li>d. All vehicle parking is proposed internal to the building and provides 53 parking spaces above the minimum suggested requirements. Car parking arrangements and will not impact upon the pedestrian safety and will not compromise the active frontage along Landsborough Avenue.</li> <li>e. The proposed built to boundary walls have been designed to ensure privacy and amenity on adjoining properties will be maintained through limiting the height and length of walls;</li> <li>f. The proposed built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties. The built to boundary wall are proposed to predominantly adjoin the driveway and car parking areas of the adjoining high-rise building to the South and adjoining the solid wall of the supermarket building to the North;</li> <li>g. The proposal will maintain adequate separation to infrastructure and water bodies to minimise adverse impacts on people, property, water quality and infrastructure.</li> </ol>

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Performance Outcome	Example																		
It is recommended the Performance Solution be accepted in this instance.																			
<p><b>PO8</b> Residential buildings and structures will ensure that site cover:</p> <ol style="list-style-type: none"> <li>does not result in a site density that is inconsistent with the character of the area;</li> <li>does not result in an over development of the site;</li> <li>does not result in other elements of the site being compromised (e.g. Setbacks, open space etc);</li> <li>ensures that buildings and structures reflect the attached medium to high density urban character.</li> </ol> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p><b>E8</b> Site cover (excluding eaves, sun shading devices, patios, balconies and other unenclosed structures) does not exceed the specified percentages in the table below.</p> <table border="1" data-bbox="954 640 1442 864"> <thead> <tr> <th>Building Height</th> <th>Lot Size (1001 - 2500m<sup>2</sup>)</th> </tr> </thead> <tbody> <tr> <td>8.5 or less</td> <td>60%</td> </tr> <tr> <td>&gt;8.5m to 12.0m</td> <td>50%</td> </tr> <tr> <td>&gt;12m to 21m</td> <td>40%</td> </tr> <tr> <td>&gt;21m to 27m</td> <td>35%</td> </tr> <tr> <td>Greater than 27m</td> <td>25%</td> </tr> </tbody> </table> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	Building Height	Lot Size (1001 - 2500m <sup>2</sup> )	8.5 or less	60%	>8.5m to 12.0m	50%	>12m to 21m	40%	>21m to 27m	35%	Greater than 27m	25%						
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<i>Performance Outcome Assessment</i>																			
The application proposes a performance solution with respected to the suggested site coverage percentages listed within Example E8. The Performance Solution proposed is as follows:																			
<table border="1"> <thead> <tr> <th>Height of Building</th> <th>Site cover proposed</th> <th>Example Site Cover (lot size 1001-2500m<sup>2</sup>)</th> </tr> </thead> <tbody> <tr> <td>8.5m or less</td> <td>Level 1 - 71.8% Level 2 - 73.3% Level 3 - 38.4%</td> <td>60%</td> </tr> <tr> <td>&gt;8.5m to 12.0m</td> <td>Level 4 - 38.4%</td> <td>50%</td> </tr> <tr> <td>&gt;12.0m to 21m</td> <td>Level 5 - 38.4% Level 6 - 38.4% Level 7 - 38.4%</td> <td>40%</td> </tr> <tr> <td>&gt;21m to 27m</td> <td>Level 8 - 38.4% Level 9 - 38.4%</td> <td>35%</td> </tr> <tr> <td>Greater than 27m</td> <td>Level 10 - 38.4%</td> <td>25%</td> </tr> </tbody> </table>		Height of Building	Site cover proposed	Example Site Cover (lot size 1001-2500m <sup>2</sup> )	8.5m or less	Level 1 - 71.8% Level 2 - 73.3% Level 3 - 38.4%	60%	>8.5m to 12.0m	Level 4 - 38.4%	50%	>12.0m to 21m	Level 5 - 38.4% Level 6 - 38.4% Level 7 - 38.4%	40%	>21m to 27m	Level 8 - 38.4% Level 9 - 38.4%	35%	Greater than 27m	Level 10 - 38.4%	25%
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It is noted that the application proposes a consistent floor plate for Levels 3-10 of the building. As a result of the consistent floor plate, site cover is below the suggested maximum at some levels (Levels 3-7) and above the suggested maximum at some levels (Levels 1-2 and 8-10).																			
<p>The proposed site coverage complies with Performance Outcome PO8 in the following regard:</p> <ol style="list-style-type: none"> <li>The proposed site cover does not result in a site density that is inconsistent with the character of the area. The Urban Neighbourhood precinct requires a medium to high density of at least 45 dwellings per hectare (Performance Outcome PO1). The proposal for 48 dwelling on a 2,428m<sup>2</sup> site would result in a density of 197.6 dwelling/ha which is consistent and in some case lower than the density of other high-rise buildings in the locality. The proposed built form is generally consistent with the height and bulk of established and approved buildings in the surrounding area;</li> <li>The proposed site cover does not result in an over development of the site. The proposal results in an anticipated form of development within the Urban Neighbourhood Precinct and of a consistent height and bulk of established and approved buildings in the vicinity;</li> </ol>																			

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Performance Outcome	Example
<p>c. The proposed site cover does not result in other elements of the site being compromised (e.g. Setbacks, open space etc). Whilst the application includes performance solutions against suggested minimum setbacks, the proposal complies with the corresponding Performance Outcome (refer discussion above);</p> <p>d. The proposed site cover ensures that buildings and structures reflect the attached medium to high density urban character. The proposal is for a high-rise building (containing more than 7 storeys) and is consistent with the height, bulk and scale of buildings identified within Planning Scheme Policy - Residential design.</p>	
<p>It is recommended the Performance Solution be accepted in this instance.</p>	
<p><b>PO26</b> Upgrade works (whether trunk or non-trunk) are provided where necessary to:</p> <p>a. ensure the type or volume of traffic generated by the development does not have a negative impact on the external road network;</p> <p>b. ensure the orderly and efficient continuation of the active transport network;</p> <p>c. ensure the site frontage is constructed to a suitable urban standard generally in accordance with Planning scheme policy - Integrated design.</p> <p>Note - An Integrated Transport Assessment (ITA) may be required to demonstrate compliance with this performance outcome refer to Planning scheme policy - Integrated transport assessment for guidance on when an ITA is required. An ITA should be prepared in accordance with Planning scheme policy - Integrated transport assessment.</p> <p>Note - The road network is mapped on Overlay map - Road hierarchy.</p> <p>Note - The primary and secondary active transport network is mapped on Overlay map - Active transport.</p> <p>Note - To demonstrate compliance with c. of this performance outcome, site frontage works where in existing road reserve (non-trunk) are to be designed and constructed as follows:</p> <p>i. Where the street is partially established to an urban standard, match the alignment of existing kerb and channel and provide carriageway widening and underground drainage where required; or</p> <p>ii. Where the street is not established to an urban standard, prepare a design that demonstrates how the relevant features of the particular road as shown in the Planning scheme policy - Integrated Design can be achieved in the existing reserve.</p> <p>Note - Refer to Planning scheme policy - Integrated design for road network and active transport network design standards.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	

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Performance Outcome	Example
<p>Planning Scheme Policy (PSP) - Integrated Design identifies Mein Street as a 'Contemporary Residential' street. A Contemporary Residential street is depicted within the PSP as being provided with two travel lanes, an indented off-street parking lane on one side of the street and a footpath on both sides of the street, contained within a typical 19.5m wide road reserve width.</p> <p>Mein Street currently contains a 20m wide road reserve and approximately 7m wide road pavement, aligned off-centre towards the eastern side of the road reserve (eastern verge approx. 4.5m and western verge approx. 8.5m in width). Given the existing width of the road pavement, when vehicles are parked on-street on opposite sides, there is limited room to allow two vehicles to safely pass within the travel lanes of the road. The submitted Integrated Transport Assessment (ITA) in support of the application identifies the development is expected to generate approximately 428 trips per day (or 40 trips per hour in road network peak periods). As a result of the expected increase in traffic volumes, the development has the potential to exacerbate existing traffic efficiency and safety issues within Mein Street. The recommendations of this report include a condition of development requiring the developer to undertake external works within the western verge of Mein Street, typical between the development site south to Anderson Street. The external works are recommended to include the formalization of six (6) dedicated parking bays beyond the travel lanes of the road to improve traffic safety and efficiency, whilst maintaining the existing on-street parking availability (no net loss of on-street parking).</p> <p>Through appropriate conditions of development, compliance with the Performance Outcome can be achieved.</p>	<p>Example</p>
<p><b>PO 68</b> Loading and servicing areas:</p> <ul style="list-style-type: none"> <li>a. are not visible from the street frontage;</li> <li>b. are integrated into the design of the building;</li> <li>c. include screening and buffers to reduce negative impacts on adjoining sensitive land uses;</li> <li>d. where possible loading and servicing areas are consolidated and shared with adjoining sites.</li> </ul>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The application proposes a loading bay for refuse collection that adjoins and would be visible from Mein Street.</p> <p>As the proposal is unable to comply with the Performance Outcome, an assessment against the relevant Overall Outcome of the Residential Zone Code, Urban neighbourhood precinct is required.</p>	
<p><b>9.3.2 Residential Uses Code</b></p>	
<p><b>PO8</b> Driveways, pedestrian entries and internal access ways are located and designed to:</p> <ul style="list-style-type: none"> <li>a. provide lawful access;</li> <li>b. not detract from the creation of active street frontages and positively contribute to the intended streetscape character;</li> <li>c. not negatively impact adjoining uses;</li> </ul>	<p><b>E8.2</b> Development provides crossovers with:</p> <ul style="list-style-type: none"> <li>a. a maximum width of 5.5m for a shared driveway; or</li> <li>b. a maximum of 1, 3m wide crossover for every 7.5m of primary road frontage.</li> </ul> <p>Note - Refer to Planning scheme policy - Integrated design for details and examples.</p>

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<ul style="list-style-type: none"> <li>d. provide a safe pedestrian environment;</li> <li>e. not result in excessive crossovers and hardstand areas;</li> <li>f. provide safe access onto an appropriate order road;</li> <li>g. not interfere with infrastructure owned by Council or a utility provider;</li> <li>h. allow adequate space for on-street parking;</li> <li>i. allow adequate space for street planting and street trees;</li> <li>j. allow for garbage collection and street infrastructure.</li> </ul> <p>Note - Refer to Planning scheme policy - Integrated design for details and examples</p>	<p>Note - Development on a laneway provides access from the lane only in accordance with laneway development provisions.</p> <p><b>E8.6</b> Driveways do not include a reversing bay, manoeuvring area or visitor parking spaces (other than tandem spaces) in the front setback.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The application proposes a Performance Solution of providing a 9.8m wide vehicular crossover (typical driveway width 5.5m) to Mein Street, as an alternative to the suggested maximum width of 5.5m for a shared access driveway.</p> <p>The proposal complies with the Performance Outcome as the driveway crossover provides for lawful access, would not detrimentally detract from the streetscape, does not negatively impact on adjoining properties, does not result in excessive crossovers or hardstand areas, does not compromise services, street trees or refuse collection or street infrastructure. Additionally, Council Officers sought to improve the streetscape outcome to Mein Street by requiring the development to include a pergola structure over the driveway and bin enclosure area to help reduce the 'gun barrel' effect of the driveway. This has been included on the proposal plans.</p> <p>It is recommended the Performance Solution be accepted in this instance.</p>	

2.4.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome 68 of the General Residential Zone Code (proposed loading bay visible from the street), Urban Neighbourhood Precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows:

<b>6.2.6.4 General Residential Zone Code, Urban Neighbourhood Precinct</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
<ul style="list-style-type: none"> <li>e. The design siting and construction of residential uses are to:                             <ul style="list-style-type: none"> <li>i. contribute to an attractive streetscape with priority given to pedestrians;</li> <li>ii. encourage passive surveillance of public spaces;</li> <li>x. locate car parking so as not to dominate the street;</li> </ul> </li> </ul>	<p>Yes</p>	<p>The application proposes a loading area, located within the access handle adjoining Mein Street. The loading bay is proposed to accommodate a 12.5m long Heavy Rigid Vehicle (HRV) to service both residential and non-residential refuse bins from the temporary bin collection area. The submitted Integrated Traffic Assessment demonstrates appropriate maneuvering for a (HRV) is</p>



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6.2.6.4 General Residential Zone Code, Urban Neighbourhood Precinct		
Overall Outcomes	Complies Y/N	Comments
xi. cater for appropriate car parking and manoeuvring areas on-site;  I. The design, siting and construction of non-residential uses: ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces; iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;		provided to the loading area from Mein Street.  The proposed loading bay is proposed as a concrete hardstand area, located fully within the property boundary and will only be periodically occupied during collection of refuse. The temporary bin collection area located behind the loading bay will be fully screened from the street and contained within a roofed structure. In addition, the pergola structure is proposed over a portion of the driveway in the vicinity of Mein Street and will contain a trellis to allow for vertical and horizontal landscaping to ensure an attractive streetscape is maintained.  The proposed loading bay complies with the overall outcome as it would not compromise areas of pedestrian movement, would not be a visually dominant feature to the streetscape and would not negatively impact the amenity of adjoining properties or compromise the achievement of an active frontage.

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 located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 8 commencing on 14 August 2018 (CR).

2.5.1 Levied Charge

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

2.5.2 Levied Charge Credit

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

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(a) Payment of previous charges or contributions

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

(b) Lawful use of land

An assessment of existing and previous lawful uses of the land has determined that a credit amount of \$125,780.91 exists and has been calculated based on 785m<sup>2</sup> GFA of Commercial (retail) uses, 1,075m<sup>2</sup> Commercial (Retail) impervious area, one x two bedroom dwelling and 1 x three-bedroom dwelling.

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

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

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

The credit available under this option is \$70,414.92 based on four (4) existing lots, in accordance the proportional split stated in Table 3 of the CR.

2.5.3 *Levied Charge Offset or Refund*

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

2.5.4 *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**

*Traffic, Access & Parking*

In order to address the requirement of a contemporary residential road street typology, 6 car parking bays have been recommended as a condition to be built along the western side of Mein Street which will enable vehicles to manoeuvre more easily along this existing street.

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### *Stormwater / Flooding*

The site will not be impacted by flooding, however a stormwater connection to Landsborough Avenue has been proposed which will require an operational works application for stormwater.

### *Earthworks*

The land is mapped as being above 5m AHD and below 20m AHD, with the potential for acid sulphate soils present. A condition has been recommended requiring an acid sulphate soils report to be undertaken for any earthworks which is to occur on the site.

## **2.7.1.2 Environmental Health**

### *Acoustic Amenity*

A noise assessment report by NMS has been provided in support of the development application. The assessment has considered impacts to surrounding sensitive uses from vehicle related activities, deliveries and waste collection. An assessment of road traffic and adjoining commercial use impacts to the proposed development was also undertaken although it is noted there was no trigger under the planning scheme requirements due to the designated road hierarchy. The findings recommended restrictions to delivery times and construction of 1 residential dwelling to category 1 in accordance with MP4.4 and limitations to noise emissions from mechanical plant. These findings are accepted.

The report identifies that the specific nature of the ground level commercial uses has not been determined and no specific noise assessment was undertaken in this regard. Given the application includes a food and drink outlet it is reasonable to assume these activities will occur below. As with the similar approved development to the north it is appropriate that the awning be of solid gap free construction to mitigate impacts from outdoor dining and related activities. A condition is recommended in this regard.

Surrounding sensitive uses were identified in the initial assessment however these did not include the immediate dwellings to the north due to an existing development approval over those sites. That approval would see the dwellings demolished.

Council requested further assessment of impacts to the nearest immediate existing sensitive use to the north. It was determined that the predicted noise levels will be above the accepted criteria for deliveries and waste collection. The applicant has proposed that deliveries and waste collection will be limited occurrences and has recommended a condition be applied restricting it to between 7am and 10pm only. Given the exceedance it is considered appropriate that both activities are restricted to between 7am and 6pm to ensure that neighbours are not impacted during evening periods. It is also noted that a 1.8m high barrier is recommended for construction along the common boundary between the northern residents and development site. Once again given the exceedances it is appropriate the barrier height is increased to 2 metres. As development approval (Refer DA/33335/2016/VCHG/1) exists over the lots immediately north of the proposed development site, as such, the above condition will be dependant on the northern development not having commenced.

### *Waste Management*

A waste management program has been provided and is acceptable for the proposed use. This development will use up to 15 x 1.1m<sup>3</sup> bins serviced in the loading bay. The arrangement appears acceptable. As a consequence the recommendations of this report include a condition that the development be undertaken in accordance with the waste management program.

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*Infrastructure Buffers Overlay*

A sewer pumping station exists approximately 45m from the site in the park on the opposite side of Landsborough Avenue. The 50m buffer has been shown on the proposal plans and is measured from the centre of the pump station. The 50m buffer intersection the ground floor structure but does not intersect with the residential component. The applicant has sufficiently demonstrated there is insignificant impact from the sewer pump station to sensitive uses. No conditions are recommended in this regard.

2.7.2 Referral Agencies

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

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

**2.7.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.7.2.3 Third Party Agencies**

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 27 November 2019.
- (b) The development application was advertised in the Redcliffe and Bayside Herald on 28 November 2019
- (c) A notice in the prescribed form was posted on the relevant land on 29 November 2019 and maintained for a period of 15 business days until 19 December 2019.

2.8.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		191
	Petition		0
Not Properly Made	Letter, Email, Fax		11
	Petition		0
<b>Total</b>			<b>202</b>

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p><b>Issue - Built Form (Design, Character, Height, Bulk, Density, Site Coverage, Setbacks)</b></p> <ul style="list-style-type: none"> <li>• The planning scheme overlay map indicated building height is to be a maximum of 21m. The proposed development is 31m in height, some 10m above the limit.</li> <li>• Excessive building height will negatively impact the community by dominating the skyline.</li> <li>• The height of the building is misrepresented in the developer's submission. The submission implies that the height of the existing 65 Landsborough Avenue is RL36.2, with two peaks rising to RL38.53.</li> <li>• The height referenced has neglected to include the lift overrun.</li> </ul>

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**Assessment of Submissions**

- The visual bulk of the building is in the vicinity of 4,500m<sup>2</sup>.
- The proposed building will be an eyesore for houses in Mein Street.
- The proposed building does not represent human scale and will have an imposing presence at street level.
- Performance Outcome PO5 of the General Residential Zone Code (Urban Neighbourhood precinct) requires residential buildings and structures to maintain the privacy of adjoining properties.
- The planning scheme suggests a correlation between building height and boundary setbacks with a tired built form. The proposal does not achieve the boundary setbacks on almost every level.
- Reduced boundary setbacks will have a negative impact on the privacy of neighbouring properties, particularly 65 Landsborough Avenue.
- At Level 10, the required setback from the boundary is 5.5m, whereas the proposal only offers 3m - a difference that is not considered minor in nature.
- The lack of setback from Levels 3-10 when taken against 65 Landsborough Avenue will create an eyesore and potential for wind tunnel effect. Two adjacent buildings of this height should not be permitted.
- The proposed height and bulk of the Level 2 built to boundary wall will have a major visual impact on businesses along the street. The wall of the planter boxes at Level 3 will only exacerbate the visual dominance.
- Performance Outcome PO8 of the General Residential Zone Code (Urban Neighbourhood Precinct) requires that site coverage does not exceed 40%. The proposal exceeds the site coverage on almost every level with coverage being between 38% to 73%.
- Performance Outcome PO8(c) states that the site cover does not result in other elements being compromised (e.g. setbacks, open space etc.).
- The building does not incorporate a more desirable tired format, but rather an unpleasant box shape.
- Example 109 (Scenic Amenity) of the of the General Residential Zone Code (Urban Neighbourhood Precinct) suggest that buildings over 12m in height incorporates architectural character elements including curved balconies and walls, strong vertical blades and wall planes and wall articulation expressed with different colours. The corresponding Performance Outcome requires buildings to complement 'bayside character' and coastal landscaping. The proposed building does not respond to the Scenic Amenity overlay requirements.
- The proposed development will have an adverse effect on natural light and ventilation for residents on the southern side.
- All buildings on this block have a setback of 5m from the street and this needs to be maintained.
- The proposal to build further forward at level 2 is inconsistent with the rest of the streetscape and is further exacerbated by the planter boxes (solid walls) at level 3. In all other instances along the street, level 2 is setback beyond level 1.
- The setback of my unit on the 6<sup>th</sup> level on the southern side is 4.88m to the boundary. The proposed developments setback is just 3m, giving a separation of less than 8m. If the planning scheme setbacks were enforced, the separation would be 9m. Privacy screens need to be added.
- The character of Scarborough and its 'village feel' will be lost.
- High density and overcrowding are not what Scarborough needs.

ITEM 2.3 DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDSBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5 - A19601052 (Cont.)

<b>Assessment of Submissions</b>
<ul style="list-style-type: none"> <li>• The precedent of existing 'over height' buildings should not be a consideration. The building should be limited to the maximum height specified in the current planning scheme.</li> <li>• Concern is raised that the developers drawing consistently misrepresents the position and placement of buildings to the south.</li> </ul>
<p><b>Discussion:</b></p> <p>Submissions received have raised concern with the proposed building height exceeding the suggested maximum height of 21m as shown on Overlay Map - Building Height. The proposed building height of 31.03m is considered to comply with the corresponding Performance Outcome (refer section 5.2 of this report for details).</p> <p>Submitters have raised concern that the measurement of building height has neglected to include the lift overrun. Building height has been correctly depicted on the proposal plans in accordance with the Administrative Definition of Building Height contained within Schedule 7 of the Planning Scheme which states that 'lift overruns, air conditioners and the like, are excluded from the measure of building height'.</p> <p>Submitters have identified that the height of adjoining buildings has been misrepresented on the plans as a result of the sloping roof form of the adjoining building to the south, thereby depicting the adjoining building as higher than it actually is. It is noted that the building height as defined in the MBRC Planning Scheme is measured to the uppermost part of the roof of a building. The height of existing buildings has been correctly expressed at its highest point on the streetscape analysis (RL39.13m). The height of adjoining buildings as shown on the section drawing i.e. Section 1 appears to be taken through a lower portion of the sloping roof of the adjoining building and depicts the building roof at RL36.73 (some 2.4m lower than the highest point of the adjoining building). The submitted plans are not considered to be misleading.</p> <p>Submitters have raised concerns with the proposed boundary setbacks exceeding the suggested setbacks identified within the example. The proposed setbacks are considered to comply with the corresponding Performance Outcome (refer section 5.2 for details).</p> <p>Submitters have raised concern that the proposed built to boundary walls (including the outer wall of the Level 2 enclosed car parking level), will be visually dominant from adjoining properties and the streetscape. As discussed in section 5.2 of this report, there is no maximum height or length of a built to boundary wall specified in Queensland Development Code (QDC) for a Multiple dwelling. The built to boundary walls are located along northern and southern boundaries of the site (approximately 60m in length) and along the Landsborough Avenue frontage of the site (at level 2 above the proposed retail tenancies). The built to boundary walls will have a typical height of 6.73m (or 7.93m where including the 1.2m high planter box on the podium level) and are proposed adjoining the driveway of 65 Landsborough Avenue along the southern boundary and adjoining the existing built to boundary wall of 75 Landsborough Avenue (Friendly Grocer building) and the proposed driveway of the approved development (DA/33335/2016/VCHG/1) along the northern boundary. Along the Landsborough avenue frontage of the site, the built to boundary wall of the Level 1 car parking car will sit above the awning of the proposed commercial uses at ground level. The wall will not be visually dominant or overbearing from the streetscape and will be generally consistent with the established streetscape and of a similar height and form of the existing parapet wall of the existing building on site.</p> <p>Submitters have raised concern that the building does not incorporate vertical massing or tiering. It is acknowledged that the Example 8 of the General Residential Zone Code, Urban</p>

ITEM 2.3 DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDSBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5 - A19601052 (Cont.)

**Assessment of Submissions**

Neighbourhood Precinct suggests that site coverage should reduce as building height increases. Planning Scheme Policy - Residential design also provides illustrations of how site cover may reduce with increased height, resulting in vertical massing of the building. It is noted the Planning Scheme Policy provides guidance material on site coverage, however it is not the intention to require every high rise building incorporate vertical massing. The proposed site coverage has been assessed and determined to comply with Performance Outcome PO8. Furthermore, the proposed building is generally in keeping with the established character of the area and includes good articulation.

Submitters have raised concern the proposed built form is not reflective of coastal architecture as suggested by Example E109 of the General Residential Zone Code, Urban Neighbourhood Precinct. The proposal is considered to incorporate aspects of traditional coastal architecture elements such as curved balconies, strong vertical blades and wall planes, generous roof forms with extended eaves, and large open balconies with glass balustrades to maximise views to the bay and promote sub-tropical lifestyle as well as the use of colours and materials reflecting those found in the natural coastal environment. In addition, the proposed building is consistent with existing buildings within the Scarborough locality and is therefore considered to complement the established bayside character of the area.

Submitters have raised concern with the density of the development. The Urban neighbourhood precinct specifies in the planning scheme that development has a medium to high residential density of at least 45 dwellings per hectare. The proposal for 48 dwelling on a 2,428m2 site would result in a density of 197 dwelling/ha, consistent with Performance Outcome PO1 of the Urban Neighbourhood Precinct. The proposed built form is generally consistent with the height and bulk of established and approved buildings in the surrounding area. The proposal is therefore consistent with the desired character and density as expressed within the planning scheme.

Submitters have raised concern the 'village feel and charm' of Scarborough will be lost should the development proceed. Submitters have not articulated the specific aspects that are claimed to be lost. It is noted that the proposed Multiple dwelling and retail and commercial uses are all consistent uses within the zone and the density of the development is anticipated by the planning Scheme. The proposed built form is consistent with established buildings within the area. The proposal seeks to complement the established main street environment along Landsborough Avenue including commercial tenancies constructed to street align, uninterrupted active frontage and continuous pedestrian awning extending over the road reserve.

These are not sufficient reasons for refusal of the application.

**Issue - Traffic, Access and Parking**

- Mein Street is a narrow street 7.4m wide and is difficult to pass with two cars parked either side.
- Mein Street is not designed to be a main thoroughfare street.
- The traffic report anticipates an extra 428 trips per day as a result of the development. The cumulative effect of this along with other approved development would have a significant negative impact on properties in Mein Street, particularly between Anderson and Bunton Street.
- The development would result in congestion on street not designed to cater for high density development.

ITEM 2.3 DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDSBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5 - A19601052 (Cont.)

**Assessment of Submissions**

- It is unreasonable for residents of Mein Street and connecting thoroughfares to absorb traffic increases without road upgrades.
- Refuse collection of the 15 x 1.1m<sup>3</sup> bin would occur 3 times per week by a 12.5m long Heavy Rigid Vehicle (HRV). Refuse trucks would be limited accessing the site from a narrow street if cars are parked in the street. In addition, refuse trucks will block the development's driveway whilst servicing the bins.
- Emergency vehicle access would be near impossible from Mein Street considering the narrow pavement and high utilisation of on-street parking.
- Mein Street needs to be widened to accommodate new development.
- Pedestrian safety is of concern. Crossing the road in current conditions is dangerous.
- Any proposal for 'no parking' signs to be erected in Mein Street to allow for commercial and delivery vehicles will restrict existing residents on-street parking options.
- Inadequate visitor parking has been provided.
- Customers to the proposed retail and commercial uses will occupy spaces intended for visitors to the beach.
- Construction traffic will create major disruptions. Where will contractors park?

**Discussion**

The site has frontage to both Landsborough Avenue and Mein Street. Landsborough Avenue is a Council-controlled District Collector Road and Mein Street is a Council-controlled local access street. For road efficiency and safety reasons, as well as to preserve the main-street environment along Landsborough Avenue, access from Mein Street, the lower-order road, is preferred.

As part of the application material, the applicant has submitted an Integrated Transport Assessment (ITA), prepared in accordance with the requirements of Council's planning scheme policy. The ITA identifies that the proposed development is expected to generate approximately 40 trips per hour in the road network during peak periods or some 428 trips per day. The level of traffic anticipated to be generated by the development relates to, on average, two vehicles every three minutes during peak hours. As discussed within section 5.2 of this report, a condition of development is included in the recommendations of this report requiring the developer to undertake external road works including formalisation of dedicated parking bays in order to improve the functionality and safety of Mein Street.

A submitter has raised concern that inadequate visitor parking has been provided on site and there would be an increased demand for on-street car parking within Mein Street, Landsborough Avenue as well as within the Scarborough Beach Park parking area. Under the MBRC Planning Scheme, there is no requirement to provide visitor parking spaces. It is noted that the application proposes a total of 116 car parking spaces, consisting of 102 spaces to service the proposed 48 dwellings and a further 15 car parking spaces associated with the proposed commercial. The proposed onsite car parking provision exceeds the minimum suggested number of car parking spaces in the planning scheme by 53 spaces. As a result of the excess car parking provision, the demand for on-street car parking is not expected to be substantial. Furthermore, the proposal provides 60 bicycle parking spaces and end of trip facilities to promote the use of active and passive transport options and reduce the reliance of private vehicle trips.



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<p><b>Assessment of Submissions</b></p>
<p>The Traffic Impact Assessment has also demonstrated through swept path diagrams that all service and delivery vehicles will be able to enter and exit the site within the current Mein Street environment.</p> <p>With respect to construction activities and construction vehicles, a condition is recommended requiring the submission and approval of a construction management, prior to any site works commencing. The construction management plan will be required to outline measures to minimise the impacts on the surrounding community during construction activities, including locations of contractor parking.</p> <p>These are not sufficient reasons for refusal of the application.</p>
<p><b>Issue - Amenity and Environmental Concerns</b></p>
<ul style="list-style-type: none"> <li>• Construction noise will impact on local residents.</li> <li>• The development will result in additional air and water pollution from vehicles operating and parking in the area, the latter leading to uncontrolled runoff to the</li> <li>• The dust from this new development will be unimaginable. Will compensation be available for cleaning?</li> <li>• The existing building (previously a cinema) contains asbestos (as much as 10 tonnes). What assurances do residents have that asbestos will be removed safely. Of particular concern, with strong coastal winds there is a risk to public safety.</li> <li>• Concern is raised over noise pollution. The proposed dwellings may be rented using online short-term accommodation websites. This will add continual stream of short-term renters with no-connection to the local community and will likely be rowdy and disruptive.</li> <li>• The increase in local population will have an impact on the environment - more water is used, more sewerage, more rubbish produced and greater impact on parks, beaches and public amenities.</li> <li>• The proposed development will obstruct views of the bay.</li> <li>• The height and bulk of the building will block easterly breezes to residents to the west.</li> <li>• The proposed building will cast a shadow over the waterfront and parkland in the afternoon. The building will overshadow adjoining properties.</li> <li>• The shadow diagrams are deceptive and only show shadow impacts at 9am, 12pm and 3pm. Significant shadowing will occur beyond 3pm.</li> <li>• Concern is raised about the level of noise and pollution that will drift across to neighbouring units on the same level as the proposed 2nd level car park.</li> </ul>
<p><b>Discussion</b></p>
<p>It is acknowledged there may be potential disruptions during construction of the proposed development. Should the application be supported, a condition of development would be recommended requiring the submission of a construction management plan prior to site works commencing. The construction management plan will be required to outline measures to minimise the impacts on the surrounding community during construction activities. Construction hours and noise limitations will be regulated under the Environmental Protection Act 1994, administered by the Queensland Government. Any claim for compensation for cleaning for dust impacts will be a civil matter between a property owner and the developer and/or its representatives.</p> <p>It is acknowledged that any increase in population will place extra demand on infrastructure, services, community facilities and the environment. The proposed development is an anticipated form of development and consistent with the density expected within the Urban</p>

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**Assessment of Submissions**

Neighbourhood Precinct. A Stormwater Management Plan (SWMP) has been submitted as part of the application. Should the application be approved a condition of development would be included requiring the recommendations of the SWMP to be implemented to ensure stormwater and runoff is appropriately managed.

Concern has been raised regarding the removal of asbestos from the demolition of the existing buildings on the site. The removal of any buildings on site will be required to obtain a demolition permit issued by a private building certifier and any asbestos removal will be required to be carried out in accordance with relevant legislation.

It is acknowledged that there is the potential for an increase in typical residential noise as a result of the proposed multiple dwellings (compared with the existing use of the land) however the expected increase in noise would be appropriate with what can reasonably be expected within an urban environment and specifically within the Urban neighbourhood precinct.

The application seeks approval for Multiple Dwellings and not Short-term accommodation. As within any residential area, any excessive noise generated from a residential property is a matter for the Queensland Police.

Submitters have raised concerns that existing views and access to breezes may be impacted as a result of the proposal development. Whilst the submitters concerns are acknowledged, it is imperative to note the proposed development is a consistent use within the General residential zone, Urban neighbourhood precinct and high-rise development is contemplated by the planning scheme for this site. The proposed building form including the height and bulk of the building is consistent with the established character of the area.

Submitters have raised concern that the proposed development will result in overshadowing of adjoining places including private properties and other public places including Scarborough Beach Park. Whilst the submitters concerns are acknowledged, the shadowing impact of the result of the development will be consistent with the existing overshadowing from established and approved buildings within the locality. The applicant has submitted shadow diagrams depicting the shadowing impact at 9am, 12pm and 3pm at both the winter and summer solstice. Whilst it is acknowledged that longer shadows would result on the diagrams had 5pm in the summer solstice been depicted, the shadowing impact will remain consistent with the existing overshadowing from established and approved buildings within the locality. Furthermore, it is noted that there are no assessment benchmarks in the planning scheme relating to shadowing impacts.

A submitter has raised concern with the potential for noise and air pollution to result from the proposed Level 2 car parking area. Should the application be supported, further detailed construction design would be required to occur prior to obtaining building works approval. The required noise and ventilation requirements of the raised car parking level would be assessed in accordance with relevant standards at the time of building works approval.

These are not sufficient reasons for refusal of the application.

**Issue - Miscellaneous Matters Raised**

- Businesses will suffer as a result of the development. Additional retail and commercial tenancies will compete with already struggling businesses.
- Construction activities will severely impact pedestrians and businesses on Landsborough Avenue.

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**Assessment of Submissions**

- Additional retail/commercial floor space is not needed. Existing businesses are already struggling.
- Local residences will be devalued significantly.
- The Planning Scheme should be adhered to. Any variation to planning requirements sets a dangerous precedent.
- Why does Council have a planning scheme if it is to be ignored/overridden.
- Council should consider encouraging a diversity of destinations across the Redcliffe peninsula. Scarborough is a unique tourist offering and should not simply replicate the level of high-rise development occurring at Redcliffe or Woody Point.
- Decision making needs to be open and transparent. MBRC has not been open nor transparent in the decision-making process and there are concerns the developers have been lobbying MBRC Councillors and staff without proper documentation made public.
- State infrastructure such as schools and hospitals are inadequate to support increased density.
- Additional houses will slow the speed of the NBN.
- Development in the Scarborough area has been rapid and future development should be postponed.
- Scarborough is not the Gold Coast or Sunshine Coast - this form of development is not needed or wanted.
- Construction activities have the potential to compromise the foundations of adjoining buildings.
- There is currently a glut of apartments on the peninsular. The Scarborough was completed a number of years ago and there are still units for sale. According to real estate websites, there are 223 units available for sale in Scarborough.
- The applications should be decided by the full Council, not by the local Councillor acting alone, nor by the CEO acting under delegation. Further noting a number of Councillors retiring prior to the next election, any decision should be deferred so the new Council is in place and accountable for their decision.
- Public advertisement of this proposal within a 3 week period right before Christmas is inadequate for proper consultation.
- The proposed development if approved will affect the house and well-being of existing residents.
- Will no longer be able to get to a grocery store without transport.
- Recently purchased property based on the planning scheme, including maximum height restrictions and setbacks to ensure my views and privacy would be protected.
- The development will spell the end of Scarborough's historic buildings with the demolition of the Old Bay Cinema building. Some of 'old' Scarborough's charm and character will be lost.
- The proposal will be a concrete jungle.

**Discussion**

A number of submissions have raised concern with non-compliance with assessment benchmarks. In particular, submitters have identified that the example building height, example setbacks and example site coverage are not being met, therefore the application should not be supported. It is imperative to note that the planning framework in Queensland is performance based and that where an Example is not met, the application is required to demonstrate compliance with the corresponding Performance Outcome. This report has

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**Assessment of Submissions**

demonstrated how the proposal has achieved the Performance Outcomes and Overall Outcomes of the relevant codes.

A number of submitters have raised concern that should the proposed development proceed, it will devalue their properties. The impact of property prices is not a relevant planning consideration or a matter the assessment manager can have regard to.

A number of submitters have raised concern that should the proposed development proceed, it will impact on their health and well-being. The impact of an individual's personal circumstances is not a relevant planning consideration or a matter the assessment manager can have regard to.

It is acknowledged that there may be potential disruptions to existing businesses and pedestrians during construction of the building. Construction disruptions are largely unavoidable but will be temporary in nature. A condition of development would be recommended requiring the submission of a construction management plan prior to any works commencing on site, to appropriately manage any impacts associated with construction activities.

Submitters have raised concerns of potential damage to their property (i.e. damage to foundations) as a result of construction activity. The potential for damage to property is not a relevant planning consideration. Any damage that may occur would be a civil matter between a property owner and the developer and/or its representatives.

Submitters have raised concern that existing commercial uses in the area are struggling and there is no need for additional competition for these businesses. The application seeks approval for 427m<sup>2</sup> of ground floor commercial floor space, intended to be occupied by Food and Drink Outlets and/or Shops. It is noted that the site is located within a mapped Neighbourhood Hub and Food and Drink Outlets and Shops are consistent land uses. In addition, it is noted the future residential population of the proposed forty-eight (48) dwellings will support existing and future retail and commercial uses in the area.

It is acknowledged that minimal landscaping is proposed as part of the development. The proposed development forms part of a 'main street' environment along Landsborough Avenue with priority given to achieving buildings constructed on the street alignment with active frontages and continuous pedestrian awnings. The applicant has proposed to provide the majority of landscaping at podium level through a 1.2m wide and 1.2m high planter boxes intended to accommodate screen planting and shade trees which will soften the appearance of the built form the street and adjoining properties.

A submitter has raised concerns with the loss heritage and character values from the demolition of the former cinema building on the site. The subject premises is not listed on a Local or State heritage register.

Submitters have raised concern that there is inadequate infrastructure, particularly local hospitals and schools to support any additional population in the area. Schools and hospitals are a matter for the State Government. A growing community may support upgrades or new facilities into the future.

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**Assessment of Submissions**

Submitters have raised concern that the level of community consultation was inadequate. The applicant has correctly undertaken all public notification requirements as identified within the *Planning Act 2016*.

These are not sufficient reasons for refusal of the application.

*2.8.3 Notice of Compliance*

The Notice of Compliance was received by Council on 20 December 2019. 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 submitters have appeal rights in accordance with the *Planning Act 2016*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region

3.8 Environmental Implications

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

*ITEM 2.3 DEVELOPMENT APPLICATION DA/39277/2019/V2K - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (48 DWELLINGS), SHOP, FOOD AND DRINK OUTLET LOCATED AT 71 AND 73 LANDBOROUGH AVENUE AND 116 MEIN STREET, SCARBOROUGH - DIVISION 5 - A19601052 (Cont.)*

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.8.

**ATTENDANCE**

Ms Amy White left the meeting at 3.20pm after Item 2.3 with Marco Albert attending the meeting at this time for further discussion relation to deferred item 2.1.

Council resumed discussion on the following item, as deferred previously in the meeting (refer to page number [20/269]).

**ITEM 2.1 - PREVIOUSLY DEFERRED (REFER PAGE 20/269)**  
**DA/38356/2019/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK, SALES OFFICE AND UTILITY INSTALLATION AND VARIATION TO THE PLANNING SCHEME TO INCLUDE THE LAND IN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATION NEIGHBOURHOOD PRECINCT, ENVIRONMENTAL MANAGEMENT AND CONSERVATION ZONE WITH AMENDMENTS ALSO TO THE FLOOD HAZARD OVERLAY CODE AND DWELLING HOUSE CODE AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 129 LOTS) LOCATED LOT 2 AND 54 WARNER ROAD, WARNER - DIVISION 9**

**APPLICANT:** Ausbuild Development Corp Pty Ltd ACN 168 741 455 C/- PeakUrban Planning & Survey Pty Ltd

**OWNER:** Jacey Holdings Pty Ltd as Trustee; and  
ADC Group No 10 Pty Ltd

*Meeting / Session:* 2 PLANNING & DEVELOPMENT  
*Reference:* A19479485: 16 December 2019 – Refer Supporting Information A19659821, A19658787, A19671376, A19672413 & A19671168 (due to size provided separately)  
*Responsible Officer:* WM, Principal Planner (PL Development Services)

**Executive Summary**

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

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Ausbuild Development Corp Pty Ltd ACN 168 741 455 C/- PeakUrban Planning & Survey Pty Ltd
<b>Lodgement Date:</b>	12 April 2019
<b>Properly Made Date:</b>	15 April 2019
<b>Confirmation Notice Date:</b>	30 April 2019
<b>Information Request Date:</b>	15 May 2019
<b>Info Response Received Date:</b>	19 August 2019
<b>Public Notification Dates:</b>	23 August 2019 to 8 October 2019
<b>No. of Submissions:</b>	Properly Made: 176 Not Properly Made: 8
<b>Decision Due Date:</b>	21 February 2019

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 9
<b>Property Address:</b>	Lot 2 and 54 Warner Road, Warner
<b>RP Description</b>	Lot 2 on RP195936 Lot 2 on RP105475 (Site)
<b>Land Area:</b>	12.7007 ha
<b>Property Owner</b>	Jacey Holdings Pty Ltd as Trustee; and ADC Group No 10 Pty Ltd

ITEM 2.1 - PREVIOUSLY DEFERRED (REFER PAGE 20/269) DA/38356/2019/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSES, HOME BASED BUSINESS, PARK, SALES OFFICE AND UTILITY INSTALLATION AND VARIATION TO THE PLANNING SCHEME TO INCLUDE THE LAND IN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATI - A19479485 (Cont.)

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	Moreton Bay Planning Scheme 2016
Planning Locality / Zone	Coast and Riverlands and Rural Residential Place Types; Industry Zone (Light Industry Precinct); and Limited Development Zone
Level of Assessment:	Impact Assessment

This application seeks;

- (c) a Material Change of Use - Preliminary Approval for Dwelling Houses, Home Based Business, Park, Sales Office and Utility Installation and Variation to the Moreton Bay Regional Council Planning Scheme (**MBRC Planning Scheme**) to include the land into the General Residential Zone - Next Generation Neighbourhood Precinct and Environmental Management and Conservation Zone with variations also to the Dwelling House Code and Flood Hazard Overlay Code, and
- (d) Reconfiguring a Lot - Development Permit for Subdivision (2 into 129 lots)

at Lot 2 and 54 Warner Road, Warner.

The development application also proposes the delivery of a number of infrastructure items and upgrades to not only support the development, but also broader outcomes sought by the community. It is proposed that the delivery of these infrastructure items will be secured through an Infrastructure Agreement to provide certainty to the applicant and Council in terms of their delivery.

The Site is included predominantly within the Industry Zone - General Industry Precinct with a small portion of the Site included in the Limited Development Zone while being located in the Coast and Riverlands and Rural Residential Place Types under the Strategic Framework of the MBRC Planning Scheme. The Site has a total area of approximately 12.7 ha with approximately;

- (d) 4.23ha proposed for residential lots;
- (e) 2.28ha proposed for new road, and
- (f) 6.19ha proposed as a riparian reserve that is to be revegetated and transferred to the Council.

The proposal's approximate density is 19.78 dwellings per ha (Figure 1).



Figure 2: ROL Plans (Peak Urban, 2019)



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The application was publicly advertised for a period of 30 business days with 184 submissions received focused on concerns about the environment, traffic and the nature/density of the development. Having assessed the development application and considered submissions made in respect to the development application, it is the recommendation of Council officers to approve the development application subject to conditions.

#### ORIGINAL MOTION PUT TO THE VOTE

Moved by Cr James Houghton

Seconded by Cr Adam Hain

**LOST 0/11**

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

*The motion was declared **LOST** by unanimous vote.*

#### RESOLUTION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Peter Flannery

**CARRIED 11/0**

That Council resolves to refuse:

- (a) the development application for a preliminary approval for a material change of use for dwelling houses, home based business, park, sales office and utility installation;
- (b) the variation request to the Council's MBRC Planning Scheme to:
  - (i) include the premises in part in the general residential zone - next generation neighbourhood precinct, environmental management and conservation zone;
  - (ii) remove that part of the premises from the flood hazard area;
  - (iii) apply the following overlays with variations:
    - (A) Environmental areas overlay;
    - (B) Riparian and wetland setbacks overlay;
    - (C) Bushfire hazard overlay;
    - (D) Building heights overlay
    - (E) Flood hazard overlay;
  - (iv) apply the Dwelling house code with variations (The Development Application).

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**Council relies on the following reasons for refusal as its basis for refusing the Development Application:**

- (a) In relation to the preliminary approval component of the Development Application, there is a serious and material impact to the Council's MBRC Planning Scheme which includes the following key impacts:**
  - (i) Town planning;**
  - (ii) Flora and fauna, including koalas and wallum froglets;**
  - (iii) Visual amenity;**
  - (iv) Traffic;**
  - (v) Hydraulics;**
  - (vi) Community Infrastructure, including parks.**
  
- (b) In relation to the variation request of the Development Application:**
  - (i) the result of the assessment of that part of the development that is not the variation request against the Council's planning scheme is such that there are serious and material impacts to the Council's MBRC Planning Scheme that include the following:**
    - (A) Town planning;**
    - (B) Flora and fauna, including koalas and wallum froglets;**
    - (C) Visual amenity;**
    - (D) Traffic;**
    - (E) Hydraulics;**
    - (F) Community Infrastructure, including parks;**
  
  - (ii) the consistency of the variations sought with the rest of the Council's MBRC Planning Scheme that is sought to be varied are such that there are serious and material impacts with the rest of the Council's MBRC Planning Scheme including impacts relating to:**
    - (A) Town planning;**
    - (B) Flora and fauna, including koalas and wallum froglets;**
    - (C) Visual amenity;**
    - (D) Traffic;**
    - (E) Hydraulics;**
    - (F) Community infrastructure;**

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- (iii) **the variations sought would not entitle the public with submissions rights for later development applications, considering the lack of detail contained in the Development Application relating to the following:**
  - (A) **the preservation and rehabilitation of the flora and fauna values on the premises, including koalas and wallum frogs;**
  - (B) **the carrying out of works to the Council's and State's road infrastructure network.**
- (c) **The Council's MBRC Planning Scheme is of recent origin, with a 20 year planning horizon and intended periodic reviews to ensure that it responds appropriately to the changes of the community at a local, regional and State level.**
- (d) **There is no town planning or economic need for the proposed development the subject of the Development Application.**
- (e) **The proposed development the subject of the Development Application is of a scale and nature which is not intended on the subject land, but which is intended and provided for by the Council's MBRC Planning Scheme in other parts of the local government area.**
- (f) **The proposed development the subject of the Development Application does not provide useful public space or enhanced public amenity.**
- (g) **The Development Application for the proposed development was the subject of considerable community interest involving 184 submissions, of which 176 were properly made and in opposition to the proposed development.**
- (h) **The proposed development the subject of the Development Application would be contrary to the community's reasonable expectations.**
- (i) **The proposed development the subject of the Development Application cannot be appropriately conditioned to overcome the serious and material impacts with the Council's MBRC Planning Scheme or the relevant matters which warrant refusal.**
- (j) **Approval of the proposed development the subject of the Development Application would not represent a balanced decision in the public interest and would not advance the purpose of the *Planning Act 2016*.**
- (k) **There are otherwise no other relevant matter/s that would tip the balance of favour in support of an approval of the Development Application.**

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## OFFICER'S RECOMMENDATION

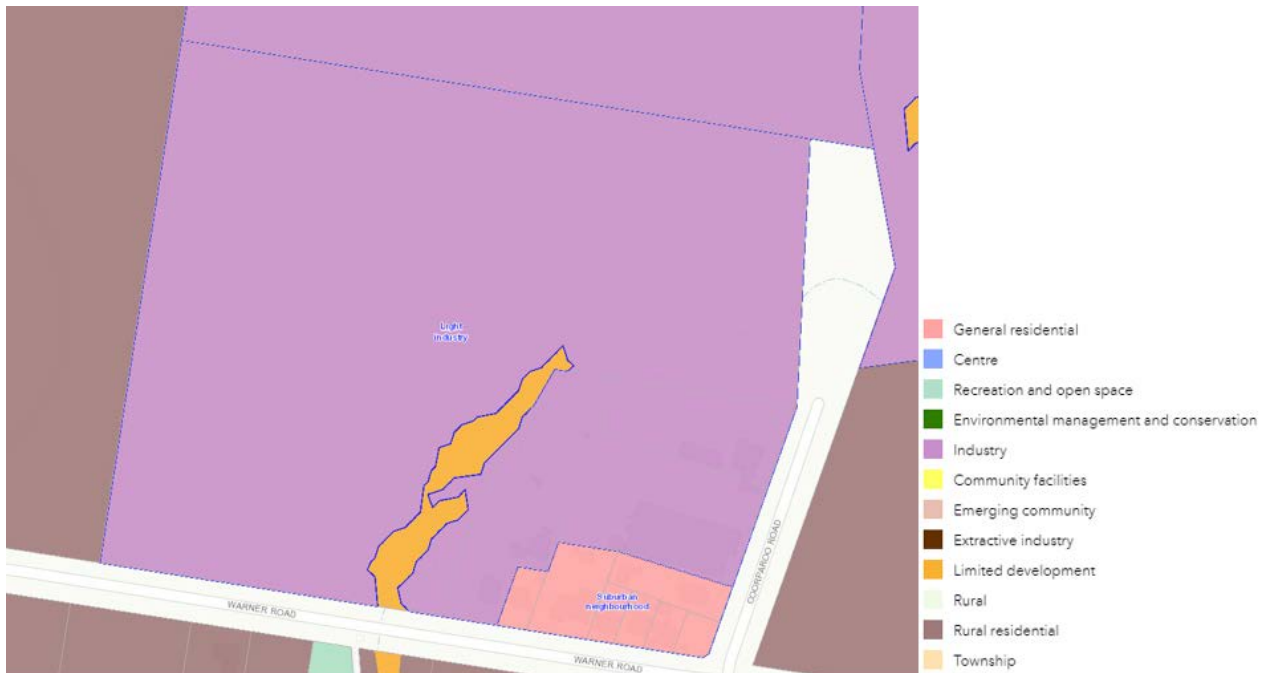
- A. That Council approve entering into an Infrastructure Agreement with the applicant obligating the applicant to deliver infrastructure, including development infrastructure as stated in the list of Schedules contained in **Annexure A** to this report, and delegates the power under section 236 of the *Local Government Act 2009* to the Chief Executive Officer to execute the Infrastructure Agreement in relation to that infrastructure and other related matters.
- B. That subject to the execution of the Infrastructure Agreement:
- (i) Council approve the development application for a Preliminary Approval for a Material Change of Use for Dwelling Houses, Home Based Businesses, Park, a Sales Office and Utility Installation at Lot 2 and 54 Warner Road, Warner more accurately described as Lot 2 RP195936 and Lot 2 RP105475, subject to the following Conditions contained in **Annexure B** to this report; and
  - (ii) Council approve the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in **Annexure C** to this report; and
  - (iii) Council approve under section 3.6 of the MBRC Planning Scheme Policy - Flood Hazard, Coastal Hazard and Overland Flow, a Drainage Masterplan for 'Figure 8.2.2.11 - Warner' of the Flood Hazard Area Overlay Code for land specifically described as Lot 2 RP195936, Lot 2 RP105475 and Warner Road being more specifically the Drainage Master Plan - Drainage Investigation Area contained in **Annexure D** to this report; and
  - (iv) Council approve the development application seeking a Development Permit for Reconfiguring a Lot (2 into 129 lots) at Lot 2 and 54 Warner Road, Warner more accurately described as Lot 2 RP195936 and Lot 2 RP105475, subject to the Plans/Documents and Conditions contained in **Annexure E** to this report; and
  - (v) Council delegate its power to the Chief Executive Officer under section 63 of the *Planning Act 2016* to give a decision notice about the decisions made under Items B(i) - (iv), which is to include the information in the decision notice contained in **Annexure F** to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons; and
  - (vi) Council delegate its power to the Chief Executive Officer under section 89 of the *Planning Act 2016* to note the development approval on the Moreton Bay Regional Council Planning Scheme due to the approval including a variation approval given under section 61 of the *Planning Act 2016*; and to give notice of the notation and the premises to which the note relates to the Chief Executive.

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**REPORT DETAIL**

**1. Background**

The Site is, in the vast majority, in the Industry Zone (Light Industry Precinct) with a relatively small portion of the Site in the Limited Development Zone as shown below in Figure 2.



**Figure 3: Zoning (MBRC Planning Scheme 2016)**

Section 3.13.4.4.1.9 of the MBRC Planning Scheme identifies the Warner Investigation Area (WIA), bounded by Kremzow Road to the north, Old North Road and South Pine Road to the east, Eatons Crossing Road in the south and existing rural residential development to the west as an area for further investigations to determine its development potential and future use. The Investigation Area is mapped on the MBRC Planning Scheme Strategic Framework Map.

As a result of this designation within the MBRC Planning Scheme, Council commenced a structure planning process with landowners in the WIA and stakeholders including Unitywater and the Department of Transport & Main Roads.

It was subsequently proposed as a result of that investigation that subject to appropriate upgrading of the existing infrastructure networks, that parts of the area were suitable for urban development.

A major amendment to the MBRC Planning Scheme was then commenced by Council that would, inter alia, include land in the WIA (including the Site) within the Emerging Community Zone (Transition Precinct). As a consequence of public consultation and community feedback about the draft planning scheme amendment, the area to be included was contracted.

On 14 December 2017, Council formally resolved to proceed with the major amendment to the MBRC Planning Scheme including the WIA amendments.

The whole of the proposed major amendment to the MBRC Planning Scheme was refused by the State Government in October 2018 and as such the proposed structure plan has not advanced.

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Since that time, Council has seen individual landowners lodge 3 separate development applications for residential uses on land contained in the WIA presently zoned predominantly Industry in either the Light Industry or Mixed Industry and Business Precincts.

This application lodged by Ausbuild (being 1 of the 3 applications referred to above) seeks a preliminary approval, including a variation request to the MBRC Planning Scheme), to carry out residential uses (Houses) on the Site and a development permit to subdivide the Site into residential allotments, consistent with the proposed structure plan (which as per discussion above has not advanced).

In order to achieve residential uses (Houses) on Site (and other uses such as home based businesses and sales office), this application seeks a Preliminary Approval for a Material Change of Use for Dwelling Houses, Home Based Business, Park, Sales Office and Utility Installation and then a Development Permit for Reconfiguring a Lot (2 into 129 lots) and contains a variation request to vary the effect of the MBRC Planning Scheme by applying what it is described as a General Residential precinct and an Environmental Management and Conservation precinct (Figure 3) to the Site as well as some other changes to the mechanics of the MBRC Planning Scheme such as creating a Drainage Investigation Area for the Site. As part of the variation request, the applicant also seeks approval of a Drainage Masterplan for the Site under the created Drainage Investigation Area. Lastly and subject to the previous aspects, the application then seeks a Development Permit for Reconfiguring a Lot (2 into 129 lots).



Figure 4: Variation Plan (Peak Urban, 2019)

The application for the preliminary approval includes a variation request, which seeks to vary the effect of the following overlays, addressed individually in detail in section 2.3.2.2 of this Report:

- (i) Environmental Areas Overlay;
- (ii) Riparian and Wetland Setbacks Overlay;
- (iii) Bushfire Hazard Overlay;
- (iv) Building Heights Overlay; and
- (v) Flood Hazard Overlay.

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The variation request also seeks to vary the effect of the Flood Hazard Overlay Code in the MBRC Planning Scheme to incorporate a Drainage Investigation Area for the Site to allow an approval to be given of a Drainage Master Plan that has been prepared by the applicant as discussed in greater detail in Section 2.8 of this report.

Lastly, to support the proposed development and to ensure all the necessary infrastructure to support the proposed development is provided, the applicant has proposed to enter into an Infrastructure Agreement with the Council to ensure the delivery of the necessary infrastructure. The Infrastructure Agreement is to provide:

- (i) 5.9 hectares of land to the Council for stormwater conveyance capable of being revegetated to augment a koala movement corridor to the south; and
- (ii) An upgrade to existing trunk stormwater culverts identified in the Council's LGIP in Warner Road that presently do not meet the Desired Standards of Service; and
- (iii) Signalisation of the Coorparoo Road and South Pine Road intersection being state controlled; and
- (iv) The construction of a 2.5m wide active transport pathway across the frontage of the Site to Warner Road extending to Old North Road having a total length of approximately 700 metres; and
- (v) 5000m<sup>2</sup> of land to the Council for a Local Recreation Park from adjoining land to the west; and
- (vi) A playground for the Local Recreation Park; and
- (vii) 2.8 hectares of land to the Council from adjoining land to the west to assist in the creation of an east west koala movement corridor; and
- (viii) An upgrade of Warner Road between the subject Site and Coorparoo Road; and
- (ix) The planting of approximately 5500 trees / shrubs in the 5.9 hectare stormwater conveyance corridor being provided to the Council.

## **2. Explanation of Item**

### **2.1 Description of the Site and Surrounds**

The Site is located within close proximity to a diverse range of land uses such as:

- Rural residential land uses to the south and west;
- Current and former extractive resources to the north (CSR and Mordar Investments respectively);
- Warner Lakes residential estates located approximately 1km to the north;
- The greater Brendale Industrial Area located approximately 1km to the north-east;
- The South Pine Sporting Complex and Wantima Country Club located approximately 700m and 1.5km to the south east.

The Site is also located in close proximity to transport infrastructure and services including:

- Strathpine Train Station located approximately 3km to the north-east; and
- Strathpine Retail/Commercial Area (Strathpine Centre) located approximately 3km to the north-east.

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Directions	Planning Scheme Zone	Current Land Use
North	Industry	CSR mining operation
South	Rural Residential	Rural residential detached dwellings
East	<ul style="list-style-type: none"> <li>General Residential - Suburban Neighbourhood Precinct;</li> <li>Industry (Light Industry); and</li> <li>Rural Residential.</li> </ul>	<ul style="list-style-type: none"> <li>General Residential - Dwelling Houses;</li> <li>Industry - General industrial activities;</li> <li>Rural residential - generally vegetated Site.</li> </ul>
West	Rural Residential	Rural residential detached dwellings

2.2 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

2.2.1 *State Planning Policy*

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable



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<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
Yes	<p>(4) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <p>(e) altered stormwater quality and hydrology</p> <p>(f) waste water</p> <p>(g) the creation or expansion of non-tidal artificial waterways</p> <p>(h) the release and mobilization of nutrients and sediments.</p> <p>(5) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(6) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(8) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <p>(e) coastal dependent development; or</p> <p>(f) temporary, readily relocatable or able to be abandoned development; or</p> <p>(g) essential community infrastructure; or</p> <p>(h) minor redevelopment of an existing permanent building or</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply based on the technical reports submitted with the development application.</p> <p>The variation request also seeks to vary the effect of the Flood Hazard Overlay Code in the Planning Scheme to incorporate a Drainage Investigation Area for the Site to allow an</p>

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	<p>structure that cannot be relocated or abandoned.</p> <p>(9) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(10)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>(11)Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(12)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>(13)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>(14)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>approval to be given of a Drainage Master Plan that has been prepared by the applicant as discussed in greater detail in Section 2.8 of this report. This is in response to addressing the issue of flood hazard as articulated in the SPP.</p>
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.2.2 South East Queensland Regional Plan

The Site is located in the Urban Footprint designation.

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

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

Koala Habitat Area

The Site is located in a Priority Koala Assessable Development Area or Koala Assessable Development Area.

An assessment as to how the development satisfies the provisions in the Regulation has been undertaken (refer to section 2.6 of this Assessment Report for further detail). That assessment recommends any approval be conditioned to provide wildlife infrastructure such as:

- dog / koala exclusion fencing at the interface of the development and adjoining conservation areas (including the Riparian Reserve and vegetated parts of Lot 3 to the north) to minimise threats to koalas and koala movement in existing and future habitat; and
- the provision of a safe fauna passage south (past Warner Road) via a fauna underpass including directional fencing.

The proposal is consistent with the Regulation.

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

2.3.1 Strategic Framework

In accordance with section 1.7.2 of the MBRC Planning Scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework.

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

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

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

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

The Site is located within the Coast and Riverlands and Rural Residential Place Types of the MBRC Planning Scheme while also being identified as an Investigation Area.

While an assessment against section 13.4 has been made, an assessment has also been made against those Strategic Outcomes applicable to the proposal and are discussed as follows:

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Strategic Outcome	Comply	Assessment
<b>Theme - Sustainability and Resilience</b>		
<p><i>Design and site development and infrastructure using sustainability and urban design principles to reflect the Region's subtropical climate, reinforce local character and achieve innovation and design excellence.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. All development, including buildings and infrastructure, will incorporate subtropical design principles, including orientation, siting and passive climate control, in the planning, design and delivery process to minimise land consumption and service costs and improve design of new development;</li> <li>2. The design and orientation of all buildings and allotments will take advantage of the Region's climate and reduce the use of energy, especially for cooling and heating, in accordance with sub-tropical design principles and climate smart initiatives;</li> <li>3. The level of water and energy consumption will be reduced by:               <ol style="list-style-type: none"> <li>a. encouraging the use of climate smart initiatives;</li> <li>b. implementing the Moreton Bay Regional Council's Total Water Cycle Management Plan; and</li> <li>c. avoiding land use change and development that has adverse impacts on land, water and air quality and is associated with environment, health and safety concerns; and</li> </ol> </li> <li>4. Development outcomes are focused on creating multiple benefits to the community, the economy and the environment.</li> </ol>	<b>Yes</b>	<p>The proposal seeks a Material Change of Use - Preliminary Approval for Dwelling Houses, Home Based Business, Park, Sales Office and Utility Installation and Variation to the planning scheme to apply the General Residential Zone - Next Generation Neighbourhood Precinct and Environmental Management and Conservation Zone to the land and Reconfiguring a Lot - Development Permit for Subdivision (2 into 129 lots). Accordingly, there is no specific building design elements to the proposal submitted. However, the layout of the development and the proposed provision of infrastructure is consistent with the urban design principles and sustainability requirements articulated in the codes and policies in the MBRC Planning Scheme.</p> <p>The orientation of the lots is developed in a manner which takes advantage of the region's climate.</p> <p>The development outcomes will result in the delivery of affordable residential lots to help meet the housing needs of the community while also providing rehabilitated / revegetated land to the community for environmental purposes supported by the infrastructure necessary.</p>
<p><i>Greenhouse gas emissions are reduced from development, land management and other planning decisions in the region.</i></p> <p><u>Specific Outcomes</u></p>	<b>Yes</b>	<p>The proposed development reflects the principals of reducing greenhouse gas emissions by providing active transport infrastructure. Similarly, the proposal will designate 6.19ha as Environmental Management and Conservation Zone</p>

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Strategic Outcome	Comply	Assessment
<ol style="list-style-type: none"> <li>1. Support relevant sustainable/ alternative energy strategies, policies and projects that assist in the production of a decentralised energy grid and support smart grid initiatives;</li> <li>2. Incorporate planning and design measures in development, land management and other planning decisions to reduce greenhouse gas emissions in accordance with climate smart design principles, Next Generation Planning handbook planning principles and smart growth principles;</li> <li>3. Reduce greenhouse gas emissions from transport fuel consumption by adopting patterns of urban development that reduce the need to travel and the distance travelled and by facilitating an increase in provision of active and public transport alternatives;</li> <li>4. Improve energy efficiency through siting, design, construction and use of demand management technologies to reduce greenhouse gas emissions from electricity use;</li> <li>5. Increase the local provision of renewable energy and low emission technology in appropriate locations;</li> <li>6. Increase stored carbon through the retention or planting of trees or other vegetation, and other land management practices that also provide sustainability and amenity outcomes; and</li> <li>7. Develop urban and peri-urban agriculture strategies, policies and projects that support local sustainable commercial and community food growing in the region to assist in reducing emissions and transport costs.</li> </ol>		<p>and provide approximately an additional 5768 new koala habitat trees.</p>
<p><i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i></p> <p>Specific Outcomes</p>	<p>Yes</p>	<p>The two critical natural hazards applicable to the Site are bushfire and flooding, the overlay maps for both of which are proposed to be varied as part of this application.</p> <p>Bushfire Hazard</p>

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Strategic Outcome	Comply	Assessment
<p>1. Respond to the risk from natural hazards, including projected changes in weather, by avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;</p> <p>2. Respond to the risk from natural hazards, including projected changes in weather, by establishing adaptation strategies to minimise vulnerability to heatwaves and high temperatures, reduced and more variable rainfall, cyclones and severe winds, and severe storms and hail; and</p> <p>3. Recognise and respond to changes in urban climates due to land use conversion and urban heat island effect from increased development intensity.</p>		<p>Significant variations to the Bushfire Hazard Overlay map are proposed with the development proposal based on a site specific assessment in combination with the development of a Bushfire Management Plan for the Site. Site specific responses are proposed to minimise bushfire risks from the existing vegetation to be retained and revegetated corridors that are proposed, including the creation of fire breaks, maintenance tracks and the like.</p> <p><u>Flood Hazard</u></p> <p>This application also seeks to incorporate the Site within a Drainage Investigate Area (DIA) plan to supplement a Drainage Master Plan (DMP) to be approved as part of the development application as discussed in greater detail in Section 2.8 of this Assessment Report. The effect of the DMP will change the flood hazard present on the Site to ensure there is minimal risk of flooding to the proposed residential lots.</p> <p>The variation is therefore seeking to give effect to the updated flood hazard overlay map due to sufficient technical information being provided to demonstrate a satisfactory response to the actual flood hazard risk present on the Site.</p>
<p><i>Identify people, economic sectors and areas that are at risk due to oil supply vulnerability and increase their resilience to the effects of oil supply vulnerability.</i></p> <p><u>Specific Outcomes</u> Manage risks and reduce impacts on people, economic sectors and areas from the effects of oil supply vulnerability by:</p> <p>a. Designing development to encourage walking, cycling and public transport use to access local shopping facilities and employment locations, and early provision of public transport services;</p> <p>b. ensuring transport infrastructure and service investment actively reduces</p>	<p><b>Yes</b></p>	<p>The proposed development responds to oil supply vulnerability by providing active transport infrastructure and being located in an area in close proximity to commercial and employment centres, schools and the like.</p> <p>The subject site is within 800 metres of a public transport route on South Pine Road.</p>

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Strategic Outcome	Comply	Assessment
<p>oil dependence, particularly for trips that could be undertaken by public or active transport; and</p> <p>c. reducing the length of trips and dependence on oil by localising access to goods, services and employment opportunities.</p>		
<p><i>The adverse effects of development on land, air quality and noise levels are avoided in the first instance, mitigated and managed to within acceptable levels and environmental harm is avoided.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Development minimises the adverse effects of land degradation;</li> <li>2. In areas where land degradation has occurred, the land is restored to a healthy, self-sustainable and stable condition;</li> <li>3. Development does not lead to adverse impacts on air quality by contamination; and</li> <li>4. Development does not lead to environmental harm or nuisance through unacceptable levels of noise.</li> </ol>	Yes	<p>Substantial areas of land are proposed to be transferred to the Council with the development proposal and previously cleared areas are proposed to be revegetated to resemble their original regional ecosystem.</p> <p>Given the proposed use, being primarily residential allotments, no Noise Impact Assessment was required as it is expected that noise pollution as a result of the proposal would be low and consistent with the amenity of the area with potential that it would be better than what the current industrial zoning of the land provides for.</p>
<b>Theme - Natural Environment and Landscape</b>		
<p><i>Biodiversity and associated ecosystem services of the Moreton Bay Region will be protected, managed and enhanced, and resilience of ecosystems (including sub-tidal ecosystems) to the impacts of changing weather patterns and other environmental challenges will be maximised.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. The Region's current network of protected areas will be conserved and expanded to achieve viable representations of all the Region's currently identified and future regional ecosystems to ensure biodiversity resilience and ongoing provision of ecosystem services;</li> <li>2. Ecological connectivity to improve ecological robustness and resilience to changing weather patterns and other threats will be maintained and</li> </ol>	Yes	<p>The proposed development will remove 90 Non-Juvenile Koala Habitat Trees (NJKHTs); but will transfer to the Council 6.19ha of revegetated and rehabilitated land with approximately an additional 5768 new koala habitat trees. Comparatively to what is currently on the Site, being grassed and vastly cleared of vegetation, it is a positive result for the natural environment and landscape.</p> <p>The revegetation will supplement the existing dense vegetation directly north of the Site and seek to extend an important fauna corridor in the area contributing to the creation of an extended green infrastructure corridor.</p> <p>The proposal will also provide a dedicated fauna underpass and directional fencing under Warner Road. In addition, the area to be revegetated for</p>

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Strategic Outcome	Comply	Assessment
<p>improved through retention of native vegetation, managed regrowth and rehabilitation; the use of mechanisms such as development offset and mitigation contributions and non-planning scheme measures such as voluntary agreements and Land for Wildlife programs;</p> <p>3. The green infrastructure network within the urban footprint will be incorporated into the design of development in a way that complements and supports the intended urban design outcomes for the relevant place and also allows for an ongoing supply of ecosystem services to the community and to conserve biodiversity values. In order of priority the actions to be taken are:</p> <ul style="list-style-type: none"> <li>a. protection of existing natural areas or land adjacent to natural areas not already protected in perpetuity;</li> <li>b. rehabilitation of degraded natural areas; then</li> <li>c. habitat enhancement of priority species and ecosystems; and</li> </ul> <p>4. Where an area within the green infrastructure network is not incorporated into the design of development but is allowed to be cleared, the effect of this clearing may be required to be offset in an environmental offset area as identified in Planning scheme policy - Environmental areas and corridors, Section 11.3 Offset receiving site location hierarchy.</p>		<p>koala movements will have dog / koala exclusion fencing installed at the interface of the development and the revegetated land to assist in the protection of koalas.</p> <p>The proposal achieves the Strategic Outcomes.</p>
<p><i>Koala population viability within the Moreton Bay Region will be maintained and improved.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Strategic koala habitat networks will be conserved and expanded to ensure strong and safe habitat and linkages for koalas across our Region;</p>	Yes	



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Strategic Outcome	Comply	Assessment
<p>2. Development in koala movement areas or near to koala habitat areas and corridors will incorporate koala design principles to reduce threats to koalas, integrating green infrastructure that maximises koala movement across the landscape, such as koala friendly fencing, culverts and land bridges; and</p> <p>3. Where vegetation within priority species habitat (refer to Planning scheme policy - Environmental areas and corridors, Section 3 Priority and other native species, and Section 14 List of priority species of Moreton Bay) and movement areas is removed an offset will be sought for placement within an environmental offset area as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy.</p>		
<b>Theme - Strong Communities</b>		
<p><i>Utilise the principles of urban design to promote healthy and safe communities.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Sustainability and urban design principles and the standards of universal access and safety will be used to create built environments conducive to physical activity and public environments accessible by all people;</p> <p>2. Development and provision of infrastructure will help to deliver a healthy and safe built environment, encouraging healthy lifestyle choices;</p> <p>3. Appropriate consideration of social needs will occur for major new development; and</p> <p>4. Community facilities in appropriate locations will be available for emergency purposes during and after natural disasters.</p>	Yes	<p>No built form is proposed in the Material Change of Use component, including the variation, of the development application.</p> <p>The proposed reconfiguration is however consistent with the MBRC Planning Scheme in proposing an interconnected grid layout of subdivision with active transport connections in and around the Site as well as beyond the Site to provide walking and cycling thereby ensuring that the proposal is consistent with the Strategic Outcomes.</p>
<p><i>Provision of a well connected, diverse and accessible public open space network.</i></p> <p><u>Specific Outcomes</u></p>	Yes	<p>The proposal is to apply the provisions of the Environmental Management and Conservation Zone in the MBRC Planning Scheme to 6.19ha that is also</p>

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Strategic Outcome	Comply	Assessment
<ol style="list-style-type: none"> <li>1. Accessible, diverse and quality useable open space that provides for the health, recreation and leisure needs of the current and future communities is maintained and enhanced;</li> <li>2. Passive and active recreation areas and community greenspaces provide a pleasant experience for residents and visitors and enhance the sense of place and community identity;</li> <li>3. Connectivity of the open space network and community greenspaces is provided within and between the Regional Landscape and Rural Production Area, Rural Living Area and Urban Footprint;</li> <li>4. Well-designed accessible public places will be required to be provided in all new growth areas; and</li> <li>5. Council will identify a diverse network of open spaces across the Region catering for specific needs of the community including inclusive all-ability playgrounds, botanic gardens, natural playgrounds and community gardens.</li> </ol>		<p>to be rehabilitated and revegetated to create a publicly owned fauna corridor focused on koalas movements that will also be accessible to the public via walking trails as an extension of the existing open space network.</p> <p>A Landscape Concept Plan has been prepared and submitted to the Council to support and demonstrate the proposal will achieve the accessibility standards in the Council's Planning Scheme Policy.</p> <p>The proposal is to also transfer 0.5ha of land to the Council as a Local Recreation Park with playground facilities to meet the recreational needs of future residents in the development. The proposal will achieve the Strategic Outcomes of this theme.</p>
<p><i>Provide an integrated, high-quality, urban community greenspace network to cater for recreational and environmental needs in existing and new neighbourhoods.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Identify and respond to community needs for urban community greenspace generated as a result of urban development, especially in areas targeted for redevelopment, infill and new walkable neighbourhoods;</li> <li>2. Ensure urban community greenspace is integrated into the planning, design and development of existing neighbourhoods targeted for infill and redevelopment and new walkable neighbourhoods to provide for land use efficiencies and long-term sustainability;</li> <li>3. Respond to growth in a co-ordinated manner, with place and function as a focus through the use of open space</li> </ol>	Yes	

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Strategic Outcome	Comply	Assessment
<p>typologies in regard to defined place types;</p> <p>4. Create a more flexible open space planning framework that responds to increased residential populations and changing demographic compositions; and</p> <p>5. Encourage the shared use of open space where appropriate through the development of design principles for new open space.</p>		
<p><i>Provide for a variety of outdoor recreation opportunities including recreation trails and camping areas to meet community demands.</i></p> <p><u>Specific Outcomes</u></p> <p>1. A variety of outdoor recreation opportunities is provided to meet community demands;</p> <p>2. Identify possible locations for hard to locate sports within the inter-urban break;</p> <p>3. Provide a range of recreational trails for a range of users in diverse settings that range from urban to natural;</p> <p>4. Provide facilities and areas that allow equitable use by a broad range of active sport, recreation and community activities, including:</p> <p>a. venues for organised and informal activities;</p> <p>b. civic and cultural activities including festival and public events;</p> <p>c. coastal foreshores and esplanades; and</p> <p>d. high impact sporting and recreational uses in appropriate locations; and</p> <p>5. Provide recreational experiences that promote a healthier lifestyle including recreational trails, passive parkland and formal sporting facilities.</p>	Yes	
<p><i>A variety of housing options is provided to meet diverse community needs and achieve housing choice and affordability.</i></p> <p><u>Specific Outcomes</u></p>	Yes	The proposal provides lots ranging from 170m <sup>2</sup> to 608m <sup>2</sup> that support both housing diversity and affordability and have the appropriate dimensions in accordance with the Planning Scheme to accommodate private open space.

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Strategic Outcome	Comply	Assessment
<ol style="list-style-type: none"> <li>1. Council's planning initiatives are primarily aimed at increasing population in close proximity to services, public transport and employment to make the overall cost of living more affordable by reducing overall lifestyle costs, particularly transport costs, energy costs by requiring services and facilities close to where people live;</li> <li>2. Significant housing development will continue across the region with a greater range of housing types being built in new developments and in established areas targeted for infill and redevelopment;</li> <li>3. New housing developments will be planned, designed and delivered taking into account the neighbourhood and place type, existing and future housing needs in the area, and the connectivity and accessibility required to create a walkable neighbourhood and encourage active transport;</li> <li>4. Council will support the provision of affordable housing through community-based, not-for-profit entities and housing cooperatives and the private sector;</li> <li>5. All major new developments will be encouraged to incorporate a greater range of housing types and affordable housing products that demonstrate housing affordability, including appropriate housing for the entry buyer and low-income housing markets and demographic mix;</li> <li>6. Council will lobby the other levels of government regarding decisions on the disposal or redevelopment of government property and surplus land to include consideration of the opportunity for that land to be used for affordable housing purposes; and</li> <li>7. Appropriate 'private open space' is provided in the development of all housing products.</li> </ol>	Comply	<p>The proposal also provides active transport linking the development to South Pine Road along Warner Road where public transport is available.</p> <p>The Site is located approximately 1.5km from Eatons Hill that accommodates significant commercial and community uses including supermarkets, retail shops, a hotel, educational facilities, places of worship and the like as well as major district sporting facilities. The Brendale Industrial estate being one of the major employment areas in the region is also located approximately 1.5km away from the Site.</p> <p>The Site is well located for residential development that has been recognised elsewhere in the MBRC Planning Scheme confirming the development of the Site for residential purposes is consistent with the Strategic Outcome.</p>
<b>Theme - Settlement Pattern and Urban Form</b>		

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Strategic Outcome	Comply	Assessment
<p><i>A more compact urban form is developed within the urban footprint by a program of urban design and sustainability principles aimed at increasing the jobs and people per hectare in targeted locations (to help achieve Council's long term 70% local employment target), creating walkable communities, and a viable quality transit system.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. A more efficient land use and development pattern will be achieved progressively over time by:               <ol style="list-style-type: none"> <li>a. limiting new urban development occurring outside the Urban Footprint to land in an Identified Growth Area and part of new master planned walkable and transit-based neighbourhoods which are contiguous with existing neighbourhoods wherever possible;</li> <li>b. encouraging more intense development and a greater mix of uses at targeted locations within the Urban Footprint;</li> <li>c. requiring new development to be integrated into existing neighbourhoods in a spatially cohesive manner to help create walkable communities with an emphasis being placed on active transport and access by transit; and</li> <li>d. directing growth away from areas of higher risk of natural hazards, given that urban land allocations outside these areas are sufficient to accommodate growth beyond the life of the planning scheme.</li> </ol> </li> <li>2. Ensure that new development and redevelopment in established urban areas reinforces the strengths and individual character of the urban area in which the development occurs;</li> <li>3. Target growth in locations within the Urban Footprint in growth areas and in investigation areas that provide superior transportation choices or otherwise reduce car use, particularly</li> </ol>	<p><b>Yes</b></p>	<p>The proposal provides suitable road connections and an upgrade to the active transport network along Warner Road supporting and encouraging safe movement through the community. The Site is located within the urban footprint on land zoned for industrial purposes that is instead proposed to be used for residential purposes.</p> <p>The proposal will establish a next generation style neighbourhood with lots ranging from 170m<sup>2</sup> to 608m<sup>2</sup> which supports both housing diversity and affordability.</p> <p>The proposal is consistent with the Strategic Outcomes for the theme.</p>

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Strategic Outcome	Comply	Assessment
<p>through supporting growth in targeted established urban areas and redevelopment in and around existing urban centres and along priority transit networks and other high-frequency transit corridors;</p> <p>4. Within the Urban Footprint, Council will consolidate and maintain rural residential development in the identified rural residential areas in locations where this form of development will not compromise the orderly, progressive and efficient expansion of the urban area and its associated infrastructure networks;</p> <p>5. Development in the Urban Footprint, in growth areas and in investigation areas protects agricultural land outside the Urban Footprint with the onus of buffering placed on land in the Urban Footprint, growth areas and in investigation areas.</p> <p>6. New industrial land uses are appropriately separated from sensitive land uses; and</p> <p>7. New development including sensitive land uses recognises existing industrial development and includes appropriate separation measures</p>		
<p><i>New master planned walkable neighbourhoods, activity centres and enterprise and employment areas served by public transport have a role to play in helping to accommodate regional dwelling and employment targets and require comprehensive planning to coordinate future development with infrastructure delivery.</i></p> <p><u>Specific Outcomes</u></p> <p>1. New urban development will be supported in greenfield locations with available infrastructure capacity or where infrastructure capacity can be provided efficiently and cost effectively and without creating disadvantage to current and planned priority infrastructure areas;</p> <p>2. New development and land use patterns that would compromise or</p>	<p><b>Yes</b></p>	<p>All the required services and infrastructure needed to facilitate development will be made available to the Site, including a network of green infrastructure and recreational facilities.</p> <p>The proposal demonstrates a suitable and integrated road hierarchy in addition to a pathway network proposed for the development.</p> <p>The proposal provides suitable road connections and an upgrade to the active transport network along Warner Road supporting and encouraging safe movement through the community.</p> <p>The proposal will establish a next generation style neighbourhood with lots ranging from 170m<sup>2</sup> to 608m<sup>2</sup> which</p>

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Strategic Outcome	Comply	Assessment
<p>constrain the efficient expansion of the infrastructure system and services required to service development and/or the corridors required for provision of infrastructure will be discouraged;</p> <p>3. Development within new greenfield developments and rural residential transition areas is to be designed and developed as part of a future transit based walkable neighbourhood and as such must provide pedestrian, cycle, local road, open space and waterway connectivity, within the neighbourhood and adjacent areas in accordance with the specific outcomes of the relevant place types;</p> <p>4. Urban development of greenfield areas will not be supported unless it is designed and developed as a series of transit based walkable neighbourhoods and with an appropriate network of centres, public spaces and pedestrian, cycle, local road, green infrastructure, within the neighbourhood and to adjacent areas in accordance with the specific outcomes of the relevant place types and local plan strategies;</p> <p>5. New "15 minute" walkable neighbourhoods will include a diversity of uses and employment opportunities at a minimum of 35 people and jobs per hectare to support viable public transport services and walkable communities and encourage active transport. These new neighbourhoods will be designed around local centres and neighbourhood hubs and include a range of community facilities and services and public spaces required by the local community. A range of different housing types will be provided on a range of lot sizes. Pedestrian and cycle way networks and local road systems will be designed to maximise connectivity;</p>		<p>supports both housing diversity and affordability.</p> <p>As stated previously, the Site is well located due to its proximity to commercial, community and employment uses supporting the development of the land for residential purposes.</p> <p>The proposal is consistent with the Strategic Outcomes.</p>

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Strategic Outcome	Comply	Assessment
<p>6. Greenfield development sites will be designed to demonstrate best practice in community services, urban green infrastructure, communication, mobility, energy efficiency, water cycle management and waste management; and</p> <p>7. Urban development avoids areas of higher natural hazard risk and otherwise ensures development subject to natural hazards is compatible with the risk presented to protect people, property and infrastructure.</p>		
<b>Theme - Employment Location</b>		
<b>Theme - Rural Futures</b>		
<b>Theme - Natural Resources</b>		
<b>Theme - Integrated Transport</b>		
<p><i>Plan for a more compact settlement pattern and urban form to encourage sustainable travel patterns: reducing the need to make trips by any motorised form and to reduce the length of motorised trips.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Support transit oriented communities at locations with high frequency public transport services and access to good quality and safe cycling and walking routes;</li> <li>2. Sufficient infrastructure is provided to connect communities and increase self-containment in the region;</li> <li>3. Reduce the length and reduce the frequency of car trips;</li> <li>4. Reduce the length and increase the frequency of public transport trips;</li> <li>5. Increase the length and increase the frequency of walking and cycling trips;</li> <li>6. End of trip facilities are provided in public and private developments in activity centres to encourage walking and cycling;</li> <li>7. Complementary land uses are provided in close proximity to each other, encouraging shorter trips and a higher level of linked trips (e.g. child-</li> </ol>	<p><b>Yes</b></p>	<p>As stated above, the proximity of the Site to public transport, commercial and community centres as well as places of employment supports the creation of a more compact settlement pattern in the region, with the development having the infrastructure necessary to support it, having regard to its context in the natural landscape.</p> <p>The proposal is consistent with the Strategic Outcome.</p>



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Strategic Outcome	Comply	Assessment
<p>care facilities, open space and shops located close to work-places) and providing opportunities for communal parking;</p> <p>8. Ensure new development is serviced with new public transport routes, facilities and high frequency services, including priority transit corridors, to establish improved mode share at an early stage; and</p> <p>9. Appropriate fauna management practices are implemented where necessary to protect wildlife.</p> <p>10. Appropriate measures are implemented where necessary to protect water quality in drinking water catchments.</p>		
<p><i>Influence sustainable travel behaviour by creating attractive places to walk and cycle.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Provide good quality urban design to encourage Crime Prevention Through Environmental Design principles to improve the design quality of public space;</p> <p>2. Activate areas to encourage a sense of community, creating a feeling of safety and encouraging more people to walk;</p> <p>3. Pedestrian and cycle routes and associated infrastructure are well managed and maintained;</p> <p>4. Promote the health aspects of walking and cycling; and</p> <p>5. Provide best practice design of the transport network to reduce accidents and improve safety, particularly related to pedestrians and cyclists.</p>	Yes	<p>The development proposes through its subdivision component a layout of development with integrated and connected local roads supported by a network of active transport paths. Internal roads are proposed adjacent to proposed areas of public open space to enhance casual surveillance of the public open space to ensure CPTED outcomes are achieved. The development if approved, would encourage and support active transport and is therefore consistent with the Strategic Outcome.</p>
<b>Theme - Infrastructure</b>		
<p><i>Use infrastructure to support desired regional growth and help create a more compact urban pattern, cohesive urban and rural communities, and regional economic development.</i></p>	Yes	<p>As stated above in the assessment of the proposal against other Themes, the proposal will utilise existing infrastructure and provide improvements to the networks where it is needed including the green infrastructure network, consistent with this Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>1. Council is approaching the challenge of growth management by adopting smart growth principles and the MBRC Place Model. This model will integrate land uses, transport and infrastructure to promote a more compact urban form, including increased availability and diversity of housing for people of all income levels, walkable neighbourhoods, creating distinctive and attractive mixed use communities, access to a variety of transportation choices, reduced car dependency, protecting our natural landscapes, targeting new development to accessible infill locations and prioritising use of existing infrastructure.</p>		
<p><i>Facilitate access to high-speed broadband telecommunications.</i></p> <p><u>Specific Outcomes</u></p> <p>1. Council is supportive of high speed internet access for all and encourages the roll out of the high speed broadband services throughout the Region including access for the more remote rural areas; and</p> <p>2. Council will continue to monitor the growth of the digital economy and its potential impacts on lifestyles and development within the Region and will seek to identify opportunities provided by the new economy to support greater levels of economic development/job self containment within the Region and opportunities for telecommuting to replace commuter travel to the city.</p>	Yes	While not applicable to the Material Change of Use component of the development application, the subdivision component of the development proposal will require the residential lots to be connected to the broadband network.
<b>Theme - Water Management</b>		
<p><i>Floodplains in the region will be managed for the long-term benefit of the community such that hazards to people and damages to property and infrastructure are minimised and the intrinsic environmental values of the floodplain are protected.</i></p> <p><u>Specific Outcomes</u></p>	Yes	The Site is affected by flooding and assessment of the hazard proposes to better define the flood corridor that traverses the Site by including the Site into a Drainage Investigation Area and implementing a Drainage Master Plan that has been developed for it. This will maintain the natural functions across the

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Strategic Outcome	Comply	Assessment
<ol style="list-style-type: none"> <li>1. The natural function of the Region’s floodplains are preserved and enhanced;</li> <li>2. The different flood behaviour that occurs across the region in a variety of events, up to and including the probable maximum flood, are recognised and planned for; and</li> <li>3. Land use planning and development controls minimise both the exposure of people to flood hazard and the potential damages to property and infrastructure.</li> </ol>		<p>Site in an improved manner to provide for the development.</p>
<p><i>Ensure development is appropriately planned, designed, constructed, operated and maintained to manage stormwater and wastewater in order to protect the environmental values.</i></p> <ol style="list-style-type: none"> <li>1. Incorporate water sensitive urban design principles into urban developments to reduce the impact of stormwater run-off and associated pollutants generated from urbanised areas, including:               <ol style="list-style-type: none"> <li>a. naturalising stormwater run-off, rather than rapidly conveying stormwater;</li> <li>b. rainwater tanks to conserve potable water supplies;</li> <li>c. vegetated swales and buffer strips to reduce flow velocities and filter pollutants;</li> <li>d. water-efficient landscaping;</li> <li>e. at-source stormwater treatment through streetscape bioretention/rain gardens;</li> <li>f. constructed stormwater wetlands to treat run-off from larger catchments;</li> <li>g. protecting water-related environmental, recreational and cultural values;</li> <li>h. stormwater harvesting for various uses in localised catchments; and</li> <li>i. greywater re-use and on-site sewerage treatment facilities.</li> </ol> </li> </ol>	<p><b>Yes</b></p>	<p>While not applicable to the Material Change of Use component of the development application, the subdivision component of the development proposal will provide stormwater solutions that achieve state and local government requirements with large areas of land proposed to be transferred to the Council being revegetated and having broader benefits to improving water quality in the catchment.</p>
<p><b>Theme - Planning Areas</b></p>		

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Strategic Outcome	Comply	Assessment
<b>Element - Strathpine planning area</b>		
<p><b>Specific Outcomes - Natural environment and landscape</b></p> <p>1. The planning area includes significant natural features and green infrastructure. These areas include:</p> <ul style="list-style-type: none"> <li>a. the waterways of the North Pine and South Pine Rivers, Cabbage Tree Creek and Kedron Brook; and</li> <li>b. areas protected because of their conservation significance including Bunyaville State Forest. These areas will be protected by their inclusion in the Mountain ranges, forests and waterways place type and the Coast and riverlands place type which exclude development incompatible with protecting the significant values of these areas;</li> </ul> <p>2. The planning area contains many green infrastructure components, including waterways, core environmental areas, terrestrial environmental corridors, parks, linear open spaces, urban forests and street trees. The design and development of concept plans for growth areas at Warner and Joyner will incorporate green infrastructure network elements wherever possible; and</p> <p>3. Strategic koala habitat networks in this planning area are critical to ensuring strong and safe habitat linkages for koalas in the longer term. Identified core koala habitat areas and koala movement and dispersal corridors will be protected and development will rehabilitate and reinstate the regional ecosystem values in these identified areas. In areas where clearing of koala habitat is required to achieve good quality urban design outcomes, offsets will be required into an identified environmental offsets area.</p>	<p><b>Yes</b></p>	<p>As stated previously, while the proposal will result in the removal of 90 Non-Juvenile Koala Habitat Trees (NJKHTs), some 6.19ha of land will be revegetated with approximately 5768 new koala habitat trees as a fauna corridor and transferred to the Council as a public asset.</p> <p>The land will extend and enhance the existing open space networks and represent a significant contribution to the green infrastructure network with a dedicated fauna underpass and directional fencing at Warner Road.</p>
<p><b>Specific Outcomes - Strong communities</b></p>	<p><b>Yes</b></p>	<p>The proposal provides lots ranging from 170m<sup>2</sup> to 608m<sup>2</sup> which supports both housing diversity and affordability.</p>

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Strategic Outcome	Comply	Assessment
<ol style="list-style-type: none"> <li>1. The planning area provides for a diverse range of housing choice in terms of type, density, layout and affordability to cater for a demographically and socio-economically diverse population within the Rural residential, Suburban neighbourhood, Next generation neighbourhood, Urban neighbourhood and Activity centre place types;</li> <li>2. The planning area provides for the development of an appropriate range of community facilities and services, sporting and recreational facilities, open space and parkland to cater for the planning area's community;</li> <li>3. Special places that contribute to the unique identity of the planning area include the South Pine Sporting Complex, private sport and recreation area, Energex site and wastewater treatment plant at Brendale, James Drysdale Recreation Reserve at Bunya and Pine Rivers Park at Strathpine. These facilities have a unique role to play in respect to opportunities for sport and recreation and planning area infrastructure which this plan seeks to protect. These have been allocated to Special area place types in the urban structure;</li> <li>4. The planning area falls within the regional character area of urban corridor. New development will contain high quality built form and landscapes consistent with provisions of the Moreton Bay Regional Council Urban Design Charter and the Subtropical Design in South East Queensland: A Handbook for Planners, Developers and Decision Makers;</li> <li>5. Residential areas will be generously landscaped and linked to one another by a continuous open space system including parks and playing fields; and</li> <li>6. Sites of local heritage significance are located within the planning</li> </ol>		<p>The Site is located within an established locality being situated within close proximity of the community, educational, retail, commercial and business uses existing within the neighbouring localities of Warner, Brendale, Strathpine and Bray Park.</p>

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Strategic Outcome	Comply	Assessment
<p>area. Development that has the potential to impact upon the heritage listed sites will require a Heritage Impact Assessment as part of the approval process.</p>		
<p><b>Specific Outcomes - Settlement pattern and urban form</b></p> <ol style="list-style-type: none"> <li>1. ... ..; and</li> <li>2. ... ..; and</li> <li>3. Next generation neighbourhood areas at Strathpine, Bray Park, Joyner, Warner, Albany Creek and the Hills District will be developed as well planned and attractive refurbished residential neighbourhoods providing a diverse range of residential opportunities at densities that support the provision of community facilities and services and viable local centres. The local centres will generally be located on central intersections with good accessibility and visibility, in locations that support active transport and a network of well connected and attractive streets and open spaces within the neighbourhoods;</li> <li>4. ... ..</li> <li>5. ... ..</li> <li>6. ... ..</li> <li>7. ... ..</li> <li>8. ... ..</li> <li>9. An investigation area has been identified at Warner. The area is bound by Kremzow Road to the north, Old North Road and South Pine Road to the east, Eatons Crossing Road in the south and existing rural residential development to the west. Further investigations will be required to determine the development potential and future use of this area. The majority of the area, in the vicinity of Warner Road and to the south, is likely to remain largely rural residential in nature until the area can be developed in an efficient and cohesive manner.</li> </ol>	<p><b>Yes</b></p>	<p>As discussed above, the subdivision component of the development application will deliver the outcomes expected in the planning scheme for a Next Generation Neighbourhood.</p> <p>Section 1 of this report refers to the recent history of planning for the Site as a part of the Investigation area for Warner that has become known as the Warner Investigation Area (<b>WIA</b>).</p> <p>While the major amendment to the MBRC Planning Scheme was refused by the State government in October 2018, the planning scheme remains in effect supporting the investigation of the area for residential purposes. The current proposal is consistent with the WIA investigations that were undertaken by the Council prior to the proposed major amendment to the MBRC Planning Scheme, that was refused by the State government for other reasons.</p>
<p><b>Theme - MBRC Place Model</b></p>		

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Strategic Outcome	Comply	Assessment
<b>Element - Next generation neighbourhood place type</b>		
<p><b>Specific Outcomes - Sustainability and resilience</b></p> <ol style="list-style-type: none"> <li>1. Buildings on small to medium sized lots and in medium density developments are interspersed with private open space and trees and respond to local climate conditions by allowing flow of breezes, natural ventilation and light;</li> <li>2. Residential developments are designed to allow footpaths suitable for extensive native vegetation and appropriate shade trees;</li> <li>3. Dwellings are to be designed and sited so as to minimise energy requirements and provide a high standard of residential amenity; and</li> <li>4. Development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion.</li> </ol>	Yes	Refer to the assessment above against the Sustainability and Resilience Theme.
<p><b>Specific Outcomes - Natural environment and landscape</b></p> <ol style="list-style-type: none"> <li>1. Open space network incorporates natural and semi-natural parklands that form part of environmental corridors within the green infrastructure network;</li> <li>2. The green infrastructure network is incorporated into the design of new development and rehabilitated in accordance with green infrastructure network detailed maps. Where native vegetation is to be cleared in order to achieve high quality urban design outcomes and offsets are required these are to be located within environmental offset areas as identified in Planning scheme policy - Environmental areas and corridors, 11.3 Offset receiving site location hierarchy;</li> <li>3. Open space and natural environmental areas within these areas are complemented by the private 'greening' of yard space on private property and street trees. Residents experience a high</li> </ol>	Yes	Refer to the assessment above against the Natural environment and landscape Theme.

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Strategic Outcome	Comply	Assessment
<p>level of on-site residential amenity; and</p> <p>4. Development is designed to incorporate natural features and respond to topography.</p>		
<p><b>Specific Outcomes - Strong communities</b></p> <p>1. Schools, pre-schools, child care centres, place of worship, community health services and other community activities provide informal and safe meeting places for residents whilst serving daily convenience needs;</p> <p>2. An extensive range of active and passive open space and recreation areas for use by local residents are an integral part of these places within walking distance of most homes along lineal green corridors and tree lined streets; and</p> <p>3. Informal recreation experiences are predominantly provided, with formal recreation opportunities provided in some circumstances</p>	Yes	Refer to the assessment above against the Strong communities Theme
<p><b>Specific Outcomes - Settlement pattern and urban form</b></p> <p>1. Next generation places cater for a mix of dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing, dual occupancies, medium density residential units and housing for older persons;</p> <p>2. Development across a Next generation neighbourhood place type has a minimum density of 35 people and/or jobs per hectare (for people this equates to a net residential density of 15 – 25 dwellings per hectare);</p> <p>3. Adaptable housing is encouraged in response to changing housing needs;</p> <p>4. Community activities (schools, pre-schools, child care centres, places of worship, community health services and other community activities) are designed to have a low rise built form on landscape sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres,</p>	Yes	Refer to the assessment above against the Settlement pattern and urban form Theme.



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Strategic Outcome	Comply	Assessment
<p>or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;</p> <p>5. Buildings address the street and non-residential uses have active street frontages;</p> <p>6. At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient locations for local centres and neighbourhood hubs are on main through streets or on central intersections and within a 15 minute walking distance and responsive to active transport;</p> <p>7. Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:</p> <ul style="list-style-type: none"> <li>a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities;</li> <li>b. it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node;</li> <li>c. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses;</li> <li>d. a new local centre or neighbourhood hub is to service an un-serviced catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood;</li> </ul>		

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Strategic Outcome	Comply	Assessment
<p>e. they are appropriately designed to have high quality urban design outcomes.</p> <p>8. New development should have regard to the existing character of the Next generation neighbourhood, however high quality urban design outcomes have priority.</p>		
<p><b>Specific Outcomes - Integrated transport</b></p> <p>1. Next generation neighbourhoods have a well-connected, permeable, legible and grid-like network of streets and active transport linkages that provide direct and easily understood choices of routes to walk, cycle, take public transport and drive to multiple destinations within the neighbourhood. Cul-de-sacs are not the dominant form of street network;</p> <p>2. The active transport network is integrated with public transport infrastructure so that all homes are within 400metres of a bus stop; and</p> <p>3. Local centres, local concentrations of employment and other local attractors are within 15 minutes of all residents by walking, cycling or public transport.</p>	Yes	Refer to the assessment above against the Integrated Transport Theme.
<p><b>Specific Outcomes - Infrastructure</b></p> <p>1. Next generation neighbourhoods have the level of service of infrastructure provision necessary to support growth, increased intensity of activity and adaptation to change over time and to create a safe and attractive public realm; and</p> <p>2. Next generation neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.</p>	Yes	Refer to the assessment above against the infrastructure Theme.
<p><b>Specific Outcomes - Water management</b></p> <p>1. Adequate potable water supply, sewerage and appropriate stormwater infrastructure is provided to create a safe environment during</p>	Yes	Refer to the assessment above against the Water management Theme

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Strategic Outcome	Comply	Assessment
rain events whilst protecting receiving environments; and 2. Water sensitive urban design measures are incorporated into development, including, where possible, the retention and rehabilitation of riparian vegetation to protect and enhance the water quality in the Region's waterways and drinking water catchments.		

Accordingly, based on the assessment above the proposal is consistent with the Strategic Outcomes of the Strategic Framework of the Moreton Bay Regional Council Planning Scheme.

While the Site is located predominantly in the Rural Residential Place Type, it is identified as part of an area that will be investigated by the Council for its potential for future development. As discussed in Section 1 of this report, that investigation was done and informed a proposed major amendment to the MBRC Planning Scheme that was refused by the State government. This proposal is consistent with the outcomes of that investigation. In addition; there is a tension in the MBRC Planning Scheme as contrary to the Strategic Framework Place Type designation of predominantly Rural Residential, the Site is predominantly located in the Industry zone. In addition to this, unlike other land immediately to the north of the Site that is located in the Industry Place Type and Industry Zone, the Site is also located in the Council's Priority Infrastructure Area. The land to the north is not.

Therefore, for these reasons, the proposal is arguably consistent with the Strategic Framework despite its location in the Rural Residential and Coast and Riverlands Place Types.

2.3.2 Variation Request

This application includes a variation request defined in the *Planning Act 2016* to mean the *part of a development application for a preliminary approval for premises that seeks to vary the effect of any local planning instrument in effect for the premises.*

Section 61(2) of the *Planning Act 2016* specifies that when assessing the variation request, the assessment manager must consider:

- (a) the result of the assessment of that part of the development application that is not the variation request; and
- (b) the consistency of the variations sought with the rest of the local planning instrument that is sought to be varied; and
- (c) the effect the variations would have on submission rights for later development applications, particularly considering the amount and detail of information included in, attached to, or given with the application and available to submitters; and
- (d) any other matter prescribed by regulation.

An assessment of the variation request to vary the effect of the MBRC Planning Scheme to have essentially the General Residential Zone - Next Generation Neighbourhood Precinct and

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Environmental Management and Conservation Zone apply to the land as well as variations to the overlay maps and other components of the planning scheme as referred to in Section 1 has been undertaken and is discussed below.

**2.3.2.1 Result of Assessment of the other aspects of the Development Application**

In this Development Application, the other aspects as discussed earlier in this Assessment Report are twofold; firstly, a Material Change of Use - Preliminary Approval for Dwelling Houses, Home Based Business, Park, Sales Office and Utility Installation; and secondly, a Reconfiguring a Lot - Development Permit for Subdivision into 129 residential lots varying in size from 170m<sup>2</sup> to 608m<sup>2</sup>.

As discussed in section 2.1 of this Assessment Report, the Site is located in proximity to major centres, employment areas, community and recreation facilities and major transport corridors. In addition, residential estates of a similar nature and density exist approximately 1km to the north of the Site being further away from the Brisbane CBD. As mentioned in section 1 of this report, the Council had also in late 2017 proposed to amend the MBRC Planning Scheme to include the land into the Emerging Community Zone recognising its suitability for residential purposes instead of industrial purposes. On this basis, an assessment of the proposed land uses and subdivision has determined them to be appropriate, subject to addressing the relevant criteria in the MBRC Planning Scheme. The proposed variation is consistent with these land uses and the proposed lot layout.

**2.3.2.2 Consistency with the rest of the MBRC Planning Scheme**

Item 1 of the Variation Request is to vary the effect of the Moreton Bay Regional Council Planning Scheme to apply the General Residential Zone - Next Generation Neighbourhood Precinct in part and the Environmental Management and Conservation Zone in part to Lot 2 RP195936 and Lot 2 RP105475 as shown on the proposal plan.

The applicant sought to classify the varied 'zones' as 'precincts' (e.g. the Residential Precinct in accordance with the provisions of the General Residential Zone - Next Generation Neighbourhood Precinct).

This is inconsistent with the rest of the MBRC Planning Scheme as, there isn't a Residential Precinct within the General Residential Zone. For this reason, Council officers instead are supportive of the Next Generation Neighbourhood Precinct applying to the land instead of a unique 'Residential Precinct'.

In respect to the Dwelling House Code, the applicant has sought to vary the provisions of the Dwelling House Code. Most of the amendments are already included in the Council's Planning Scheme Tailored Amendment No. 1, commencing 29 January 2020 and for this reason those variations are not supported as they are no longer required. The only exception is a requested variation to side and rear boundary setbacks for Dwelling Houses. The applicant has submitted information to show that it is often making and having approved by Council on a Site by Site basis dwelling house relaxations that could otherwise be avoided. A review by Council officers of another development project being delivered by the same applicant at Greensill Road, Albany Creek has verified that positive outcomes are able to still be achieved with the reduced setbacks that are essentially setbacks to the wall instead of the outermost projection (OMP). Accordingly, the amendment to the Dwelling House Code is generally consistent with the rest of the MBRC Planning Scheme given the outcome is being approved by Council elsewhere on a Site by Site basis.

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This application also seeks to vary the effect of the Flood Hazard Overlay Code in the MBRC Planning Scheme to incorporate a Drainage Investigation Area for the Site to allow an approval to be given of a Drainage Master Plan that has been prepared by the applicant as discussed in greater detail in Section 2.8 of this report. This is consistent with how the issue of flooding is dealt with elsewhere in the region with 10 existing Drainage Investigation Areas having been adopted by the Council. It is noted for completeness only that this was also proposed in the Council's major amendment to the MBRC Planning Scheme that was refused by the State government.

Lastly, to support the approval of the proposed development, the applicant has proposed to enter into an Infrastructure Agreement with the Council to ensure the delivery of all the necessary infrastructure to support the proposed development, as well as other infrastructure which will support broader outcomes sought by the community.

Environmental Areas Overlay

The existing Environmental Areas Overlay as it applies to the Site is shown below in Figure 4;

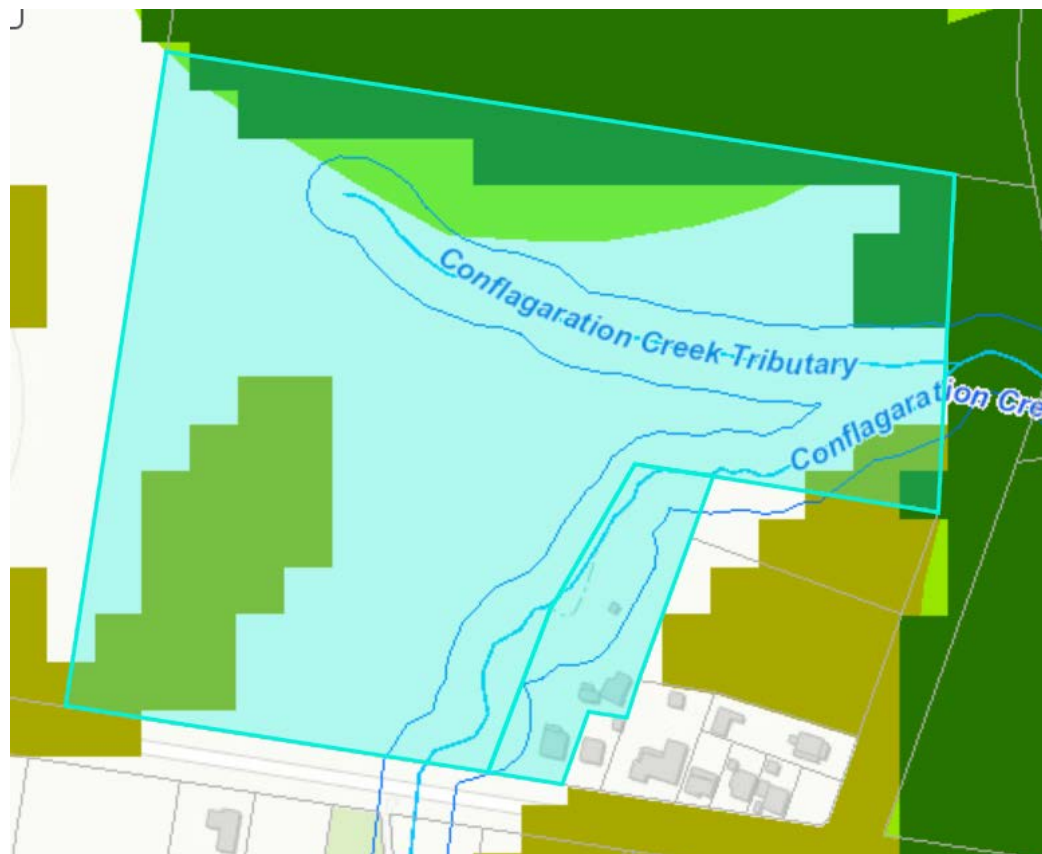


Figure 5: Environmental Areas Overlay Map

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The proposed Environmental Areas Overlay map is shown below in Figure 5.

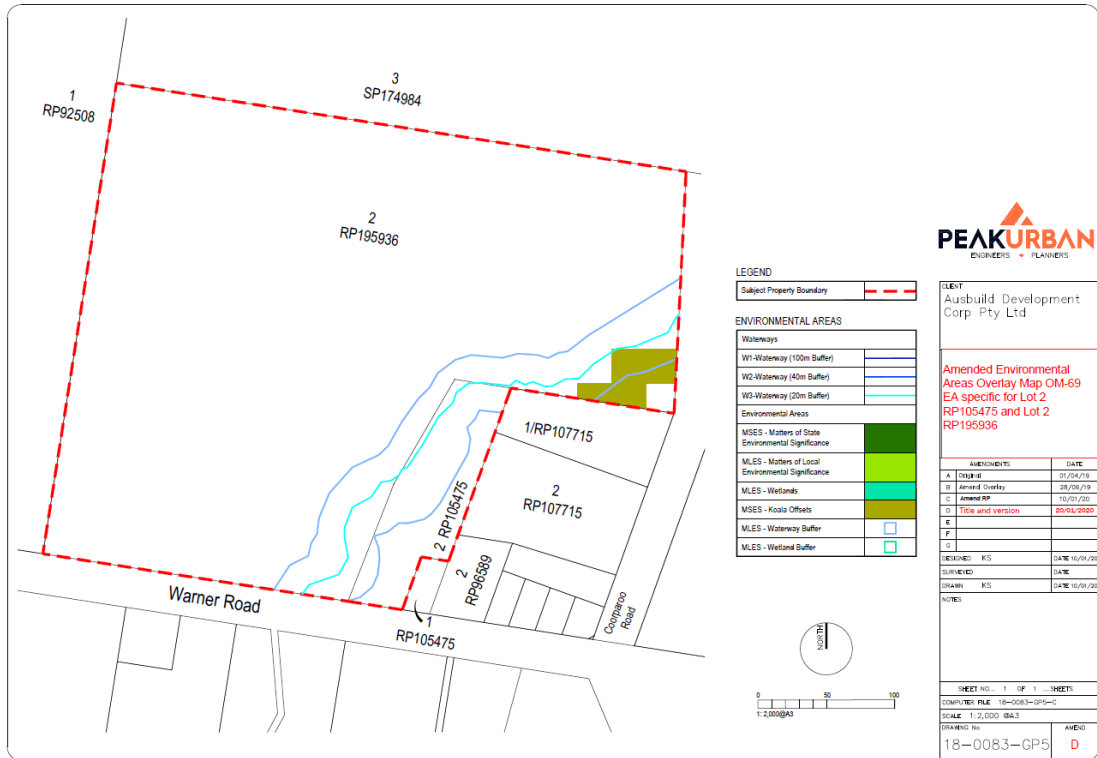


Figure 6: Proposed Environmental Areas Overlay (Peak Urban, 2020)

The Site is mapped under the Environmental Areas Overlay as containing:

- areas of Matters of State Environmental Significance (MSES) along the northern border and in the east of the Site;
- MSES Koala Offset in the south west of the Site;
- MLES in the north of the Site; and
- Two W3 waterways with associated 20m MLES waterway buffer and riparian setback (Conflagration Creek traverses the Site from east to the south and Conflagration Creek Tributary traverses the Site in the north from the east to the central west).

The applicant seeks to apply an alternative Environmental Areas Overlay map to align the High Value MSES and MLES areas with the results of a Koala Habitat Value amendment request as per Schedule 11 of the *Planning Regulation 2017*. Further the applicant seeks to remove the MLES W3 Waterway and Waterway Buffer from the Conflagration Creek Tributary in the north of the Site as there are no on ground features of a waterway in the mapped location.

The proposed changes would align with the approved Property Map of Assessable Vegetation (**PMAV**) of existing vegetation to the north of the lot. The PMAV amendment request was granted by Department of Resources Mines and Energy (**DNRME**) in 2016 (Reference 2016/004109).

A ground truthing Site visit was conducted on 29th August 2019 by Council officers who support the proposed mapped changes.

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The variation is therefore seeking to give effect to the updated Environmental Areas Overlay map, due to sufficient technical information being provided to demonstrate that the actual environmental values present on the Site are less than how it is currently mapped.

Riparian and Wetland Setbacks Overlay

The existing Riparian and Wetland Setbacks Overlay as it applies to the Site is shown below in Figure 6;



Figure 7: Riparian and Wetland Setback Overlay Map

The proposed Riparian and Wetland Setbacks Overlay map is provided in Figure 7.

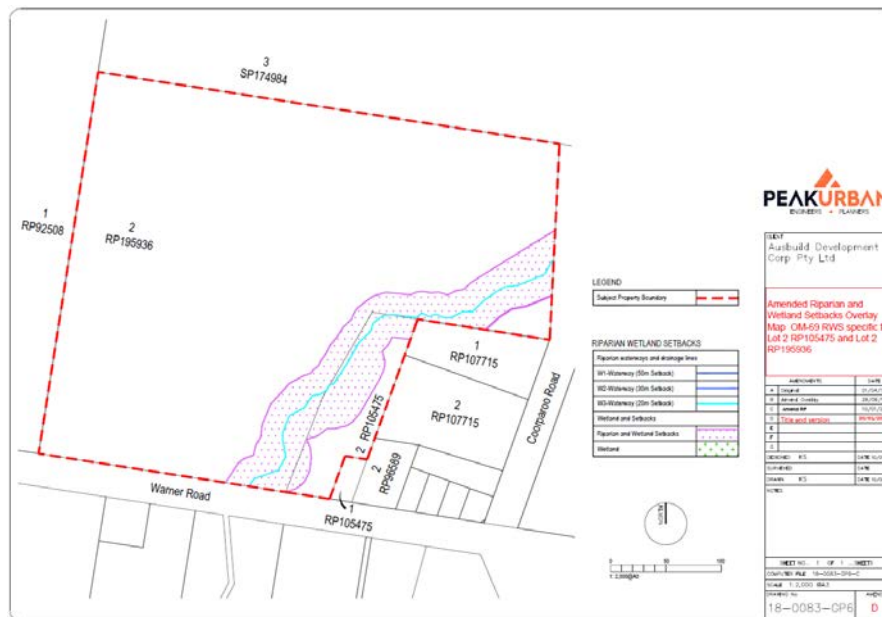


Figure 8: Proposed Riparian and Wetland Setback Overlay (Peak Urban, 2020)

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The applicant seeks to apply an alternative Riparian and Wetland Setback Overlay map so that the Riparian and Wetland Setback is removed from the Conflagration Creek Tributary in the north of the Site as there are no on ground features of a waterway in the mapped location.

The variation is therefore seeking to give effect to the updated Riparian and Wetland Setback Overlay map due to sufficient technical information being provided to demonstrate that the actual riparian and wetland values present on the Site are less than how it is currently mapped.

Bushfire Hazard Overlay

The existing Bushfire Hazard Overlay as it applies to the Site is shown below in Figure 8;



Figure 9: Bushfire Hazard Overlay Map

The proposed Bushfire Hazard Overlay map is provided in Figure 9.

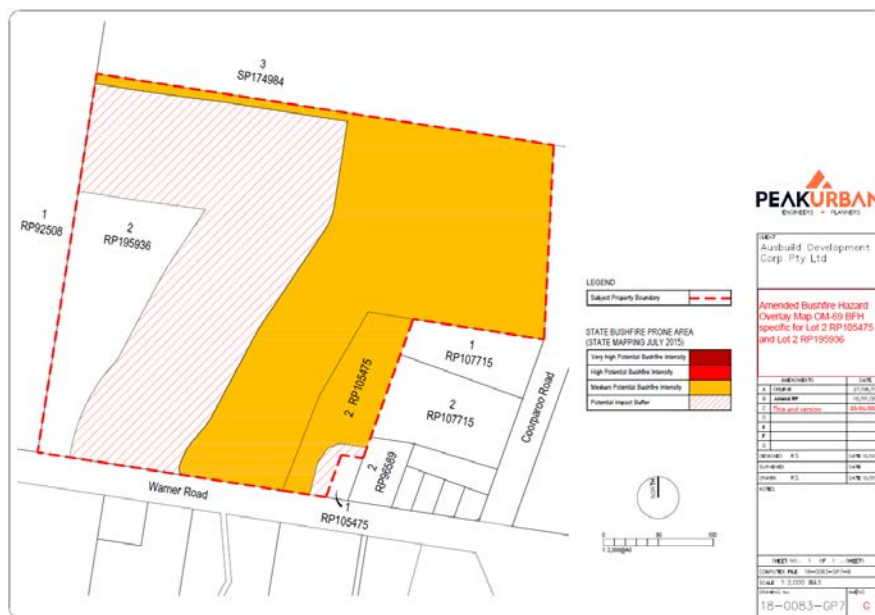


Figure 10: Proposed Bushfire Hazard Overlay (Peak Urban, 2020)



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The applicant seeks to apply an alternative Bushfire Hazard Overlay map to respond to the outcomes of the proposed development. Significant planting is proposed within the Riparian Reserve creating in the future a fire source and as a result, the current Bushfire Hazard Overlay mapping is not accurate and therefore must be updated to reflect this change.

The variation is therefore seeking to give effect to the updated Bushfire Hazard Overlay map due to the increased vegetation proposed on Site and the changing bushfire conditions.

Building Heights Overlay

The existing Building Heights Overlay as it applies to the Site is shown below in Figure 10 (15m);

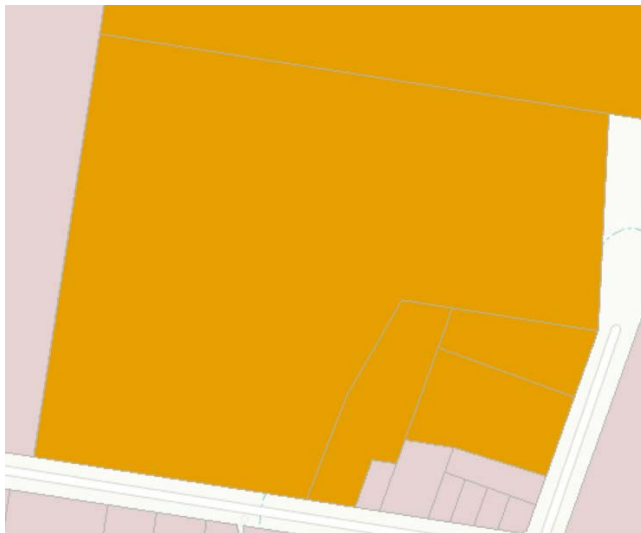


Figure 11: Building Heights Overlay Map

The proposed Building Heights Overlay map is provided in Figure 11.



Figure 12: Proposed Building Heights Overlay (Peak Urban, 2020)

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The application seeks to restrict the building heights to a maximum of 8.5m instead of 15m. The proposed building height is less than the maximum building height commonly allowed within General Residential Zone (Next Generation Neighbourhood Precinct) being 12m. The view is that a 2 storey Dwelling House is more consistent with the locality than a 3 storey which is accepted by Council officers.

The variation is therefore seeking to give effect to the updated Building Heights Overlay map acknowledging that the existing height (being based on industrial land uses) is not appropriate for residential development in this location and proposing an alternative more consistent with the locality.

Flood Hazard Overlay

The existing Flood Hazard Overlay as it applies to the Site is shown below in Figure 12;

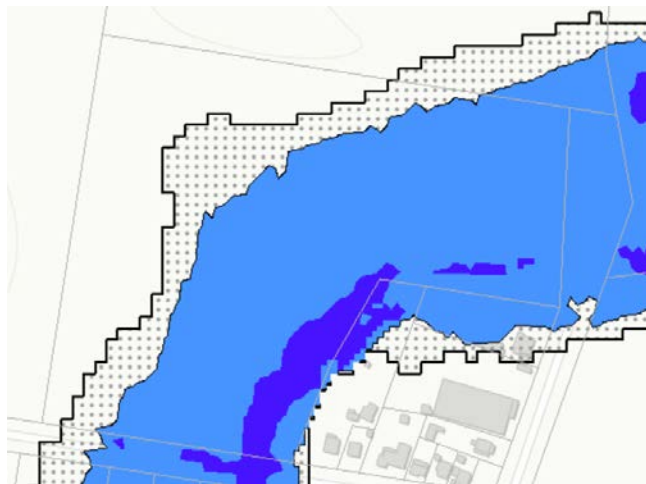


Figure 13: Flood Hazard Overlay Map

The proposed Flood Hazard Overlay map is provided in Figure 13.



Figure 14: Proposed Flood Hazard Overlay (Peak Urban, 2020)

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This application also seeks to incorporate the Site within a Drainage Investigate Area (DIA) plan (Figure 14) to supplement a Drainage Master Plan (DMP) requested to be approved as part of the development application as discussed in greater detail in Section 2.8 of this Assessment Report. The effect of the DMP will change the flood hazard present on Site.

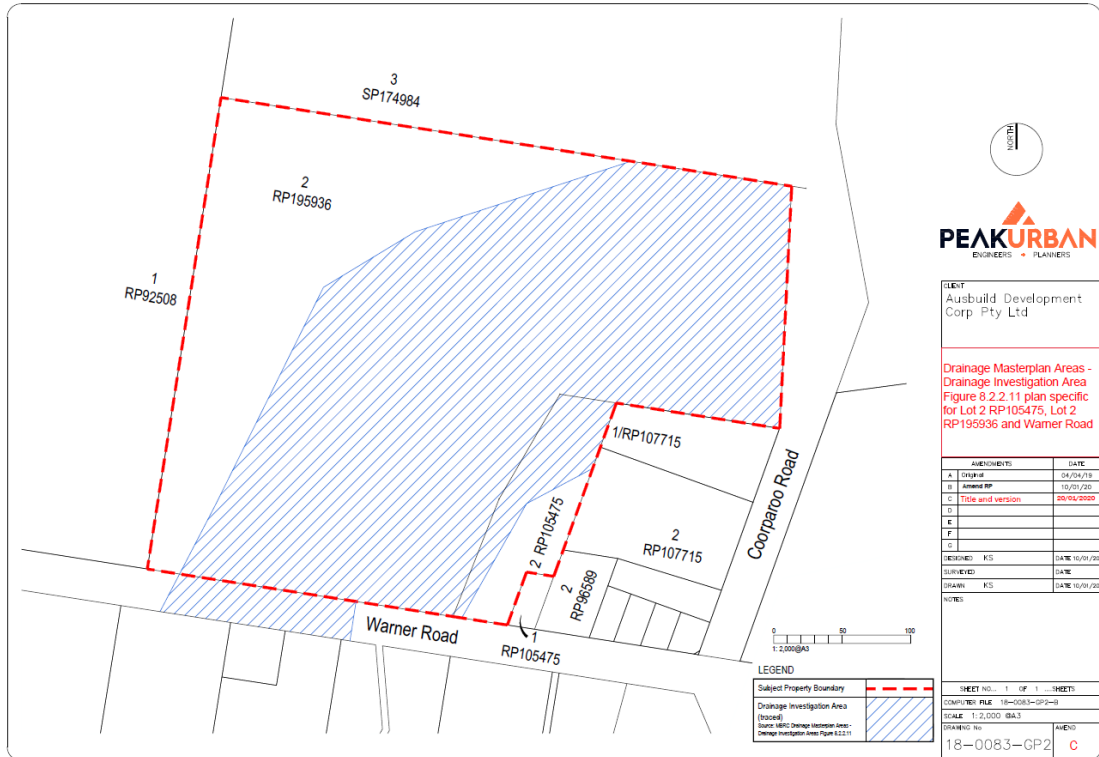


Figure 15: Proposed Drainage Master Plan (Peak Urban, 2020)

The variation is therefore seeking to give effect to the updated Flood Hazard Overlay map due to sufficient technical information being provided to demonstrate that with the implementation of the proposed Drainage Master Plan, the actual flood hazard risk present on the Site will be lower than that which is currently mapped. Any future development applications over the Site will still require assessment against the flood hazard overlay code relevant to the level of hazard on the particular area of the Site which is proposed to be developed.

This outcome is consistent with the rest of the MBRC Planning Scheme. It is also noted for completeness only that this was how the issue of flooding was proposed to be dealt with in the Council initiated major amendment to the MBRC Planning Scheme that was refused by the State government for other reasons.

Dwelling House Code

A part of the variation application is to vary the effect of Table 9.3.1.5 (Figure 15) as it relates to the side and rear boundary setbacks of future dwelling houses on the proposed lots. The applicant has submitted information to show that it is often making and having approved by Council on a Site by Site basis dwelling house relaxations that could otherwise be avoided. A review by Council officers of another development project being delivered by the same applicant has verified that positive outcomes are able to still be achieved with the reduced setbacks that are essentially setbacks to the wall instead of the outermost projection (OMP).

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The proposed amended Table 9.3.1.5 is shown below with the Table being based on the amended Table in the Council's Tailored Amendment taking effect on 29 January 2020 with the changes being made only in the 9<sup>th</sup> and 10<sup>th</sup> columns from the left.

Ausbuild Warner Table 9.3.1.5 Setbacks

General residential zone - Next generation neighbourhood precinct										
Height of wall	Frontage Primary			Frontage Secondary to street			Frontage Secondary to lane	Side Non-built to boundary wall To OMP and wall	Rear To OMP and wall	Trafficable water body To OMP and wall
	To wall	To OMP	To covered car parking space and domestic Outbuildings (measured to garage door or support posts)	To wall	To OMP	To covered car parking space and domestic outbuildings (measured to garage door or support posts)				
Less than 4.5m	Min 3m	Min 2m	Min 5.4m*	Min 2m	Min 1m	Min 5.4m*	Min 0.5	Lots <16m wide - Min 1.0m to wall Min 0.45m to OMP	Lots <16m wide - Min 1.0m to wall Min 0.45m to OMP	Min 4.5m
								Lots ≥16m wide - Min 1.2m to wall Min 0.65m to OMP	Lots ≥16m wide - Min 1.2m to wall Min 0.65m to OMP	
4.5m to 8.5m	Min 3m	Min 2m	N/A	Min 2m	Min 1m	N/A	Min 0.5	Lots <16m wide - Min 1.0m to wall Min 0.45m to OMP	Lots <16m wide - Min 1.0m to wall Min 0.45m to OMP	Min 4.5m
								Lots ≥16m wide - Min 1.5m to wall Min 0.95m to OMP	Lots ≥16m wide - Min 1.5m to wall Min 0.95m to OMP	
Greater than 8.5m	Min 6m	Min 5m	N/A	Min 3m	Min 2m	N/A	Min 0.5	Lots <16m wide - Min 1.5m to wall Min 0.95m to OMP	Lots <16m wide - Min 1.5m to wall Min 0.95m to OMP	Min 4.5m
								Lots ≥16m wide - Min 2.0m to wall Min 1.45m to OMP	Lots ≥16m wide - Min 2.0m to wall Min 1.45m to OMP	

\*Note - The minimum setback to covered car parking spaces may be reduced to 4.5m where:

- i. the primary or secondary frontage of the lot adjoins a road reserve with a minimum rear verge width of 1m or greater and includes a footpath with a width of 2m or greater;
- ii. the lot has a primary frontage greater than 7.5m and no greater than 10m (Lot type B).

**Figure 16: Proposed Amendments to the Dwelling House Code**

The variation is therefore seeking to give effect to the varied Dwelling House Code.

In summary, all of the proposed variations are consistent with the rest of the MBRC Planning Scheme.

**2.3.2.3 Effect of the variations on submission rights**

The effect of the variation is that under the current zoning of the land, any Dwelling House on the land would require a Development Permit for a Material Change of Use and be Impact Assessable, whereas, with the benefit of the variation, a Development Permit for a Material Change of Use is unlikely to be required and if it is, it would be Code Assessable development only. On that basis members of the public would not be able to make a submission.

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As the variation request has been made as part of the development application for a Preliminary Approval for Dwelling Houses, Home Based Business, Park, Sales Office and Utility Installation and concurrently with the development application seeking a Development Permit for Reconfiguring a Lot to subdivide the land into 129 residential lots, members of the public have a clear appreciation and understanding of what is proposed. In addition, the variation request relates only to a limited number of proposed land uses, and therefore other land uses (such as Multiple Dwelling) have not been contemplated and will not receive the benefit of the variation.

Therefore, whilst the proposed variation will remove the opportunity in the future for submissions to be made about Dwelling Houses on the Site, the concurrent applications provide sufficient information to enable members of the public to raise those concerns in respect of those uses.

Equally, in respect to the proposed variations to the numerous overlay maps and specific code provisions, the effect of those variations is clear in the development application and opportunities to raise concerns now exist and have been made by submitters. Further, the effect of these changes are inconsequential (other than the Flood Hazard Overlay) as the application of the aforementioned varied overlays do not influence the level of assessment and therefore the opportunity for public input remains the same.

#### Flood Hazard Overlay

The effect of the variation is that it removes the Flood Hazard Overlay as a potential trigger to make any future application for the proposed land uses Impact Assessable in areas of the Site that are proposed for residential development and that were previously within the Medium Risk Flood Hazard Area. The consequence is that the land uses will have the same level of assessment and opportunity for public input as exists on any other land located in the General Residential Zone - Next Generation Neighbourhood Precinct. Had the Variation Request not been made and approved, submitters of future applications could have reasonably relied on the existing Flood Hazard Overlay map and expressed concerns about the placement of vulnerable land uses in a Medium or High Flood Risk area. This application includes sufficient information to demonstrate that there is no flood risk applying to the parts of the Site identified for residential development subject to the proposed earthworks. While the proposal will remove a trigger to make what would otherwise be code assessable applications subject to impact assessment, that trigger has been demonstrated on the areas of the Site within the General Residential Zone - Next Generation Neighbourhood Precinct as no longer being applicable as any concerns regarding flooding have been considered and addressed in this application.

#### **2.3.2.4 Any other matter prescribed by regulation**

The corresponding section 32 of the *Planning Regulation 2017* provides guidance on assessing variation requests specifically in relation to section 61(2)(d) of the *Planning Act 2016*:

#### **32 Assessing variation requests—Act, s 61**

*For section 61(2)(d) of the Act, an assessment manager must consider the following matters when assessing a variation request, to the extent the matter is relevant to the request—*

- (a) the common material;*
- (b) the regional plan for a region;*
- (c) the State Planning Policy, to the extent the State Planning Policy is not identified in the planning scheme as being appropriately integrated in the planning scheme;*
- (d) any temporary State planning policy.*

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The common material is a defined term of the *Planning Regulation 2017*, meaning:

**common material**, for a development application, means—

- (a) all the material about the application that the assessment manager receives before the application is decided, including—
- (i) any material relating to a proposed development application that is substantially similar to the development application as made; and
  - (ii) any material attached to, or given with, the development application; and
  - (iii) any material relating to the application given to the assessment manager after the application is made; and
  - (iv) any referral agency's response, including any advice or comment given by a referral agency and any response given under section 57 of the Act; and
  - (v) any properly made submissions about the application, other than a submission that is withdrawn; and
  - (vi) any other submission about the application that the assessment manager has accepted; and
  - (vii) any other advice or comment about the application that a person gives to the assessment manager; and
- (b) if a development approval for the development is in effect—the approval; and
- (c) an infrastructure agreement applying to the premises.

As part of the development application process, any material relating to, attached to, or given with the development application has been assessed.

No referral agencies were triggered as part of the application. However, given the location, type and scale of the development application, the Department of Transport and Main Roads was requested to provide third party comment on the application which has been assessed as part of the development application process.

All properly made and or accepted submissions were considered throughout the development assessment process.

No existing development approval or infrastructure agreement applies to the premises (acknowledging one is proposed).

Accordingly, the development application is compliant with Section 32(a) of the *Planning Regulation 2017*.

The South East Queensland Regional Plan has been considered in Section 2.2.2 of this Assessment Report and accordingly, the development application is compliant with Section 32(b) of the *Planning Regulation 2017*.

The State Planning Policy is considered in Section 2.2.1 of this Assessment Report and accordingly, the development application is compliant with Section 32(c) of the *Planning Regulation 2017*.

No temporary State Planning Policy is applicable to the Site and therefore the development application is compliant with Section 32(d) of the *Planning Regulation 2017*.

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Having carried out the assessment of the Variation Request, it has been demonstrated that;

- (a) It is aligned with the proposed uses contained in the Material Change of Use - Preliminary Approval and Reconfiguring a Lot components of the development application; and
- (b) It is consistent with the rest of the MBRC Planning Scheme; and
- (c) The effect of the variation on submitters rights is acceptable as submitters with concerns have had the opportunity to make a submission about this development application; and
- (d) The development application is compliant with the other matters as prescribed in Section 32 of the *Planning Regulation 2017*.

Accordingly, the variation request has demonstrated it warrants favourable consideration.

### 2.3.3 Assessment of Applicable Codes

#### Code Compliance Summary

As the development proposal to vary the effect of the planning scheme by applying the General Residential Zone - Next Generation Neighbourhood precinct and the Environmental Management and Conservation Zone is consistent with the Strategic Framework and what is proposed, it is only necessary to carry out the code assessment against the codes relevant to those zones and precincts.

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Next Generation Neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO2, PO3, PO4, PO48.
Environmental Management and Conservation Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
<b>Development Codes</b>		
Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO30, PO31, PO32, PO33, PO60, PO61, PO80, PO81, PO82, PO83, PO84, PO85, PO87.
<b>Overlay Codes</b>		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO18, PO19, PO20, PO21, PO22.

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 2.3.4.

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2.3.4 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code - Next Generation Neighbourhood Precinct</b>	
<p><b>PO2</b> Buildings and structures have a height that:</p> <ul style="list-style-type: none"> <li>a. is consistent with the low to medium rise character of the Next Generation Neighbourhood precinct;</li> <li>b. responds to the topographic features of the site, including slope and orientation;</li> <li>c. is not visually dominant or overbearing with respect to the streetscape;</li> <li>d. responds to the height of development on adjoining land where contained within another precinct or zone.</li> </ul>	<p><b>E2</b> Building height does not exceed:</p> <ul style="list-style-type: none"> <li>a. that mapped on Overlay map – Building heights; or</li> <li>b. for domestic outbuildings, including free standing carports and garages, 4m and a mean height not exceeding 3.5m.</li> </ul>
<p><b>PO3</b> The height of non-residential buildings does not adversely affect amenity of the area or of adjoining properties.</p>	<p><b>E3</b> Building height does not exceed the maximum height identified on Overlay map - Building heights except for architectural features associated with religious expression on Place of worship and Educational establishment buildings.</p>
<i>Performance Outcome Assessment</i>	
<p>The variation application proposes to amend the maximum building height permitted to 8.5m. The proposed building height is less than the maximum building height currently permitted within General Residential Zone (Next Generation Neighbourhood Precinct) being 12m.</p> <p>The proposed building height is consistent with the low to medium character of the Next Generation Neighbourhood Precinct, will not result in buildings or structures being visually obtrusive or dominant.</p> <p>The proposal accords with the requirements of Performance Outcomes PO2 and PO3.</p>	
<p><b>PO4</b> Residential buildings and structures are setback to:</p> <ul style="list-style-type: none"> <li>a. be consistent with the low to medium density next generation neighbourhood character intended for the area, where buildings are positioned closer to the footpath to create more active frontages and maximise private open space at the rear;</li> <li>b. result in development not being visually dominant or overbearing</li> </ul>	<p><b>E4.1</b> Setbacks (excluding built to boundary walls) comply with Table 6.2.6.3.3 'Setbacks - Setback (Residential uses).</p> <p><b>E4.2</b> Buildings (excluding class 10 buildings and structures) ensure that built to boundary walls are:</p> <ul style="list-style-type: none"> <li>a. of a length and height in Table 6.2.6.3.4 'Built to boundary walls (Residential uses)';</li> <li>b. setback from the side boundary:                             <ul style="list-style-type: none"> <li>i. not more than 20mm; or</li> </ul> </li> </ul>



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Performance Outcome	Example
<p>with respect to the streetscape and the adjoining sites;</p> <p>c. maintain private open space areas that are of a size and dimension to be usable and functional;</p> <p>d. maintain the privacy of adjoining properties;</p> <p>e. ensure parked vehicles do not restrict pedestrian and traffic movement and safety;</p> <p>f. limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties;</p> <p>g. provide adequate separation to particular infrastructure and waterbodies to minimise adverse impacts on people, property, water quality and infrastructure;</p> <p>h. ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties.</p>	<p>ii. if a plan of development shows only one built to boundary wall on the boundary, not more than 150mm;</p> <p>c. on the low side of a sloping lot.</p>
<i>Performance Outcome Assessment</i>	
<p>A part of the variation application is to vary the effect of Table 6.2.6.3.4 as it relates to the side boundary setbacks of future dwelling houses on the proposed lots. The applicant has submitted information to show that it is often making and having approved on a Site by Site basis dwelling house relaxations that could otherwise be avoided. A review by Council officers of another development project being delivered by the same applicant at Greensill Road, Albany Creek has verified that positive outcomes are able to still be achieved with the reduced setbacks that are essentially setbacks to the wall instead of the outermost projection (OMP). The amended setbacks will deliver dwelling house outcomes consistent with what is sought by the Performance Outcome.</p>	
<p><b>PO48</b> The scale and intensity of the Home Based Business:</p> <p>a. is compatible with the physical characteristics of the site and the character of the local area;</p> <p>b. is able to accommodate anticipated car parking demand and on-site manoeuvring without negatively impacting the streetscape or road safety;</p>	<p>No example provided.</p>

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Performance Outcome	Example
<ul style="list-style-type: none"> <li>c. does not adversely impact on the amenity of the adjoining and nearby premises;</li> <li>d. remains ancillary to the residential use of the dwelling house;</li> <li>e. does not create conditions which cause hazards or nuisances to neighbours or other persons not associated with the activity;</li> <li>f. ensure employees and visitor to the Site do not negatively impact the expected amenity of adjoining properties;</li> <li>g. ensure service and delivery vehicles do not negatively impact the amenity of the area.</li> </ul>	
<i>Performance Outcome Assessment</i>	
Any future proposal for a Home-Based Business will be assessable against this provision and therefore, for the purpose of this assessment the proposal accords with PO48.	

Performance Outcome	Example
<b>Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct</b>	
<b>PO30</b> A hierarchy of Park and open space is provided to meet the recreational needs of the community.	No example provided.
<b>PO31</b> Park is to be provided within walking distance of all new residential lots.	No example provided.
<b>PO32</b> Park is of a size and design standard to meet the needs of the expected users.	No example provided.
<b>PO33</b> Parks are designed and located to be safe and useable for all members of the community with high levels of surveillance, based on Crime Prevention Through Environmental Design principles, and access.	<b>E33.1</b> Local and district Parks are bordered by streets and lots orientated to address and front onto Parks and not lots backing onto or not addressing the Park wherever possible.
	<b>E33.2</b> Where lots do adjoin local and district Parks, and fencing is provided along the Park boundary, it is located within the lot and at a maximum height of 1m
	<b>E33.3</b> The design of fencing and retaining features allows for safe and direct pedestrian access between the Park and private allotment through the use of

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Performance Outcome	Example
<b>Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct</b>	
	private gates and limited retaining features along Park boundaries.
<i>Performance Outcome Assessment</i>	
No local park is proposed within the Site of the development. However the applicant has agreed to provide a Local Recreation park of 0.5ha and embellishments in the adjoining parcel of land to the west concurrently with this development proposal. The delivery of the open space is to be secured by way of an Infrastructure Agreement between the applicant and the Council and will therefore ensure that the proposal can achieve compliance with the Performance Outcomes as well as the Desired Standards of Service in the Council's Local Government Infrastructure Plan (LGIP).	
<b>PO60</b> No new boundaries are located within 2m of High Value Areas.	No example provided

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Performance Outcome	Example
<b>Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct</b>	
<p><b>PO61</b> Lots are designed to:</p> <ul style="list-style-type: none"> <li>a. minimise the extent of encroachment into the MLES waterway buffer or a MLES wetland buffer;</li> <li>b. ensure quality and integrity of biodiversity and ecological values is not adversely impacted upon but are maintained and protected;</li> <li>c. incorporate native vegetation and habitat trees into the overall subdivision design, development layout, on-street amenity and landscaping where practicable;</li> <li>d. provide safe, unimpeded, convenient and ongoing wildlife movement;</li> <li>e. avoid creating fragmented and isolated patches of native vegetation;</li> <li>f. ensuring that soil erosion and land degradation does not occur;</li> <li>g. ensuring that quality of surface water is not adversely impacted upon by providing effective vegetated buffers to water bodies.</li> </ul> <p>AND Where development results in the unavoidable loss of native vegetation within a MLES waterway buffer or a MLES wetland buffer, an environmental offset is required in accordance with the environmental offset requirements identified in Planning scheme policy - Environmental areas</p>	<p><b>E61</b> Reconfiguring a lot ensures that no additional lots are created within a Value Offset Area.</p>
<i>Performance Outcome Assessment</i>	
<p>The applicant seeks to amend the Environmental Areas Overlay map to change the High Value MSES and MLES areas to be consistent with the results of a Koala Habitat Value amendment request as per Schedule 11 of the <i>Planning Regulation 2017</i>. Further the applicant seeks to amend the Environmental Areas Overlay map so that the MLES W3 Waterway and Waterway Buffer is removed from the Conflagration Creek Tributary in the north of the Site as there are no on ground features of a waterway in the mapped location.</p> <p>The proposed changes would align with the approved Property Map of Assessable Vegetation (<b>PMAV</b>) of existing vegetation to the north of the lot. The PMAV amendment request was granted by Department of Resources Mines and Energy (<b>DNRME</b>) in 2016 (Reference 2016/004109).</p>	

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Performance Outcome	Example
<b>Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct</b>	
<p>A ground truthing site visit by MBRC Environmental Planning was conducted 29th August 2019. Environmental Planning has subsequently agreed to the proposed mapping changes.</p> <p>The variation is therefore seeking to give effect to the updated Environmental Areas Overlay map due to sufficient technical information being provided to demonstrate that the actual environmental values present on the Site are less than how it is currently mapped.</p> <p>The application is therefore compliant with PO60 and PO61.</p>	
<p><b>PO80</b> Development: a. minimises the risk to persons from overland flow; b. does not increase the potential for damage from overland flow either on the premises or on a surrounding property, public land, road or infrastructure.</p>	No example provided.
<p><b>PO81</b> Development: a. maintains the conveyance of overland flow predominantly unimpeded through the premises for any event up to and including the 1% AEP for the fully developed upstream catchment; b. does not concentrate, intensify or divert overland flow onto an upstream, downstream or surrounding property.</p>	<p><b>E81</b> Development ensures that any buildings are not located in an Overland flow path area.</p>
<p><b>PO82</b> Development does not: a. directly, indirectly or cumulatively cause any increase in overland flow velocity or level; b. increase the potential for flood damage from overland flow either on the premises or on a surrounding property, public land, road or infrastructure.</p>	No example provided.
<p><b>PO83</b> Development ensures that overland flow is not conveyed from a road or public open space onto a private lot, unless the development is in a Rural zone</p>	<p><b>E83</b> Development ensures that overland flow paths and drainage infrastructure is provided to convey overland flow from a road or public open space area away from a private lot, unless the development is in the Rural zone.</p>
<p><b>PO84</b> Development ensures that Council and inter-allotment drainage infrastructure, overland flow paths and open drains through private property cater for</p>	<p><b>E84.1</b> Development ensures that roof and allotment drainage infrastructure is provided in accordance with the following relevant level as identified in QUDM:</p>

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Performance Outcome	Example
<b>Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct</b>	
overland flows for a fully developed upstream catchment flows and are able to be easily maintained.	a. Urban area – Level III; b. Rural area – N/A; c. Industrial area – Level V; d. Commercial area – Level V.
	<b>E84.2</b> Development ensures that all Council and allotment drainage infrastructure is designed to accommodate any event up to and including the 1% AEP for the fully developed upstream catchment.
<b>PO85</b> Development protects the conveyance of overland flow such that easements for drainage purposes are provided over: a. a stormwater pipe if the nominal pipe diameter exceeds 300mm; b. an overland flow path where it crosses more than one property; and c. inter-allotment drainage infrastructure.	No example provided
<i>Performance Outcome Assessment</i>	
The applicant has submitted a flood assessment to address these Performance Outcomes and has proposed to vary the effect of the MBRC Planning Scheme by applying a new Drainage Investigate Area plan to supplement a Drainage Master Plan to be approved as part of the development application as discussed in greater detail in Section 2.8 of this Assessment Report.  The proposal accords with the requirements of Performance Outcomes PO80-PO85.	
<b>PO87</b> Lots are designed to: a. minimise the extent of encroachment into the riparian and wetland setback; b. ensure the protection of wildlife corridors and connectivity; c. reduce the impact on fauna habitats; d. minimise edge effects; e. ensure an appropriate extent of public access to waterways and wetlands.	<b>E87</b> Reconfiguring a lot ensures that: a. no new lots are created within a riparian and wetland setback; b. new public roads are located between the riparian and wetland setback and the proposed new lots.
<i>Performance Outcome Assessment</i>	
The applicant seeks to vary the effect of the Riparian and Wetland Setback Overlay map to remove the Conflagration Creek Tributary in the north of the Site as there are no on ground features of a waterway in the mapped location.  A ground truthing Site visit was conducted on 29th August 2019 by Council officers. Council officers support the proposed mapped changes as reflected in this development application.	

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Performance Outcome	Example
<b>Reconfiguring a lot Code - General Residential Zone - Next Generation Neighbourhood Precinct</b>	
The variation is therefore seeking to give effect to the updated Riparian and Wetland Setback Overlay map due to sufficient technical information being provided to demonstrate that the actual environmental values present on the Site are less than how it is currently mapped.	
The proposal accords with the requirements of Performance Outcome PO87.	

Performance Outcome	Example
<b>Flood Hazard Overlay Code</b>	
<p><b>PO18</b> Development is compatible with the intolerable or tolerable level of risk of the flood hazard applicable to the premises such that reconfiguring a lot for creating lots by subdividing another lot:</p> <ul style="list-style-type: none"> <li>a. in the High risk area, is only for the purposes of Park or Permanent plantation unless: <ul style="list-style-type: none"> <li>i. in the Rural residential zone where; the minimum lot size for each rural residential lot is provided outside the High risk area; or</li> <li>ii. in the Rural zone; or</li> </ul> </li> <li>b. in the Medium risk area, is only for the purposes of Park or Permanent plantation unless: <ul style="list-style-type: none"> <li>i. in the Centre zone, Industry zone, Recreation and open space zone, or Township zone, where not for a residential purpose or vulnerable use (flood and coastal); or</li> <li>ii. in the Rural zone; or</li> <li>iii. in the Rural residential zone, where the minimum lot size for each rural residential lot is provided outside the Medium risk area; or</li> <li>iv. in any other zone, where all resultant lots are located outside the High risk or Medium risk area other than those for the purposes of Park or Permanent plantation; or</li> </ul> </li> <li>c. In the Balance flood planning area, is consistent with the overall outcomes of the applicable zone and precinct.</li> </ul>	No example provided.

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Performance Outcome	Example
<p><b>PO19</b> Development is designed to ensure personal safety at all times such that:</p> <ul style="list-style-type: none"> <li>a. flood immunity up to the Flood planning level is achieved;</li> <li>b. the road layout avoids isolation in a flood hazard event and does not impede evacuation;</li> <li>c. signage is utilised to ensure that community members have a clear understanding of the nature of the flood risk in the area.</li> </ul>	<p><i>If the ground level is to be filled to the Flood planning level as permitted by Table 8.2.2.4 'Fill Requirements'</i></p>
	<p><b>E19.1</b> Development ensures that the finished ground level for all additional lots (excluding a Park) complies with the requirements of Table 8.2.2.4 'Fill Requirements'.</p>
	<p><b>E19.2</b> Development ensures that the road and pathway layout:</p> <ul style="list-style-type: none"> <li>a. ensures residents are not physically isolated from an adjacent flood-free urban area;</li> <li>b. provides a safe and clear evacuation route path by:                             <ul style="list-style-type: none"> <li>i. locating entry points into the development above the requirements set out in Appendix C of the Planning scheme policy - Integrated design and avoiding cul-de-sac or other non-permeable layouts;</li> <li>ii. direct and simple routes to a main carriageway.</li> </ul> </li> </ul>
	<p><b>E19.3</b> Development in a greenfield area protects a flood conveyance area by providing an easement or reserve over the area of the premises up to the Defined Flood Event.</p>
	<p><b>E19.4</b> Development ensures that a new road and development access are provided in accordance with the requirements set out in Appendix C of the Planning scheme policy - Integrated design.</p>
<p><b>E19.5</b> Development ensures that:</p> <ul style="list-style-type: none"> <li>a. signage is provided on a road or pathway indicating the position and path of all safe evacuation routes off the premises;</li> <li>b. if the premises contains or is within 100m of a waterway, hazard warning signage and depth indicators are provided at each key hazard point, such as at a waterway crossing or an entrance to a low-lying reserve.</li> </ul>	
	<p><i>If the ground level is to be filled other than as permitted by Table 8.2.2.4 'Fill Requirements'</i></p>



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Performance Outcome	Example
	No example provided.
<p><b>PO20</b> Development ensures that infrastructure (excluding a road):</p> <ul style="list-style-type: none"> <li>a. is located outside of the High risk flood hazard area and Medium risk flood hazard area; or</li> <li>b. is otherwise located in the High risk flood hazard area or Medium risk flood hazard area to function during and after all flood hazard events up to and including the Defined Flood Event.</li> </ul>	<p><i>If in the Balance flood planning area</i></p> <p><b>E20</b> Development ensures that:</p> <ul style="list-style-type: none"> <li>a. any component of infrastructure which is likely to fail to function or may result in contamination when inundated by flood is located above the Flood planning level; or</li> <li>b. infrastructure is designed, located and constructed to resist the hydrostatic and hydrodynamic forces as a result of inundation by the Defined Flood Event.</li> </ul>
	<p><i>If in the High risk area or Medium risk area</i></p>
	No example provided.
<p><b>PO21</b> Reconfiguring a lot does not result in:</p> <ul style="list-style-type: none"> <li>a. directly, indirectly and cumulatively cause any increase in water flow velocity or level;</li> <li>b. increase the potential for erosion, scour or flood damage either on the premises or other premises, public land, watercourses, roads or infrastructure or elsewhere in the floodplain;</li> <li>c. change the timing of the flood wave or impact on flood warning times</li> <li>d. adverse impacts on the local drainage and the flood conveyance of a waterway;</li> <li>e. increased flood inundation of surrounding properties;</li> <li>f. any reduction in the flood storage capacity of the floodplain and any clearing of native vegetation.</li> </ul>	<p><i>If in the Balance flood planning area</i></p> <p><b>E21</b> All earthworks are undertaken outside of the Defined Flood Event, or where required to regularise allotment shape, earthworks are undertaken in accordance with Planning scheme policy – Flood hazard, Coastal hazard and Overland flow.</p>
	<p><i>If in the High risk area or Medium risk area</i></p>
	No example provided.
<p><b>PO22</b> Development ensures that works complies with the requirements of Table 8.2.2.4 'Fill Requirements' and does not:</p> <ul style="list-style-type: none"> <li>a. directly, indirectly and cumulatively cause any increase in water flow velocity or level;</li> <li>b. increase the potential for erosion, scour or flood damage either on the premises or other premises, public land, watercourses, roads or infrastructure or elsewhere in the floodplain;</li> </ul>	No example provided.

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Performance Outcome	Example
c. change the timing of the flood wave or impact on flood warning times; d. adverse impacts on the local drainage and the flood conveyance of a waterway; e. increased flood inundation of surrounding properties; f. any reduction in the flood storage capacity of the floodplain and any clearing of native vegetation.	
<i>Performance Outcome Assessment</i>	
The variation application seeks to vary the effect of the Flood Hazard Area Overlay Code to include a new Drainage Investigation Area for Lot 2 RP195936, Lot 2 RP105475 and Warner Road as "Figure 8.2.2.11 Warner" and seeks to make variations to the corresponding references in the code and level of assessment tables. A Drainage Master Plan will then be approved which, by way of sufficient technical information, removes the application of the Flood Hazard Area Overlay from the General Residential Zone - Next Generation Neighbourhood Precinct, as discussed in greater detail in Section 2.8 of this Assessment Report.	
The proposal therefore accords with the requirements of Performance Outcomes PO18 to PO22.	

2.3.5 Overall Outcome Assessment

Due to the nature of the development application, being a Material Change of Use - Preliminary Approval for Dwelling Houses, Home Based Business, Park, Sales Office and Utility Installation and a request to vary the MBRC Planning Scheme to include the Site in the General Residential Zone - Next Generation Neighbourhood Precinct, Environmental Management and Conservation Zone and vary the effect of the Flood Hazard Overlay Code and Dwelling House Code, and a Reconfiguring a Lot - Development Permit for Subdivision (2 into 129 lots), the proposal is required to be assessed against the applicable Overall Outcomes of the codes as follows noting that the assessment has been limited to only those applicable to the proposal.

Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.	Yes	The proposal achieves a residential net density of 19.78 dwellings per hectare.
b. Neighbourhoods will have a mix of residential uses, tenure and densities on a variety of lot sizes providing housing choice and affordability for different lifestyle choices and life stages to meet diverse community needs.	Yes	The proposal provides lots ranging from 170m <sup>2</sup> to 608m <sup>2</sup> which supports both housing diversity and affordability.
c. Neighbourhoods are designed to provide well-connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that	Yes	The lot layout provided generally accords with the Planning Scheme and provides well-connected, safe and convenient movement through interconnected streets.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
provide high levels of accessibility between residences, open space areas and places of activity		
<p>j. General works associated with the development achieves the following:</p> <ul style="list-style-type: none"> <li>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</li> <li>ii. the development manages stormwater to: <ul style="list-style-type: none"> <li>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</li> <li>B. prevent stormwater contamination and the release of pollutants;</li> <li>C. maintain or improve the structure and condition of drainage lines and riparian areas;</li> <li>D. avoid off-site adverse impacts from stormwater.</li> </ul> </li> <li>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</li> <li>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</li> <li>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the</li> </ul>	Yes	Assessed as part of detailed development application and will be reflected in the recommended conditions of any approval.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
streetscape or the environment.		

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).

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

#### 2.4 Trunk Infrastructure

In accordance with section 4 of the MBRC Planning Scheme, the Site is located in the identified Priority Infrastructure Area and has been since the Council's Local Government Infrastructure Plan commenced on 3 July 2017. Prior to that, the Site was located in the Priority Infrastructure Area in the Council's Priority Infrastructure Plan in the original MBRC Planning Scheme that commenced on 1 February 2016 and prior to that the Designated Infrastructure Services Area in the former Pine Rivers Shire, Planning Scheme Policy PSP21 in 2009.

Infrastructure charges applying to the Site, where applicable, are therefore to be applied in accordance with the Council's Charges Resolution.

##### 2.4.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge in the amount of \$2,235,673.71 is applicable to the development proposal and has been calculated as shown in the Infrastructure Charges Notice attached to this report. The charge is however proposed not to be applied with land and works as set out in an Infrastructure Agreement proposed to be provided instead.

##### 2.4.2 Levied Charge Credit

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

###### (e) Payment of previous charges or contributions

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

###### (f) Lawful use of land

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

###### (g) Other development able to occur without a development permit

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

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

The credit available under this option is \$35,207.46 (\$17,603.73 x 2 lots) based on the proportional split stated in Table 3 of the CR.

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2.4.3 Levied Charge Offset or Refund

The Site is affected by a Trunk Infrastructure requirement.

<b>Trunk Infrastructure Network</b>	<b>Network Identifier</b>
Stormwater Infrastructure - Future Trunk Stormwater Riparian Corridors	LPR_CON_RC
Stormwater Infrastructure - Existing Trunk Stormwater Network Line (Box culvert and headwall).	nil

The proposed Infrastructure Agreement requires a land contribution for stormwater infrastructure to Council in fee simple on trust for a riparian corridor for an area of at least 5.9 hectares which encompasses the majority of the aforementioned trunk stormwater infrastructure.

In accordance with section 17 of the CR, it has been calculated that the trunk infrastructure item would have an Establishment Cost of \$132,320.00 (noting however that the applicant could seek an independent land valuation to determine the value instead).

The Establishment Cost has been calculated based on the escalating rates for 59,000m<sup>2</sup> as per Table S1.2 of the Charges Resolution Implementation Policy (No 8) shown below.

Table S1.2 Constrained land valuations - residential (June Qtr 2017)

Land area more than (m <sup>2</sup> )	Land area up to (m <sup>2</sup> )	Base land value	Plus for each m <sup>2</sup> over	Rate \$/m <sup>2</sup>
0m <sup>2</sup>	5,000m <sup>2</sup>			\$5.13
5,001m <sup>2</sup>	10,000m <sup>2</sup>	\$25,650.00	5,001m <sup>2</sup> to 10,000m <sup>2</sup>	\$3.08
10,001m <sup>2</sup>	50,000m <sup>2</sup>	\$41,050.00	10,001m <sup>2</sup> to 50,000m <sup>2</sup>	\$2.05
50,001m <sup>2</sup>	100,000m <sup>2</sup>	\$123,050.00	50,001m <sup>2</sup> to 100,000m <sup>2</sup>	\$1.03
100,001m <sup>2</sup>	No Limit	\$174,550.00	100,001m <sup>2</sup>	\$0.51

In addition to the above, the existing culverts along Warner Road have been mapped as trunk infrastructure, but do not presently meet the Desired Standards of Service for Trunk Infrastructure. As a part of the development, the applicant is required to upgrade the trunk infrastructure so Warner Road remains trafficable in times of flood. This requirement would have existed even if the Site was developed for industrial purposes under its current industrial zoning. While not verified by Council officers, the applicant has indicated that the works have a cost in the vicinity of \$1,685,362.00 not including the cost of reconstructing Warner Road above the culverts.

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In addition to the above items, the applicant is also proposing to provide the following items, having an estimated total cost of \$3,163,538.60:

- (a) An active transport path connecting the Site to Old North Road having a length of approximately 700 metres. The applicant has estimated these works to have a value of \$143,081.00.
- (b) A Local Recreation Park on other land adjacent to the Site having a minimum area of 5000m<sup>2</sup>. Based on the unconstrained land values in the Council's Charges Resolution Implementation Policy (No 8), that the land would have a value of \$474,576.00.
- (c) A works contribution for the Local Recreation Park on the land proposed to be provided are estimated to have a value of \$276,000.00.
- (d) An East West land corridor on adjoining land to the west to assist in the creation of a fauna movement corridor. The land has an area of 3.273ha and based on the constrained (2ha) and unconstrained (1.273ha) land values in the Council's Charges Resolution Implementation Policy (No 8), the land would have a value of \$61,550 + \$1,208,331.60, totaling \$1,269,881.60.
- (e) Signalisation of the Coorparoo Road and South Pine Road intersections which has not been costed, but is expected to be in the vicinity of at least \$1,000,000.00.

Under the proposed Infrastructure Agreement, the applicant is required to provide the above infrastructure items (including other works such as revegetation) and would not be entitled to any offsets (ie refund or transfer of credits to other land) from the Council provided the Council did not apply the Levied Charge calculated in section 2.4.1 above or any additional payment conditions..

#### 2.4.4 Additional payment conditions

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.

Given the assumptions in the LGIP that the Site would be developed for industrial purposes, the Council could seek to apply an additional payment condition on the applicant in accordance with section 130 of the *Planning Act 2016*.

However, based on the proposed Infrastructure Agreement and the obligations on the applicant to deliver significant land and works, it is not proposed to apply an additional payment condition consistent with the negotiated terms of the Infrastructure Agreement that the applicant is agreeable to.

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

In accordance with section 89 of the *Planning Act 2016*, the approval is required to be noted on Schedule 4 of the MBRC Planning Scheme, as the development approval would be a variation approval given under section 61 of the *Planning Act 2016*.

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## 2.6 Referrals

### 2.6.1 Council Referrals

#### 2.6.1.1 Development Engineering

##### **Traffic, Access & Parking**

The northern verge (3.5 m) of the 15.0m Wide New Road on the northern boundary is required to contain a retaining wall, 2 m wide path and street lighting. Insufficient verge width has been provided to allow the required absolute minimum clearance from obstructions in accordance with standard drawing RS-065. It is recommended that the development be conditioned for submission of an amended plan of development demonstrating a suitable northern verge width to provide the required pathway clearances.

Warner Road fronting the development Site is currently a rural formation with a 5.5 m wide seal and swale drainage. This is required to be upgraded in accordance with the Reconfiguring a Lot (**RAL**) Code PO29c to a Contemporary Residential standard having regard for the mapped Secondary Active Transport Network. Warner Road to the east connects the development to an arterial road and is insufficient to support the traffic generated by the development. The RAL Code PO20a requires the external road to be upgraded where the development will have a negative impact on the network. It is recommended that the development be conditioned to provide for Warner Road east of the development to the Coorparoo Road intersection to be upgraded to satisfy the requirements of Austroads (Rural Road Design) for a single carriage road with an AADT range of 1,000 - 3,000 (7.0 m traffic lanes and 2.0 m wide total shoulders including 1.0 m sealed width). Warner Road to the west of the development is also insufficient to support the development however the proposed frontage works and upgrade to Warner Road east of the development along with signalised Coorparoo Road intersection with South Pine Road will provide a more direct access to the major road network and limited development traffic is anticipated to travel west. Upgrading of Warner Road to the west of the development will therefore not be required.

To prevent development construction traffic passing through the rural residential area to the west and to address resident concerns, it is recommended that the development be conditioned to limit construction vehicle access from Coorparoo Road only.

##### **Stormwater / Flooding**

The development is subject to overland stormwater flows from the west and the applicant has proposed the construction of swale drainage on the adjoining lot to address the issue. This property is also under the control of the developer. To ensure these works are undertaken in conjunction with the development it is recommended that the development be conditioned to demonstrate this or submit an amended plan catering for the stormwater overland flow within the development.

Stormwater quality treatment is to be provided in accordance with the approved Stormwater Quality Management Plan by three bio-retention basins within the Riparian Reserve adjacent to the eastern road.

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The development Site is impacted by the mapped medium and high risk Flood Hazard Overlay. The applicant has proposed to declare the area a Drainage Investigation Area under the variation application to allow modification of the waterway and increase the development yield. The proposed work includes reprofiling and rehabilitation of the Riparian Reserve to contain the flood hazard and inclusion of a rock lined low flow channel to manage scour and erosion. The submitted Drainage Master Plan has been accepted by DW&CP as satisfying the PSP - Stormwater Management and Flood Hazard Overlay Code PO27 and PO28. It is recommended that the development be conditioned to undertake the drainage works as identified in the approved Drainage Master Plan.

#### **Earthworks**

Proposed earthworks on the Site will result in retaining structures generally to a height of 1.5 m. Retaining walls interfacing with public areas are limited to adjacent the northern boundary where the tree protection zone prevents earthworks occurring (max 0.9 m in height) and the eastern road adjacent to the Riparian Reserve at the bio-retention basins. Public access to the bio-retention basin retaining structures from the road will be restricted by a fauna fence.

#### **2.6.1.2 Environmental Health**

##### **Waste Management**

Each dwelling will have 2 wheelie bins which require 2 metres of space at the kerbside and serviced by a left-side loading 12.5m long HRV where the driver does not leave the vehicle.

It is acknowledged that there are lots located on a dead-end street where a HRV cannot access the bins for these lots. Therefore, bin pads have been indicated on the plans for the lots that will be affected. The bin pads must be wide enough to accommodate for the required number of bins for the affected lots. It is noted that the subdivision will be constructed in 2 stages. A temporary turnaround will be required at the end of any new road where service vehicles will need to go in order to access bins. The Engineer will be able to apply a condition for the construction of the bin pads and if a temporary turnaround is required at the decision stage.

##### **Noise**

Given the location and nature of the proposal there are no anticipated adverse noise impacts to sensitive uses. Old North Road which is a Council arterial road is located more than 100 metres away from the development and therefore the proposed development will not trigger a noise impact assessment to be conducted. No noise conditions are recommended.

#### **2.6.1.3 Environmental Planning**

##### **Strategic Framework**

The proposed development complies with Strategic Outcome 3.4.1 - Biodiversity Conservation and 3.4.2 - Priority species conservation as:

- The Applicant will mitigate the development impact and achieve a net environmental gain by revegetating the 5.9 hectares within the Riparian Reserve in the Site's east. The revegetation works will improve connectivity along the MBRC-identified Green Infrastructure Network corridor associated with Conflagration Creek and consolidate habitat in the south of the adjoining Lot 3 SP174984, which has been identified as important habitat proposed for retention. The revegetated area will also be included in the Environmental management and conservation zone.



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- Opportunity for safe fauna passage south (past Warner Road) will be improved by the provision of a fauna underpass and directional fencing. Maintenance of safe fauna passage past Coorparoo Road will be achieved by way of koala road signage.
- Whilst the loss of vegetation onsite will cause short term impact to fauna movement habitat, offsite wildlife movement infrastructure will allow for safe ongoing wildlife movement opportunities until the revegetation works onsite are established such as green infrastructure opportunities. Measures include the provision of a fauna underpass and directional fencing under Warner Road. Dog / koala exclusion fencing will be included at the interface of the development and adjoining conservation areas (including the Riparian Reserve and vegetated parts of Lot 3 to the north) which will minimise threats to koalas and koala movement in existing and future habitat.
- The proposed development will remove 90 Non-Juvenile Koala Habitat Trees (NJKHTs). The koala is identified as a special priority species in the MBRC local government area. However, revegetation of the Riparian Reserve will create 5.9 hectares of new habitat for this species, including approximately 5768 new koala habitat trees. These works will also consolidate existing habitat to the east and north of the Site and improve habitat connectivity in the landscape. These works will also benefit many other priority species and degraded Regional Ecosystems within the region.
- The relocation of wallum froglets and offset of wallum froglet habitat (the wallum froglet is identified as a special priority species in the MBRC local government area) will include a species management plan (SMP) endorsed by the Department of Environment and Science (DES) at the time of operational works. The applicant has been working with Council to find suitable offset sites for the wallum froglet, including potential for wallum froglet habitat within the revegetated riparian reserve in the east of the Site.

### **Green Infrastructure Network**

Conflagration Creek in the east of the Site forms part of Council's Green Infrastructure Network.

The applicant is proposing to revegetate approximately 5.9 hectares in the riparian reserve in the east of the Site. The proposed revegetation works align with an Ecological Connection identified by the Green Infrastructure Network Strategic Framework Map and will be included in the Environmental Management and Conservation zone.

The applicant also proposes the delivery of green infrastructure such as fauna underpasses, revegetation and protective / exclusion fencing to strengthen ecological connections identified by the MBRC Green Infrastructure Network Strategy Map.

### **Environmental Areas Overlay and Riparian and Wetland Setbacks Overlay**

The subject Site is mapped under the Environmental Areas Overlay as containing areas of Matters of State Environmental Significance (MSES) along the northern border and in the east of the Site; MSES Koala Offset in the south west of the Site; MLES in the north of the Site and two W3 waterways with associated 20m MLES waterway buffer and riparian setback (Conflagration Creek traverses the Site from east to the south and Conflagration Creek Tributary traverses the Site in the north from the east to the central west).

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### *Proposed Map Amendments*

An Ecological Assessment Report (**EAR**) has been prepared for the Site by 28South Environmental Consultants, dated 3rd April 2019. The applicant has requested a map amendment of the Environmental Areas Overlay and Riparian Wetland Setbacks Overlay to change the High Value MSES and MLES areas to be consistent with the results of a Koala Habitat Value amendment request as per Schedule 11 of the *Planning Regulation 2017*. The Applicant has also requested that the Environmental Areas Overlay be amended so as the MLES W3 Waterway and Waterway Buffer is removed from the Conflagration Creek Tributary in the north of the Site as there are no on ground features of a waterway in the mapped location.

The proposed changes would align with the approved Property Map of Assessable Vegetation (**PMAV**) of existing vegetation to the north of the lot. The PMAV amendment request was granted by the Department of Resources Mines and Energy (**DNRME**) in 2016 (Reference 2016/004109).

After a site visit by Council Officers on 29th August 2019 to ground truth the mapping, Environmental Planning has agreed to the proposed mapped changes and has assessed the application as such.

### *Assessment of PO76 - PO87 of the General Residential Zone Code (Next Generation Neighbourhood Precinct) and PO10 - PO21 of the Environment Management and Conservation Zone Code*

The proposed development requires the clearing of vegetation within the Koala Offset areas and the MLES waterway buffer of Conflagration Creek. Furthermore, to improve flood storage capacity and flood flows through the Conflagration Creek corridor the applicants engineer proposes reprofiling of the mapped waterway (Conflagration Creek) and associated riparian zone. The engineering works will alter the profile of the Conflagration Creek floodplain and establish a new low flow channel.

Vegetation clearing across the Site and re-profiling works proposed for the Riparian Reserve will also likely cause short term impact on movement habitat for amphibian and terrestrial fauna species.

To mitigate the impact of the reprofiling works and loss of habitat vegetation across the Site the applicant proposes a full revegetation of the Riparian Reserve (incorporating the Conflagration Creek floodplain) (refer Section 8.2.1 of EAR). The revegetation works are proposed to restore approximately 5.9 hectares of the pre-clear REs 12.3.11 and 12.3.5 which will result in approximately 5900 plants (5768 koala habitat trees upon maturity) (see p43 of EAR). The reprofiling of Conflagration Creek is likely to improve fish passage opportunities and the sites proposed stormwater treatment (refer Section 8.2.7 of EAR) will also maintain suitable urban runoff and water quality conditions in the revegetated habitat (p28).

To improve wildlife corridors and connectivity the applicant is proposing a fauna passage south (past Warner Road) via a fauna underpass and directional fencing. The maintenance of a safe fauna passage past Coorparoo Road will be achieved by way of koala road signage; revegetation of approximately 5.9 hectares in the east of the Site to consolidate wildlife corridors; and protective / exclusion fencing at the interface of the development and adjoining conservation areas (including the Riparian Reserve and vegetated parts of Lot 3 to the north).

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Whilst the loss of vegetation on the Site will cause short term impact to fauna movement habitat, offsite wildlife movement infrastructure such as safe fauna passage past Coorparoo Road, and under Warner Road will allow for safe ongoing wildlife movement opportunities until the revegetation works on the Site are established.

To comply with PO76 - PO87 and PO115 of the General Residential Zone Code (Next Generation Neighbourhood Precinct), and PO10 - PO21 and PO49 of the Environment Management and Conservation Zone Code it is recommended that any approval be conditioned:

- To ensure the vegetation within the Lot to the north of the Site is not degraded by the proposed development, it is recommended that it be conditioned that a vegetation management plan (**VMP**) is provided which includes the provision for a Level 5 Arborist being present during the operational works stage where development is likely to encroach into the Tree Protection Zone (**TPZ**) of the retained vegetation to the north of the Site.
- As a proposed sewer main is required to the east of the Site through MSES vegetation on Lot 5 SP174986, it is recommended that it be conditioned that the sewer connection from the east is to be tunnel bored underneath Lot 5 SP174986 and that the send and receive pits are to be located in cleared areas.
- A Revegetation and Habitat Management Plan for the revegetation of Conflagration Creek will be required to be provided to Council for approval. Revegetation and restoration works are to be in accordance with the South East Queensland Ecological Restoration Framework.
- Where maintenance periods for the revegetation works exceed the time required for endorsement of staged works, maintenance bonds will be required to ensure that revegetation works achieve acceptable standards.
- It is recommended that it also be conditioned that the replacement nest boxes for loss of habitat trees will require a nest box management plan to be included in the Revegetation and Habitat Management Plan.
- The Landscape Concept Plan (**LCP**) prepared by Saunders Havill in June April 2019 (Ref: 9513 L CD B) includes interactive road signages along Coorparoo Road and recommendations for revegetated areas to be replanted with RE 12.3.6 & 12.3.11. However, section 8.2 of the EAR recommends revegetation areas to be planted with RE12.3.11 and RE12.3.5. Council officers are supportive of Wildlife road surface signage to be installed at each end of the road.

As Warner Road, is also recognised as a wildlife movement barrier it is recommended that it be conditioned that the LCP is amended to include Wildlife road surface signage along Warner Road.

- It is recommended that it also be conditioned that wildlife infrastructure such as dog / koala exclusion fencing be included at the interface of the development and adjoining conservation areas (including the Riparian Reserve and vegetated parts of Lot 3 to the north) to minimise threats to koalas and koala movement in existing and future habitat; and the provision of a safe fauna passage south (past Warner Road) via a fauna underpass and directional fencing (as per the recommendations in the LCP (Ref: 9513 L CD B)).

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### **Environmental Offsets Receiving Area Overlay**

The applicant has proposed to provide required offset planting for the development within the identified Environmental Offset Receiving Areas on the Site. Site designs show the proposed 5.9 hectares revegetation of Conflagration Creek Riparian Reserve wholly contains the identified Environmental Offset Receiving Areas

### **Bushfire Hazard Overlay**

The Site is mapped as containing Medium Potential Bushfire Hazard Intensity along the northern border and Potential impact Buffer in the north and east of the Site. A Bushfire Management Plan (**BMP**) has been prepared for the Site by Bushland Protection Systems dated 4th July 2019. The BMP provides mitigation options to satisfy the provisions of PO56 -PO59 of the Reconfiguring a Lot in a General Residential Zone Code - (Next Generation Neighbourhood Precinct) and PO6 - PO9 of the Environment Management and Conservation Zone Code.

However, one recommendation of the BMP relevantly states:

*Fibrous bark trees, such as melaleuca, swamp mahogany and stringy bark, have a tendency to increase ember attack during a bushfire, due to the fire running up the tree trunk and burning bark breaking off, creating large quantities of airborne burning embers. Ribbon bark tree species (trees that shed their bark in long strips) are also an issue, significantly increasing the potential for spot fires. For this reason tree species with these bark types should not be used as revegetation/rehabilitation/regeneration plantings in urban interface areas.*

Whereas section 8.2 (Residual Impact and Mitigation) of the EAR explains:

*The configuration of vegetation communities within the revegetation in the Riparian Reserve also addresses bushfire issues, insofar that the fibrous-barked broad-leaved paperbark (the bark of which produces embers when burnt) will be enclosed by a ring of forest in which broad-leaved paperbark is uncommon. The ring of surrounding forest will create a screen to catch burning embers.*

To ensure compliance with PO56 -PO59 of the Reconfiguring a Lot in a General Residential Zone Code - (Next Generation Neighbourhood Precinct) and PO6 - PO9 of the Environment Management and Conservation Zone Code the applicant amended the BMP to:

- Change the requirement of a 2m linear buffer within the open space park to instead be a 3m wide formed fire trail suitable for a 4wd light rural fire appliance, on the environmental areas side of the koala fence, otherwise the fence and Water Sensitive Urban Design (**WSUD**) will impede fire operations. This trail will also be used for maintenance of WSUD and provide access for natural area maintenance and protection of koala fence from vegetation encroachment and fire damage.
- Remove recommendation from BMP:  
*Fibrous bark trees, such as melaleuca, swamp mahogany and stringy bark, have a tendency to increase ember attack during a bushfire, due to the fire running up the tree trunk and burning bark breaking off, creating large quantities of airborne burning embers. Ribbon bark tree species (trees that shed their bark in long strips) are also an issue, significantly increasing the potential for spot fires. For this reason tree species with these bark types should not be used as revegetation/rehabilitation/regeneration plantings in urban interface areas.*

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Note: Further detail of plant species for revegetated areas will be included in a Revegetation and Habitat Management Plan submitted to Council for approval.

- The LCP includes an overall Master Plan which shows the location for the provision of maintenance and access tracks and managed fire breaks. To align with the amended BMP, it is recommended that it also be conditioned that the LCP is amended to include on plans the provision of a 3m wide formed fire trail suitable for a 4wd light rural fire appliance, on the environmental areas side of the koala fence, to ensure the fence and WSUD will not impede fire operations.

### **Other - Planning Act 2016 Environmental Planning Comments**

#### *Koala Habitat Area*

The Site is located wholly within a Priority Koala Assessable Development Area (**PKADA**) and contains areas mapped as High and Medium Bushland Habitat along the northern border and to the north east of the Site; Medium Value Rehabilitation Habitat in the south west of the Site; and the remainder (majority) of the Site is mapped as low value rehabilitation habitat.

#### *Koala Habitat Map Amendment*

The applicant has requested that the Koala Bushland Habitat Mapping be assessed as a different koala habitat classification (Low Value Rehabilitation Habitat) (see section Section 7.1 of the EAR).

From information provided in the EAR and ground truthing of the vegetation by Council officers during a site visit on 28th August 2019, Environmental Planning is satisfied the parts on the lot, meet the classification criteria of rehabilitation habitat under Schedule 11, Part 4, Section 10 of the *Planning Regulations 2017*:

Although the part in question is within 50m of Koala Bushland Habitat on the adjacent Lot 3 SP174984 to the north of the Site, the part does meet the Koala Bushland Habitat classification as the part on the lot contains sparsely scattered tree and does not contain a mainly forested area.

### **Schedule 11 Assessment for development within a Priority Koala Assessable Development Area.**

From discussions with the applicant's environmental consultant, Environmental Planning is satisfied that the applicant has attempted to minimise the amount of NJKHTs required to be cleared from the Medium Value Rehabilitation Areas. Whilst the single NJKHT within the Medium Value Rehabilitation Habitat to the south west of the Site provides an important refuge habitat across the cleared Site, it is preferable to not encourage koala movement within an environment that will increase the risk of death or injury from car strike or attack from domestic dogs.

The provision of safe movement opportunities via the provision of contiguous revegetated habitat corridors, fauna movement infrastructure and koala/dog exclusion fencing is a preferred outcome and has been an important consideration for the proposed development.

Whilst the loss of vegetation on the Site will cause short term impact to fauna movement habitat, offsite wildlife movement infrastructure such as safe fauna passage past Coorparoo Road, and under Warner Road will allow for safe ongoing wildlife movement opportunities until the revegetation works onsite are established.

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To comply with Schedule 11, Part 2, Section 6 (3c) of the *Planning Regulation 2017* it is recommended that it be conditioned that the offset requirement for the removal of 1 NJKHT under the *Environmental Offset Act 2014* will require a formal notice of election as required by Section 18 of the *Environmental Offsets Act 2014* and an Offset Delivery Plan in accordance with section 2.3.1.3 of the Queensland Environmental Offsets Policy.

- To comply with Schedule 11, Part 2, Section 6 (3d) of the *Planning Regulation 2017*, it is recommended that it be conditioned that wildlife infrastructure such as dog / koala exclusion fencing be included at the interface of the development and adjoining conservation areas (including the Riparian Reserve and vegetated parts of Lot 3 to the north) to minimise threats to koalas and koala movement in existing and future habitat; the provision of a safe fauna passage south (past Warner Road) via a fauna underpass and directional fencing (as per the recommendations in the LCP and Koala Road Signage on Coorparoo and Warner Roads.
- It is recommended that it also be conditioned that clearing is undertaken as per the requirements stated in Schedule 11, Part 3 of the *Planning Regulation 2017*, including staged clearing and the provision of a Koala spotter / catcher to be present during clearing.

#### **State Planning Policy 2017**

As prescribed in Section 26(2)(a)(ii) of the *Planning Regulation 2017*, the State Planning Policy 2017 (**SPP**) represents an assessment benchmark and the assessment manager must also have regard to State Planning Policy, Part E, to the extent it is not identified as being appropriately integrated in the planning scheme, and only to the extent of any inconsistency.

Assessment Benchmarks under Part E - State Interest - Biodiversity of the SPP 2017 requires that 2 MSES are identified and development is located in areas that avoid adverse impacts; where adverse impacts cannot be reasonably avoided, they are minimised.

The SPP 2017 defines MSES as:

*viii) threatened wildlife under the Nature Conservation Act 1992 and special least concern animals under the Nature Conservation (Wildlife) Regulation 2006*

During fauna surveys for the provision of the Site's EAR, the applicants environmental consultant identified potential movement and foraging habitat for a variety of MSES species. The surveys also identified breeding habitat for the wallum froglet (*crinia tinnula*) (listed as Vulnerable under the *Nature Conservation Act 1992*) on the Site and in areas surrounding the proposed development which, will be significantly impacted by the proposed development.

As the above species habitat is not mapped by the State or Planning Scheme, assessment of the identified MSES species habitat is required against the Assessment Benchmarks under Part E - State Interest - Biodiversity of the SPP 2017.

Environmental planning is satisfied that the proposed development has reasonably avoided and minimised impacts to habitat of ecologically significant fauna by providing revegetation to the east of the Site which will create a much more extensive area of vegetation improve habitat values for MSES species.

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In a further information clarification response by the applicant's environmental consultant dated 25 October 2019, it was explained that the impacts on wallum froglet habitat could not be avoided due to flood and storm water mitigation and the required removal of the man made drainage feature throughout the Site. It was determined that the drainage feature is a man made drain that does not display any riparian features and would only concentrate overland flow water during and immediately after rainfall events, for a short duration after a rainfall event. Due to the waterway being unmapped, anthropogenic features and lack of riparian features, the drainage feature could be irreversibly impacted at any stage through an intensification of the existing rural land use on the Site. Furthermore, the location and extent of the drainage feature severely restricts the design of a suitable residential community on the Site.

The relocation of wallum froglets and offset of wallum froglet habitat will include a species management plan (**SMP**) endorsed by the State's DES at the time of operational works. The applicant has been working with Council officers to find suitable offset sites for the wallum froglet, including potential for wallum froglet habitat within the revegetated riparian reserve in the east of the Site.

To comply with the requirements of Part E - State Interest - Biodiversity of the SPP 2017, it is recommended that it be conditioned that details for the revegetation of approximately 5.9 hectares to the east of the Site in the Riparian Reserve of Conflagration Creek is provided in a Revegetation and Habitat Management Plan prepared by a suitably qualified person.

It is recommended that it also be conditioned that evidence of a SMP endorsed by DES for the tampering of wallum froglet habitat is provided.

### **Other Environmental Planning Advice**

#### *Environment Protection and Biodiversity Conservation Act 1999*

Fauna surveys of the Site have identified habitat for Koala (*phascolarctos cinereus*) and foraging habitat for Grey-headed flying fox (*pteropus poliocephalus*). Both the koala and grey-headed flying fox are listed as vulnerable under the *Environmental Protection and Biodiversity Conversation Act 2014 (EPBC Act)*.

The applicant has submitted a controlled action referral to the Commonwealth government in relation to a the former (more extensive) development proposal and based on that proposal the proposed development was declared a Controlled Action under the EPBC Act (Referral No. 2017/8022).

The applicant has continued with assessment along the Preliminary Documentation pathway, with a much-reduced development footprint.

The EPBC Act Environmental Offsets Policy (DSEWPAC 2012) notes that "a State or territory offset will count towards an offset under the EPBC Act to the extent that it compensates for the residual impact to the protected matter identified under the EPBC Act." Therefore, it is reasonable to count the State-mandated koala offset as part of an EPBC offset obligation (if required) or as a component of mitigation works for the koala.

#### *Fisheries Act 1994 State Code 12 (Fish Habitat Areas)*

State Assessment Referral Agency (**SARA**) mapping shows that Conflagration Creek is defined as a "Qld waterways for waterway barrier works" (low value). Residential components of the proposed development are well-removed from the mapped waterway and will not affect fish passage along the watercourse.

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Establishing new culverts under Warner Road could create temporary or permanent waterway barriers. If these works are constructed in accordance with the Department of Agriculture, Fisheries and Forestry (**DAFF**) Code for self-assessable development - Minor waterway barrier works Part 3: culvert crossings (DAFF 2013), then no further approval is required. If the works cannot meet the requirements of the code, then a development application addressing State Code 12 will need to be lodged with SARA at the operational works stage.

#### *Biosecurity Act 2014*

Under the *Biosecurity Act 2014*, land owners are responsible for taking all reasonable and practical steps to minimise the risks associated with invasive plants and animals under their control. This obligation is known as the general biosecurity obligation (**GBO**).

The *Biosecurity Act 2014* categorises restricted matters (restricted plants and animals) into the following:

- Category 1: must be reported to an inspector within 24 hours (includes Red Imported Fire Ants, amongst others).
- Category 2: must be reported within 24 hours to Biosecurity Queensland on 13 25 23.
- Category 3: must not be distributed either by sale or gift or released into the environment.
- Category 4: must not be moved.
- Category 5: must not be kept.
- Category 6: must not be fed (animals).
- Category 7: must be euthanised (animals)

#### 2.6.2 Referral Agencies

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

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

##### **2.6.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

##### **2.6.2.3 Third Party Agencies**

###### **Department of Transport and Main Roads**

The Department of Transport and Main Roads (**DTMR**) assessed the application and provided comment, which are summarised below:

- Strategic Assessment: Given the complexity of the area, it is strongly recommended that the applicant be directed to undertake a transport and traffic assessment of the whole investigation area transport catchment for Warner, to ensure the development does not compromise the future potential for the investigation area.
- Traffic Impact Assessment: The information provided within the Traffic Impact Assessment is not sufficient to assess the impact of this development (129 lots) on the state-controlled road network. It is recommended that Council seek further information from the applicant, including:
  - Impact Assessment;
  - Sight Distance Assessment; and
  - Safety Assessment.



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- Public Passenger Transport Infrastructure: The application material does not provide sufficient information to satisfy the State Development Assessment Provisions for Public Passenger Transport Infrastructure. It is recommended that Council request the applicant to provide a Public Transport Impact Assessment and associated proposal plans in accordance with AUSTRROADS Guide to Traffic Management, Parts 1 – 13.

The applicants Response to Council’s Information Request was referred to DTMR for comment along with any further documentation that was supplied throughout the development assessment process. DTMR’s verbal advice was that their position remained consistent.

A critical item of the Infrastructure Agreement, as discussed in greater detail in section 2.8 of this Assessment Report, is the construction of a four-way signal-controlled intersection at the intersection of South Pine Road and Coorparoo Road. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset. Verbal discussions with DTMR have confirmed they are agreeable in principle to the prospect of signalisation of Coorparoo Rd / South Pine Road subject to assessment.

2.7 Public Consultation

2.7.1 *Public Notification Requirements under the Development Assessment Rules*

- (d) Public Notification was served on all adjoining landowners on 22 August 2019.
- (e) The development application was advertised in the Pine Rivers Press on 22 August 2019.
- (f) A notice in the prescribed form was posted on the relevant land on 22 August 2019 and maintained for a period of 30 business days until 8 October 2019.

2.7.2 *Submissions Received*

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax	0	176
	Petition	0	0
Not Properly Made	Letter, Email, Fax	0	8
	Petition	0	0
<b>Total</b>		0	184

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

<b>Assessment of Submissions</b>
<b>SUBMISSIONS - IN SUPPORT</b> No submissions in support of the proposed development were received.
<b>SUBMISSIONS - OPPOSED</b> A total of 176 properly made submissions were received all opposed to the proposal. There were 8 not properly made submissions also opposed to the proposal. The majority of submissions were received in a proforma template with the submissions raising the same grounds.
<b>Planning and Land Use</b> <i>Inconsistent with the Planning Scheme / Planning Act 2016</i> <ul style="list-style-type: none"> <li>Lot size;</li> <li>General Residential Zone - Next Generation Neighbourhood Precinct;</li> </ul>

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- Reconfiguring a Lot Code - General Residential Zone - Next Generation Neighbourhood Precinct;
- Flooding and the Flood Hazard Overlay Code;
- Dwelling House Code;
- Environmental (MSES and MLES);
- Riparian and Wetland Setbacks;
- Inconsistency with the purpose of the *Planning Act 2016*.

*Future development on the neighbouring Lot 1 Warner Road, Warner (Lot 1 on RP92508);*

- The community does not support development on Lot 1 Warner Road, Warner.

*Warner Investigation Area*

- Development occurring premature to planning issues and concerns being appropriately and comprehensively resolved across the investigation area.

*Precedent Development / Surrounding Zoning*

- This development sets a precedent for future development on Warner Road.
- The surrounding land is largely zoned Rural Residential and a development consistent with the General Residential - Next Generation Neighbourhood Precinct will be inconsistent with surrounding land uses.

## Discussion

### *Inconsistent with the Planning Scheme / Planning Act 2016*

The Site is located in proximity to major centres, employment areas, community and recreation facilities and major transport corridors, and is within the Priority Infrastructure Area in the Council's Local Government Infrastructure Plan. As mentioned in section 1 of this Assessment Report, the Council has undertaken an investigation of the WIA which informed Council's proposal for a major amendment to the MBRC Planning Scheme to include the land (including the Site) in the Emerging Community Zone. The investigation recognised the suitability of the land (including the Site) for residential purposes instead of industrial purposes. An assessment of the proposed land uses and subdivision for the purposes of the development application has also determined them to be appropriate, subject to addressing the relevant criteria in the MBRC Planning Scheme (addressed earlier in this Assessment Report). The proposed variation is consistent with these land uses and the proposed lot layout.

This Assessment Report provides a full assessment of the proposal in accordance with section 61(2) of the *Planning Act 2016*.

The purpose of the *Planning Act 2016* is:

### **3 Purpose of Act**

(1) *The purpose of this Act is to establish an efficient, effective, transparent, integrated, coordinated, and accountable system of land use planning (planning), development assessment and related matters that facilitates the achievement of ecological sustainability.*

(2) **Ecological sustainability** is a balance that integrates—

- (a) *the protection of ecological processes and natural systems at local, regional, State, and wider levels; and*
- (b) *economic development; and*
- (c) *the maintenance of the cultural, economic, physical and social wellbeing of people and communities.*

As assessed in detail in this Assessment Report, the ecological processes and natural systems at local, regional, State and wider levels have all been assessed and sequentially addressed. The

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proposal fosters economic development for Moreton Bay and maintains the cultural and economic fabric of the region. On balance, the proposal satisfies the purpose of the *Planning Act 2016*.

Future development on the neighbouring Lot 1 Warner Road, Warner (Lot 1 on RP92508);

The submitters' concerns regarding further development on the neighbouring lot, being Lot 1 on RP92508 are noted. During the assessment of the report, Ausbuild (who have control of the land) were prohibited by State government laws from lodging a material change of use of premises for an urban activity on the land to the extent that the premises were in a priority koala assessable development area and are designated under the MBRC Planning Scheme for rural residential purposes (Sch 10, Part 10, Div. 1, 16 (1), *Planning Regulation 2017*). However, as of 7 February 2020 and at the time of drafting this report, it is understood that prohibition has been removed by the State government. Regardless of that change however, the landowner of Lot 1 is not prevented from lodging with the Council an application to subdivide the land with rural residential lot sizes being consistent with the current zoning of the adjoining land.

Warner Investigation Area

Council, as the assessment manager must accept an application satisfying Sections 51 through 53 of the *Planning Act 2016*. As a part of the assessment process it is necessary to give consideration to the broader impacts of the proposal as well as ensuring that a proposal does not fetter future planning and development. Council officers are comfortable that the development proposal in combination with the proposed Infrastructure Agreement will not fetter or compromise any future planning for the area.

Precedent Development / Surrounding Zoning

Council relevantly notes that the Site is currently within the Industry Zone and within the Priority Infrastructure Area, meaning since the inception of the MBRC Planning Scheme (and even before then), the Site was envisaged for a higher intensity use than, for example, the Rural Residential zoned land elsewhere on Warner Road.

As the Site is zoned Industry, it allowed the applicant to lodge a development application that did not contravene the current State legislation that previously precluded development applications being lodged over the neighbouring Rural Residential Zoned land.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Schools / Community Services**

High Schools

- There is already a perceived lack of High Schools in the area and the community is concerned the development will overburden the current High Schools in the area;

Community Services

- The development will cause the current medical services and child care centres in the area to be overburdened;

**Discussion**

High Schools

Whilst Council acknowledges the perceived lack of High Schools / spaces within the existing High Schools within the greater Warner area, Council notes that the provisions of educational services is administered by State Government and is outside of the scope of this application assessment.

Community Services

Whilst Council acknowledges the communities concern that the additional residents in the area may put additional strain on the current medical and child care services within the greater Warner region, Council notes that is outside of the scope of this application assessment. However, it is expected

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that with any increase in demand the sector will respond to providing these services similar to what occurred to the north adjacent to the Warner Lakes development.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Environment**

*Koalas*

- The development will cause loss of Koala habitat.
- The development will result in the removal of Koala habitat trees along Conflagration Creek.
- The development will result in increased risk to Koalas by way of dog attacks, traffic strikes and disease.
- The replanting within the proposed riparian reserve is unacceptable as Koala habitat trees mature slowly.

*Wallum Froglett*

- The community is opposed to offsetting the Wallum Froglett.
- The development will cause loss of Wallum Froglett habitat.
- The development will result in the removal of Wallum Froglett habitat.

*Conflagration Creek*

- The proposed development should maintain the current integrity of Conflagration Creek.

**Discussion**

*Koalas*

The proposal seeks to remove 90 NJKHTs, the majority of which are within the Conflagration Creek corridor. The proposal requires the removal of the trees within Conflagration Creek to allow for reprofiling of the creek. The applicant has confirmed that under the Queensland Environmental Offsets Policy 2014, that the 90 NJKHTs equate to a habitat area of 0.328ha. In response to the equated loss of 0.328ha of Koala habitat area, the applicant proposes to revegetate 5.9ha on the Site directly linking to the heavily vegetated areas directly north in CSR's land holdings and east towards Old North Road. The revegetated area will reach the desired Koala corridor width of 100m. The proposal will result in approximately 5768 new koala habitat trees, which when compared to the removal of 90 NJKHTs is compliant with the requirements of the *Planning Regulation 2017*.

The Management of Wildlife condition imposed as part of the approval requires the following:

- (a) Carry out approved vegetation clearing under the supervision of a Koala/Fauna Spotter Catcher holding a valid Rehabilitation Permit for the relocation of fauna.
- (b) Clearing of native vegetation on premises must be carried out in a way that ensures koalas have enough time to move from the area being cleared without human intervention.
- (c) Ensure links between koala habitats are maintained to allow koalas to move from the area being cleared.
- (d) Ensure a tree is not cleared if a koala is present in the tree or the crown of the tree overlaps another tree in which a koala is present.
- (e) The clearing must be carried out in stages, with each stage involving the clearing of—
  - (i) if the total area to be cleared is 6ha or less—no more than 50% of the area; or
  - (ii) if the total area to be cleared is larger than 6ha—no more than 3ha, or 3% of the area, whichever is greater; and
  - (iii) clearing must not be carried out on the premises between each stage of clearing for at least 1 period starting at 6pm on a day and ending at 6am the following day.
- (f) Provide an activity report, to be completed by the supervising Koala/Fauna Spotter Catcher, including:
  - (i) The number and species of any animals observed during clearing;

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- (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.

The proposal will increase the number of cars on the road network in the Warner area and therefore will theoretically, increase the risk of vehicle strikes on Koalas. However, after revegetation of the riparian reserve combined with the requirement for fauna fencing along the riparian reserve and the fauna underpass for Warner Road with directional / exclusion fencing to the underpass, it is considered that the number of Koalas that would be roaming Warner Road looking for food source trees would be reduced and therefore the number of vehicles strikes would also be reduced.

Submissions also raised the concern that the proposal will increase the risk of koalas to domestic animals, primarily dogs. Koala vulnerability, in this case, to dog attack is generally brought about when Koalas are required to traverse large areas of land between food habitat trees. The revegetation of Koala habitat trees within the riparian reserve will improve the north-south movements of koalas by creating continuous vegetation which in turn minimises the time that koalas are required to traverse the open ground looking for food sources trees.

A relevant factor in controlling the interaction between dogs and koalas is the lot size and layout:

- All existing trees within the development footprint of the land identified as General Residential Zone – Next Generation Neighbourhood Precinct will be removed.
- Lot sizes range from 170m<sup>2</sup> to 608m<sup>2</sup> and therefore typically have smaller backyards with vegetation that is a smaller scale than that found in the surrounding existing vegetation.
- 1.8m Koala exclusion fencing will be provided around the riparian reserve to reduce the number of Koalas able to enter the residential land. This will also reduce the number of dogs able to gain access to the riparian reserve.

A maintenance track is required throughout the riparian reserve. However, this will be appropriately conditioned to maintain the integrity of the exclusion fencing.

#### Wallum Froglett

The Wallum Froglett's breeding habitat coincides with the Conflagration Creek corridor which is proposed to be reprofiled to alleviate flooding concerns and as part of the development. A condition of approval requires the applicant to provide evidence of a rehabilitation permit for tampering with Wallum Froglet Habitat, by way of a High-Risk Species Management Plan (**SMP**) approved by the state Department of Environment and Science.

#### Conflagration Creek

Submissions raised concern with any alteration of Conflagration Creek. The proposed development requires clearing of vegetation within the Koala Offset areas and the MLES waterway buffer of Conflagration Creek. Furthermore, to improve flood storage capacity and flood flows through the Conflagration Creek corridor the Applicants engineer, proposes reprofiling of the mapped waterway (Conflagration Creek) and associated riparian zone.

To mitigate the impact of the reprofiling works and loss of habitat vegetation across the Site the applicant proposes a full revegetation of the Riparian Reserve (incorporating the Conflagration Creek floodplain). The revegetation works are proposed restore approximately 5.9 hectares which will result in approximately 5900 plants (5768 koala habitat trees upon maturity). The reprofiling of Conflagration Creek is likely to improve fish passage opportunities and the Sites proposed stormwater treatment and will also maintain suitable urban runoff and water quality conditions in the revegetated habitat.

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Significant assessment has been undertaken in respect to all environmental values on site as detailed in this Assessment Report.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Open Space**

*Parks*

- Walking distance to local parks;
- Connectivity to existing local parks;
- Not park being provided as part of the development;

**Discussion**

*Parks*

No local park is proposed within the Site. However, the applicant has agreed to provide a Local Recreation park of 0.5ha and work embellishments in the adjoining parcel of land to the west concurrently with this development proposal. The delivery of the open space is to be secured by way of an Infrastructure Agreement between the applicant and the Council and will therefore ensure that the proposal can achieve compliance with the Performance Outcomes as well as the Desired Standards of Service in the Council's Local Government Infrastructure Plan (LGIP).

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Traffic & Public Transport**

*Interconnected streets and permeable transport networks*

- The development does not interact with the surrounding transport network

*Inconsistent with the Planning Scheme*

- The development does not meet the requirements of section 3.6 of the Planning Scheme.
- The development does not meet the requirements of Section 3.14.1.8 of the Planning Scheme.

*Flooding*

- Warner Road currently floods.

*Adverse impacts on existing transport network*

- The development will worsen the current intersection between Coorparoo Road and South Pine Road from both a functional and safety perspective.
- The development will worsen the current intersection between Warner Road and Paddy Road from both a functional and safety perspective.
- There is a perceived over congestion on the existing local roads and State controlled roads.
- Close Warner Road at Whimbrel Street and Connect Lowan Street to Kremzow Road.

*Public Transport*

- There is a perceived lack of access to Public Transport, specifically bus stops.
- There is a perceived overcrowding of Public Transport which will be exacerbated by the development.
- The proposed Site is not located within walking distance of a diverse range of services and activities.
- There is no bus stop proposed by the development.

*Construction Impacts*

- The development does not consider the impacts on the road network as a result of and during construction.

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**Discussion**

Interconnected streets and permeable street networks

The proposal road network within the development generally accords with the requirements of the MBRC Planning Scheme offering interconnected, permeable road network that delivers a block formation of road networks with intersections at right angle and an overall lack of cul-de-sacs.

Further, the proposal provides a 2.0m wide pedestrian footpath throughout the development and also a 2.5m active transport route from the Site frontage along Warner Road to Old North Road – connecting to the existing active transport network.

Inconsistent with the Planning Scheme

The Site is located in proximity to major centres, employment areas, community and recreation facilities and major transport corridors, and is within the Priority Infrastructure Area in the Council's Local Government Infrastructure Plan. Further, the site is located within the Urban Footprint. The proposals compliance with the Planning Scheme has been discussed in detail throughout this Assessment Report.

Flooding

As part of the development, Warner Road will be upgraded to 1% flood immunity.

Adverse impacts on existing transport network

The signalisation of Coorparoo Road with South Pine Road will be delivered by the applicant to alleviate both the impacts on the road network directly east of the development and the long-term impacts on the surrounding road network (both local and State controlled). The proposed frontage works and upgrade to Warner Road east of the development along with signalised Coorparoo Road intersection with South Pine Road will provide an improved and more direct access to the major road network and limited development traffic is anticipated to travel west. Upgrading of Warner Road to the west of the development is not required.

The suggestion to close Warner Road at Whimbrel Street and Connect Lowan Street to Kremzow Road has not been proposed as part of this application and is outside of the scope of this assessment.

Significant assessment has been undertaken in respect to all traffic and transport considerations as a result of the proposal as detailed in this Assessment Report.

Public Transport

This proposal does not warrant a new public transport route (i.e. busses) directly servicing only the Site. There are existing public transport routes on South Pine Road which will service the development. In addition to the existing infrastructure in the Strathpine, Brendale and Albany Creek suburbs.

The perceived overcrowding of State controlled public transport services is outside of the scope of this assessment.

Construction Impacts

A recommended condition of approval will require, implemented through the CMP, that all construction vehicles will access and egress the Site via Coorparoo Road only and not via Paddy Road.

Therefore, these matters are not sufficient grounds for refusal of the development application.

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**Infrastructure**

*Stormwater*

- The existing stormwater infrastructure is insufficient.

*Sewer*

- What certainty does the community have that the tunnel boring will avoid impacts on the vegetation given the extent is to be decided by a future operational works application.

*Infrastructure Shortfall*

- Perceived \$1.3b shortfall in infrastructure MBRC wide.

**Discussion**

Stormwater

The Engineering Services Report provided by the applicant as part of the information request response confirms that the required stormwater infrastructure to service the development can and will be provided.

All infrastructure requirements of the proposal will fully comply with the infrastructure and servicing requirements of the Planning Scheme, Australian Standards and other relevant guidelines where appropriate.

Sewer

Approval for the proposed tunnel boring will be assessed in detail by Unitywater however if there is any need to remove vegetation, it would need approval by the Council separate to the application to Unitywater. The vegetation is also protected by a statutory covenant registered over the Site.

Infrastructure Shortfall

Commenting on a perceived \$1.3b infrastructure shortfall for the greater MBRC region is outside of the scope of this Assessment Report.

However, in relation to this application, as discussed in section 2.4 of this report, the development is proposing to make, by means of an infrastructure Agreement, substantial work and land infrastructure contributions to mitigate any additional demands of the development and to provide additional benefits to the broader community.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**Miscellaneous**

*Property values*

- The development will result in the land values of the surrounding lots to decrease.

*Lack of transparency / communication from MBRC*

- Concern that the rates will be increased in the area to subsidise the infrastructure needed to support the development.
- Many residents were unaware of the development application being lodged.
- The information presented was hidden and extremely difficult to read and understand.

*Criminal activity*

- Increased criminal activity due to lack of adequate garage space resulting in more cars being parked on the street.

*Contamination impacts*

- Construction dirt, dust, noise and vibration contamination influencing neighbouring properties.



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**Discussion**

Property Values

Commenting on a reduction in existing property values as a result of the proposal is outside of the scope of this Assessment Report as it is not a town planning matter.

Lack of transparency / communication from MBRC

MBRC has followed the development assessment process as outlined in the *Planning Act 2016* and the *Development Assessment Rules*. As part of the assessment process, the application was publicly notified for a period of 30 business days in which submissions may be lodged for or against the proposal. A total of 184 submissions were received on the application. All 184 submission were individually read and assessed. All correspondence from Council officers in relation to the development application, once lodged, has the responsible officers direct phone number and email address and has been available for and fielded discussion at any point throughout the development application process. All information relative to the development application is readily available online through Council PD Online system.

Submissions received raised concerns that rates will be increased to subsidise the development. As discussed in section 2.4 of this Assessment Report, the development is proposing to make substantial work and land infrastructure contributions to mitigate any additional demands of the development and as such there is no relationship to the development causing any increase in rates.

Therefore, these matters are not sufficient grounds for refusal of the development application.

**2.7.3 Notice of Compliance**

The Notice of Compliance was received by Council on 9 October 2019. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

**2.8 Other Matters**

**2.8.1 Drainage Master Plan**

Development for a material change of use not involving a dwelling house, reconfiguring a lot or operational work of premises in the General residential zone – Next generation precinct in a Drainage investigation area requires the preparation of a Drainage Master Plan. The variation component of this development application proposes to include the land into a Drainage Investigation Area.

The Drainage Master Plan will be prepared by the following:

- a) the Council in which case it will be adopted by the Council and included in Appendix 1 of the planning scheme policy; or
- b) the applicant for a development approval and approved by the Council as part of the development approval for the development.

The Drainage Master Plan prepared by the applicant is to identify all planning and design standards and outcomes, regulatory provisions, works and land transfers necessary to implement a stormwater management solution which will mitigate flood hazard on the Site and within the Drainage investigation area sufficient to support the proposed development and meet the relevant provisions and outcomes of the Flood hazard overlay code.

The intent of the Drainage Master Plan is to provide an overarching plan which coordinates land use, built form and infrastructure in a manner that provides clear direction on the development capability of the Drainage investigation area, sets out infrastructure (including mitigation infrastructure) requirements and responsibilities, and addresses the risk to which the area is subject.

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The Drainage Master Plan is to document a detailed hydraulic analysis of the proposed stormwater drainage system which is required to support the development and is to be prepared in conjunction with the requirements of the Stormwater Management Planning Scheme Policy and the Integrated Design Planning Scheme Policy.

In accordance with Officer Recommendation B(iii) of this Assessment Report, it is recommended to amend the Flood Hazard Area Overlay Code to include a new Drainage Investigation Area for Lot 2 RP195936, Lot 2 RP105475 and Warner Road as "Figure 8.2.2.11 Warner" as well as amendments to corresponding references in the code and level of assessment tables.

The submitted Drainage Master Plan has been reviewed and accepted by Council officers as satisfying PSP - Stormwater Management and Flood Hazard Overlay Code PO27 & PO28. It is recommended that the development be conditioned to undertake the drainage works as identified in the approved Drainage Master Plan.

#### *2.8.2 Infrastructure agreement*

The applicant has proposed to enter into an Infrastructure Agreement to provide infrastructure to the development of the Site, and to provide broader benefits to the community.

Schedule 3 – Infrastructure Contributions Schedule in summary, provides the following.

#### ***Stormwater Infrastructure – Work***

The Work Contribution is to comprise the replacement of the existing box-culverts under Warner Road with larger trunk box-culverts to improve flood immunity to 1% AEP in addition to providing a fauna underpass and the associated reconstruction of at least a 350 metre section of Warner Road. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

#### ***Riparian Corridor - Work***

The Work Contribution is to comprise the provision of civil works, revegetation and rehabilitation for the riparian corridor. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

#### ***Stormwater Infrastructure – Land***

The Land Contribution is to comprise the provision of land to the Council in fee simple on trust for a riparian corridor being a total land area of at least 5.9 hectares. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

#### ***Bio-retention basins – Work***

The Work Contribution is to comprise the construction of three (3) bio-retention basins in the Development Land. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

#### ***Four-way Signal Controlled Infrastructure – Work***

The Work Contribution is to comprise the construction of a four-way signal-controlled intersection at the intersection of South Pine Road and Coorparoo Road. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

#### ***Cycle Ways and Pathways Infrastructure – Work***

The Work Contribution is to comprise the provision of work being a minimum 2.5 metre wide shared off street cycle ways and pathways for a minimum length of 703 metres. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

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**Warner Road - Work**

The Work Contribution is to comprise the provision of work being a rural road in accordance with the following standards stated in Austroads (Rural Road Design):

- (a) 7.0 m wide traffic lanes (2 x 3.5 m);
- (b) 2.0 m wide total shoulder each side;
- (c) 1.0 m wide sealed shoulder each side.

The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

**New Road – Land**

The Land Contribution is to comprise the provision of land in the adjoining land described as Lot 1 for new road. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

**Public Parks Infrastructure – Land**

The Land Contribution is to comprise the provision of land in the adjoining land described as Lot 1 for Local Recreation Park in the area of at least 0.50 hectares. The access easement is to comprise the provision of an easement for access purposes in favour of the Council and its invitees in the adjoining land described as Lot 1 between the two parts of proposed Lot 902. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

**Public Park Infrastructure – Work**

The Work Contribution is to comprise the provision of civil works, landscaping and embellishments for a Local Recreation Park. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

**Environmental Infrastructure – Land**

The Land Contribution is to comprise the provision of land in the adjoining land described as Lot 1 for environmental infrastructure in the area of at least 3.273 hectares. The proponent is responsible for the infrastructure contribution and it is not subject to an infrastructure offset.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

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

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

The proposal is generally consistent with the outcomes envisaged in the existing Moreton Bay Region planning scheme provisions and relevant policies.

**3.4 Risk Management Implications**

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

**3.5 Delegated Authority Implications**

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

**3.6 Financial Implications**

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

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3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region.

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.7 above.

## **ATTENDANCE**

Mr John Hall attended the meeting at 3.28pm for discussion on Item 2.4 with Mr Dan Staley and Mr Marco Alberti leaving the meeting at this time.

**ITEM 2.4 - STATEMENT OF LEGAL POSITION**

Following the receipt of legal advice that as agenda item 2.4 provides only guidance material for public art installation and could not be perceived as having any substantive impact on any donor to the Moreton Futures Trust, no personal interests need be declared by any Councillor in relation to that donor.

**ITEM 2.4**

**THE MILL AT MORETON BAY GUIDANCE MATERIAL: PUBLIC ART GUIDELINE - CONSIDERATION OF SUBMISSIONS AND GUIDELINES ADOPTION - DIVISION 7**

*Meeting / Session:* 2 PLANNING & DEVELOPMENT  
*Reference:* A19608594 : 24 January 2020 - Refer Supporting Information A19663533 & A19664889  
*Responsible Officer:* NS, Coordinator Community & Cultural Programs (CES Community Services, Sport & Recreation)

**Executive Summary**

Council resolved at its General Meeting held 26 November 2019 to commence public consultation on The Mill 'Draft' Public Art Guidelines (the guidelines). The public consultation process occurred between 29 November 2019 and 29 January 2020, utilising a similar process for making or amending Planning Scheme Policies under the Minister's Guidelines and Rules.

The purpose of this report is to seek Council's:

- approval for the proposed changes to the draft guidelines resulting from the public consultation process;
- adoption of the revised The Mill at Moreton Bay *Public Art Guidelines* (Refer Supporting Information #1) as guidance material to The Mill at Moreton Bay Priority Development Area Development Scheme, for implementation effective 24 February 2020; and
- approval to notify submitters regarding the outcomes of the submission consideration process.

**RESOLUTION**

Moved by Cr Denise Sims

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 11/0

1. That Council has considered all properly made submissions received by Council about the proposed The Mill at Moreton Bay *Public Art Guidelines*.
2. That having considered the properly made submissions, Council approves the changes to the proposed The Mill at Moreton Bay *Public Art Guidelines* as contained in Supporting Information #1.
3. That the Chief Executive Officer be authorised to:
  - a) notify persons who made a properly made submission by writing about how their submission was dealt with;
  - b) prepare a Consultation Report generally in accordance with Supporting Information #2, summarising the issues raised in submissions and outlining how Council has responded to those issues; and
  - c) make publicly available the Consultation Report by:
    - (i) placing a copy on Council's website for viewing and downloading; and
    - (ii) providing the report to each person who made a properly made submission.

*ITEM 2.4 THE MILL AT MORETON BAY GUIDANCE MATERIAL: PUBLIC ART GUIDELINE - CONSIDERATION OF SUBMISSIONS AND GUIDELINES ADOPTION - DIVISION 7 - A19608594 (Cont.)*

4. That Council adopt The Mill at Moreton Bay *Public Art Guidelines* (Refer Supporting Information #1) as guidance material to The Mill at Moreton Bay Priority Development Area Development Scheme.
5. That The Mill at Moreton Bay *Public Art Guidelines* (Refer Supporting Information #1) commence on 24 February 2020.
6. That the Chief Executive Officer be authorised to do all things reasonable and necessary to commence The Mill at Moreton Bay *Public Art Guidelines*, including:
  - a) make publicly available the adopted guidelines by:
    - (i) placing a copy on Council's website for viewing and downloading; and
    - (ii) providing at least one public notice in a newspaper circulating in the region stating that the guidelines are adopted and will commence on 24 February 2020 and are publicly available as per Officer's Recommendation 6a.

ITEM 2.4 THE MILL AT MORETON BAY GUIDANCE MATERIAL: PUBLIC ART GUIDELINE - CONSIDERATION OF SUBMISSIONS AND GUIDELINES ADOPTION - DIVISION 7 - A19608594 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council has considered all properly made submissions received by Council about the proposed The Mill at Moreton Bay *Public Art Guidelines*.
2. That having considered the properly made submissions, Council approves the changes to the proposed The Mill at Moreton Bay *Public Art Guidelines* as contained in Supporting Information #1.
3. That the Chief Executive Officer be authorised to:
  - a) notify persons who made a properly made submission by writing about how their submission was dealt with;
  - b) prepare a Consultation Report generally in accordance with Supporting Information #2, summarising the issues raised in submissions and outlining how Council has responded to those issues; and
  - c) make publicly available the Consultation Report by:
    - (i) placing a copy on Council's website for viewing and downloading; and
    - (ii) providing the report to each person who made a properly made submission.
4. That Council adopt The Mill at Moreton Bay *Public Art Guidelines* (Refer Supporting Information #1) as guidance material to The Mill at Moreton Bay Priority Development Area Development Scheme.
5. That The Mill at Moreton Bay *Public Art Guidelines* (Refer Supporting Information #1) commence on 24 February 2020.
6. That the Chief Executive Officer be authorised to do all things reasonable and necessary to commence The Mill at Moreton Bay *Public Art Guidelines*, including:
  - a) make publicly available the adopted guidelines by:
    - (i) placing a copy on Council's website for viewing and downloading; and
    - (ii) providing at least one public notice in a newspaper circulating in the region stating that the guidelines are adopted and will commence on 24 February 2020 and are publicly available as per Officer's Recommendation 6a.

**REPORT DETAIL**

**1. Background**

The Mill at Moreton Bay (The Mill) Priority Development Area's (PDA) Development Scheme (DS) commenced on 18 August 2017. The DS identifies that public art that is appropriate to the origins, history and character of the area will contribute to the uniqueness and richness of The Mill.

The DS includes an allowance for the development of 'Guidance Material' to set the standard for the desired point of difference and ensure the PDA will be an exemplar for the region. The following action is included in the DS 'Implementation Strategy':

***Strategy 4.6, Action 2***

*"Develop additional guidance material as needed to assist in communicating the criteria within the development scheme (for example street profiles and cross sections)."*

Officers have developed The Mill 'Streetscape Guidelines' and 'Civic Space and Park Guidelines', for the Mill Central and part of the Mill Green, to provide more detail on achieving exemplary urban, streetscape, civic space, and park design. These guidelines illustrate where public art is required, however provide no further guidance in relation to the types of public art to be delivered or the overall outcomes sought.

*ITEM 2.4 THE MILL AT MORETON BAY GUIDANCE MATERIAL: PUBLIC ART GUIDELINE - CONSIDERATION OF SUBMISSIONS AND GUIDELINES ADOPTION - DIVISION 7 - A19608594 (Cont.)*

Accordingly, draft Public Art Guidelines for The Mill at Moreton Bay were developed to assist in communicating the vision and requirements for public art to developers, relevant contractors such as urban planners, architects, landscape architects, artists and designers, and set expectations for the community. Council's Development Services team will use the guidelines, once finalised, as an assessment tool, providing further detail to the Mill PDA Criteria.

Council resolved at its 26 November 2019 General Meeting to commence public consultation on The Mill 'Draft' Public Art Guidelines. The following resolution appears on minute page 19/2465 of the General Meeting of Council held 3 December 2019:

Ex. General Meeting held 26 November 2019 (MP. 19/2440):

RESOLUTION

That the Chief Executive Officer be authorised to commence public consultation (as described in this report) on "The Mill at Moreton Bay: (Draft) Public Art Guidelines" annexed at Supporting Information #1.

**2. Explanation of Item**

The guidelines will support the DS in delivering high-quality public art outcomes across The Mill PDA and enable Council to influence the type and character of public art commissions delivered by developers and other parties at The Mill. The guidelines will do this by, amongst other things, communicating the vision for public art at The Mill, the curatorial rationale and themes to be utilised in artwork commissions, and the assessment and approval processes for public art projects.

During the consultation, three submissions were received, two of which were considered properly made. Despite this, all submissions received have been considered.

A *Guidance Material Consultation Report* (Refer Supporting Information #2) has been prepared that categorises the submissions into themes, summarising the submitter's comments, and includes Council's proposed responses (where applicable).

In accordance with the Minister's Rules and Guidelines for Planning Scheme Policies (which are the equivalent to these guidelines), 'post-consultation' changes can be made to the guidelines to:

- (a) address issues raised in submissions;
- (b) amend a drafting error; or
- (c) address new or changed planning circumstances or information.

In accordance with the above, changes are proposed based on new information presented within the two submissions related to the guidelines (refer Supporting Information #1). These changes include:

- the addition of two new sections to the Framework for Developers (p. 10):
  - 9.3 Maintenance
  - 9.4 Decommissioning
- the inclusion of additional text to the Standard Artwork Commissioning Methodology that states the artist will "provide the client with images and a maintenance report" (p.15).
- the inclusion of additional text that states "the Moreton Bay Region is home to established and emerging artists with a diversity of arts practice. Developers may consider commissioning local artists, or opportunities to involve local artists, in the delivery of public art" (p. 5).



ITEM 2.4 THE MILL AT MORETON BAY GUIDANCE MATERIAL: PUBLIC ART GUIDELINE - CONSIDERATION OF SUBMISSIONS AND GUIDELINES ADOPTION - DIVISION 7 - A19608594 (Cont.)

**3. Strategic Implications**

3.1 Legislative / Legal Implications

The preparation of the guidelines has been undertaken in accordance with the Minister for Economic Development Queensland's (MEDQ) Instrument of Delegation and Direction and the *Economic Development Act 2012*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The guidelines will provide clarity and further detail to implement the Development Scheme.

3.4 Risk Management Implications

Providing guidance material for the PDA reduces the risk of inappropriate and poor-quality public art outcomes.

3.5 Delegated Authority Implications

This report recommends that the Chief Executive Officer be authorised to do all things reasonable and necessary to commence The Mill at Moreton Bay Public Art Guidelines.

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

The draft guidelines provide further detail to support the Development Scheme, which promotes economic benefits to the region. The potential economic benefits of public art at The Mill include, but are not limited to:

- Attracting investment and business; and
- Creating a cultural tourism destination.

3.8 Environmental Implications

Nil identified

3.9 Social Implications

The guidelines provide further detail to support the DS, which promotes positive social outcomes. The potential social benefits of public art at The Mill include:

- Creating a strong cultural identity;
- Creating a sense of place;
- Animating public spaces and places;
- Celebrating community cultures; and
- Responding to the area's Aboriginal and historic heritage.

3.10 Consultation / Communication

Public consultation was undertaken between 29 November 2019 to 29 January 2020 (37 business days). The consultation involved:

- publication on 30 November 2019 and 11 January 2020 in the Courier Mail a notice—
  - i) stating that the proposed draft guidelines are published on the Council's website and available for inspection at Council's Strathpine and Caboolture Customer Service Centres and at the Redcliffe Library; and
  - ii) inviting persons to make submissions about the proposed draft guidelines by 12:00pm 29 January 2020.
- publishing the proposed draft guidelines on the Council website; and
- publishing a media release.

Following public consultation, internal Council consultation was undertaken with relevant Council departments about the submissions and the proposed actions.

*ITEM 2.4 THE MILL AT MORETON BAY GUIDANCE MATERIAL: PUBLIC ART GUIDELINE - CONSIDERATION OF SUBMISSIONS AND GUIDELINES ADOPTION - DIVISION 7 - A19608594 (Cont.)*

The commencement of the guidelines will be publicly notified through a public notice in the Courier Mail stating that the proposed guidelines are adopted and will commence on 24 February 2020 and are available on Council's website for viewing and downloading.

**ATTENDANCE**

Mr John Hall left the meeting at 3.30pm after Item 2.4.

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**3 CORPORATE SERVICES SESSION**

**(Cr M Constance)**

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No items for consideration.

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**4 ASSET CONSTRUCTION & MAINTENANCE SESSION**

**(Cr A Hain)**

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**ITEM 4.1**

**STRATHPINE - 199 GYMPIE ROAD - OFFICE FITOUT - DIVISION 9**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19597604 : 20 January 2020 - Refer **Confidential** Supporting Information  
**A19565294**  
*Responsible Officer:* BB, Manager Project Management (ECM Project Management)

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**Executive Summary**

Tenders were invited for the 'Strathpine - 199 Gympie Road - Office Fitout (Including Structural, Hydraulics and Electrical) (MBRC009472)' project. The tender closed on 14 January 2020 with a total of ten conforming tenders and two non-conforming tenders received.

It is recommended that the tender for the 'Strathpine - 199 Gympie Road - Office Fitout (Including Structural, Hydraulics and Electrical) (MBRC009472)' project be awarded to Premis Solutions Pty Ltd for the total sum of \$483,900 (excl. GST), as this offer represents the best overall value to Council.

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**RESOLUTION**

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Moved by Cr Mick Gillam

Seconded by Cr Koliana Winchester

**CARRIED 11/0**

1. That the tender for 'Strathpine - 199 Gympie Road - Office Fitout (Including Structural, Hydraulics and Electrical) (MBRC009472)' project be awarded to Premis Solutions Pty Ltd for the total sum of \$483,900 (excluding GST).
2. That the Council enters into an agreement with Premis Solutions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Premis Solutions Pty Ltd for 'Strathpine - 199 Gympie Road - Office Fitout (Including Structural, Hydraulics and Electrical) (MBRC009472)' project and any required variations of the agreement on Council's behalf.

ITEM 4.1 STRATHPINE - 199 GYMPIE ROAD - OFFICE FITOUT - DIVISION 9 - A19597604 (Cont.)

## OFFICER'S RECOMMENDATION

1. That the tender for 'Strathpine - 199 Gympie Road - Office Fitout (Including Structural, Hydraulics and Electrical) (MBRC009472)' project be awarded to Premis Solutions Pty Ltd for the total sum of \$483,900 (excluding GST).
2. That the Council enters into an agreement with Premis Solutions Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Premis Solutions Pty Ltd for 'Strathpine - 199 Gympie Road - Office Fitout (Including Structural, Hydraulics and Electrical) (MBRC009472)' project and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

The project is located within Unit 9 of the Council-owned commercial complex at 199 Gympie Road, Strathpine directly adjacent to the Pine Rivers Community Hall. The project scope has involved the design, demolition, mechanical works, fit out and furniture supply for the overall refit of the space as a Council office space. The purpose of the project is to convert a previously under-utilised tenancy into a new efficient workspace to accommodate the growth of Council's workforce.

Noting that demolition is complete, fit out works are expected to commence in late February 2020 and take eight weeks to complete, weather permitting. Following completion of the fitout, it is expected that staff would require 1-2 days to move into the new space.



Figure 17: Site locality - Unit 9, 199 Gympie Road, Strathpine

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

Tenders for the 'Strathpine - 199 Gympie Road - Office Fitout (Including Structural, Hydraulics and Electrical) (MBRC009472)' project closed on 14 January 2020 with a total of ten conforming tenders and two non-conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria set out in the tender documents.

ITEM 4.1 STRATHPINE - 199 GYMPIE ROAD - OFFICE FITOUT - DIVISION 9 - A19597604 (Cont.)

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

RANK	TENDERER	EVALUATION SCORE
1	Premis Solutions Pty Ltd	98.05
2	Future Fitouts (Qld) Pty Ltd	97.08
3	INTREC Management Pty Ltd	96.33
4	Signature Projects Pty Ltd	95.60
5	Quadric Pty Ltd	91.72
6	LEAF Building Group Pty Ltd	91.13
7	Kane Constructions (QLD) Pty Ltd (trading as arete Australia)	85.00
8	Verve Constructions (QLD) Pty Ltd	83.69
9	Modus Projects Pty Ltd	76.74
10	Kimini Constructions Pty Ltd	71.53
11	MC Industries Pty Ltd	Non-conforming
12	Workspace Commercial Furniture	Non-conforming

**Premis Solutions Pty Ltd (Premis Solutions)** submitted a comprehensive and well-presented tender. A tender clarification meeting was held on 30 January 2020 at which Premis Solutions demonstrated their relevant experience, construction methodology, environmental considerations, safety track record and subcontractors. Premis Solutions have previously completed similar projects including the (MBRC) Albany Creek Community Centre Internal Refurbishment valued at \$240,000, WorkCover L6-15 Refresh valued at \$2.7M for WorkCover and Ashgrove Library Upgrade valued at \$870,000 for Brisbane City Council.

**Future Fitouts (Qld) Pty Ltd** submitted a comprehensive and well-presented tender; however, there were no additional benefits for the higher price.

**INTREC Management Pty Ltd** submitted a comprehensive and well-presented tender; however, there were no additional benefits for the higher price.

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

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

#### 3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Strong local governance - a council connected with its community.

#### 3.3 Policy Implications

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

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

ITEM 4.1 STRATHPINE - 199 GYMPIE ROAD - OFFICE FITOUT - DIVISION 9 - A19597604 (Cont.)

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 is minimised is detailed below.

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

Construction Risks:

- a. The recommended contractor will provide a program of works, traffic management plan, safety management plan and environmental plan as part of the contract to identify and detail how it will manage and mitigate project construction risks.
- b. The recommended contractor has demonstrated their understanding of the project site and the need to manage the impact of the works and the ability for lessees and the community to access the adjacent tenancies and facilities including lay down spaces and limiting use of car parking areas in peak times. The building contractor is experienced in working with existing tenants to limit disruption during works.
- c. The recommended contractor has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works efficiently.
- d. Inclement weather may impact on the duration of the works in the early stages of the project, particularly installation of mechanical plant. An allowance for wet weather is included in the contractor's construction duration.
- e. Demolition works have been completed as a separate contract package which reduces the risk of latent conditions under this contract.
- f. Supply and installation of Mechanical Plant and Furniture has been separated from this contract to reduce lead times for these items.
- g. There are no development approval risks relating to this contract.
- h. There are no procurement risks relating to this contract. The timeframe from awarding the contract and commencement of works has been clarified with the contractor and there is sufficient lead time for material procurement so as not to delay the project.

3.5 Delegated Authority Implications             Nil identified

3.6 Financial Implications

Council has allocated \$1,400,000 (\$1,025,000 Q2) in the 19-20 FY Capital Projects Program to commence the design and preconstruction works for this project. All financial information below is excluding GST.

19/20 Design	\$ 75,829.00
Demolition	\$ 102,039.85
Mechanical Contract	\$ 176,440.00
Furniture Contract (estimate)	\$ 160,000.00
BMS System Allowance	\$ 20,000.00
AV Allowance	\$ 5,000.00
Future adjacent car park (estimate)	\$ 300,000.00
Tender price (construction this contract)	\$ 483,900.00
Contingency (10%)	\$ 48,390.00
Consultancy services	\$ 5,000.00
QLeave (0.475%)	\$ 2,298.53
	-----
Total project cost	\$1,378,897.38
	=====
Estimated ongoing operational/maintenance costs	\$43,000 per F/Y

ITEM 4.1 STRATHPINE - 199 GYMPIE ROAD - OFFICE FITOUT - DIVISION 9 - A19597604 (Cont.)

There are sufficient funds for the project.

3.7 Economic Benefit Implications

The project strengthens the community by providing strong local governance and a council connected with its community. The project makes use of a previously underutilised space.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the successful tenderer, detailing the management of environmental matters affecting the project during construction.

3.9 Social Implications

Nil identified

3.10 Consultation / Communication

A detailed communication plan has been prepared for this project. Communication strategies include project notices and personal contact to be undertaken with adjacent tenants two weeks prior to work activities. Fortnightly email updates to the Divisional Councillors. The Divisional Councillors have been consulted and are supportive of the project.

**ITEM 4.2**

**TENDER - GROUNDS MAINTENANCE SERVICES - REDCLIFFE PENINSULA (RAIL)  
LINE SHARED PATH CORRIDOR - DIVISIONS 4, 5, 6 & 7**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19548097: 10 February 2020 - Refer **Confidential** Supporting Information  
**A18909808**  
*Responsible Officer:* TO, Team Leader - Asset Maintenance (ECM Directorate)

**Executive Summary**

Tenders were called for *Grounds Maintenance Services Redcliffe Peninsula Line Shared Path Corridor (MBRC009103)*. Tenders closed on 19 December 2019 with a total of 12 conforming and 1 non-conforming submissions received.

It is recommended that the tender for *Grounds Maintenance Services Redcliffe Peninsula Line Shared Path Corridor (MBRC009103)* be awarded to Elite Horticultural Services Pty Ltd for the annual sum of \$111,836.66 (excl. GST) as this offer represents the best overall value to Council.

**RESOLUTION**

Moved by Cr Koliana Winchester

Seconded by Cr Julie Greer

CARRIED 11/0

1. That the tender for *Grounds Maintenance Services Redcliffe Peninsula Line Shared Path Corridor (MBRC009103)* be awarded to Elite Horticultural Services Pty Ltd for the annual sum of \$111,836.66 (excl. GST) for an initial period of two years (1 July 2020 to 30 June 2022) with an option to extend a further two x one-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with Elite Horticultural Services Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Elite Horticultural Services Pty Ltd for *Grounds Maintenance Services Redcliffe Peninsula Line Shared Path Corridor (MBRC009103)* and any required variations of the agreement on Council's behalf.



ITEM 4.2 TENDER - GROUNDS MAINTENANCE SERVICES - REDCLIFFE PENINSULA (RAIL) LINE SHARED PATH CORRIDOR - DIVISIONS 4, 5, 6 & 7 - A19548097: 10 February 2020 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for *Grounds Maintenance Services Redcliffe Peninsula Line Shared Path Corridor (MBRC009103)* be awarded to Elite Horticultural Services Pty Ltd for the annual sum of \$111,836.66 (excl. GST) for an initial period of two years (1 July 2020 to 30 June 2022) with an option to extend a further two x one-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with Elite Horticultural Services Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Elite Horticultural Services Pty Ltd for *Grounds Maintenance Services Redcliffe Peninsula Line Shared Path Corridor (MBRC009103)* and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

As part of the Redcliffe Peninsula Line project, Moreton Bay Regional Council negotiated for the inclusion of a 3m wide shared path to be built adjacent to the new rail corridor. This shared path is bordered on both sides with a variety of turf and landscaped treatments which require a high presentation and maintenance regime.

The scope of works under this contract includes mowing of the turfed areas and landscape maintenance including weed management. The maintenance frequency within this contract has been set at 26 cycles per annum.

The current arrangement for grounds maintenance of the Redcliffe Peninsula Line shared path corridor is due to expire on 30 June 2020.

**2. Explanation of Item**

The tender for *Grounds Maintenance Services Redcliffe Peninsula Line Shared Path Corridor (MBRC009103)* closed on 19 December 2019, with submissions received from 13 companies. One of these submissions was deemed to be non-conforming. Tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the mandatory selection criteria set out in the tender documentation.

All tenderers with their weightings are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Skyline Landscape Services (QLD) Pty Ltd	99.58
<b>2</b>	<b>Elite Horticultural Services Pty Ltd</b>	<b>99.55</b>
3	Southern Cross Facilities Services Pty Ltd	96.45
4	Jungle Busters Pty Ltd	92.97
5	MMS Group Pty Ltd	87.23
6	River City Garden & Lawn Pty Ltd	90.53
7	Centrogen Pty Ltd	86.60
8	Broad Acre Maintenance Services	80.87

ITEM 4.2 TENDER - GROUNDS MAINTENANCE SERVICES - REDCLIFFE PENINSULA (RAIL) LINE SHARED PATH CORRIDOR - DIVISIONS 4, 5, 6 & 7 - A19548097: 10 February 2020 (Cont.)

RANK	TENDERER	EVALUATION SCORE
9	Gabriel Family Holdings Pty Ltd	71.17
10	Blue Maintenance Group Pty Ltd	54.51
11	Total Building Maintenance - Queensland	50.45
12	JWB Constructions Pty Ltd	18.04
13	Aruma Services	Non-conforming

**Skyline Landscape Services Pty Ltd (Skyline)** received the highest-ranking evaluation score and was the lowest priced offer received. The Skyline submission demonstrated that this company holds the required experience, resources and understanding of the tender's project requirements and scope.

Skyline currently have two portions (one large, once small) of grounds maintenance contracts in the region. Skyline are also the recommended tenderer for the DTMR High Profile Sites contract due for commencement 1 July 2020, to be considered by Council at its meeting of 18 February 2020. The panel was concerned about Skyline's ability/capacity to deliver on the existing and proposed contracts; coupled with a very minor difference in overall evaluation score between the two highest tenderers; and on this bases, recommended that the tender for the Redcliffe Peninsula Line be awarded to Elite Horticultural Services Pty Ltd.

**Elite Horticultural Services Pty Ltd (Elite)** received the second highest ranking evaluation score and was the second lowest priced submission received. The submission from Elite was very strong, included a detailed and clear understanding of the project requirements and scope, and demonstrated a high level of skill, knowledge, experience and qualifications desirable for this tender.

This company is the incumbent contractor for grounds maintenance services of the Redcliffe Peninsula Line Shared Path Corridor and has performed to a very high standard during the term of the current contract.

**Southern Cross Facilities Services Pty Ltd (Southern Cross)** received the third highest ranking based on the selection criteria and the third lowest price. Southern Cross' submission demonstrated this company holds the required experience and resources; however, they were not as competitive in the pricing for this tender.

The submission from **Aruma Services** was deemed non-conforming as the information contained in their submission related to a separate tender.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

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

ITEM 4.2 TENDER - GROUNDS MAINTENANCE SERVICES - REDCLIFFE PENINSULA (RAIL) LINE SHARED PATH CORRIDOR - DIVISIONS 4, 5, 6 & 7 - A19548097: 10 February 2020 (Cont.)

3.4 Risk Management Implications

This contract will ensure that the recommended tenderer's staff are suitably qualified and experienced to undertake these specialised services in accordance with MBRC specification and stakeholder expectation.

A third-party financial status review of the recommended tenderer with a financial status rating of 'strong' confirming their financial capacity to deliver the proposed works outlined in the contract.

3.5 Delegated Authority Implications             Nil identified

3.6 Financial Implications

This project will be debited to job number 20431-129-22004. The recommended tendered amount for this contract is within budget allocation.

Tender price	\$111,836.66
Contingency (5%)	\$ 5,591.83
	-----
Total annual contract	\$117,428.49
	=====

3.7 Economic Benefit Implications

The effective management and maintenance of this shared pathway corridor and its subsequent presentation has a definitive effect on the perception that people have of the region. Past observation has shown successful tenderers procure resources and recruit staff from within our region.

3.8 Environmental Implications

The recommended tenderer will be subject to the same State and Federal environmental legislation that regulates Council's parks maintenance activities.

3.9 Social Implications

The provision and regular maintenance of this high-profile asset has positive implications in terms of visual amenity and public safety outcomes. This asset is constantly used by pedestrians and cyclists and creates a general feeling of wellbeing for the community.

3.10 Consultation / Communication

Consultation for the delivery of this program has been undertaken with relevant officers, stakeholders and the procurement section of Council.

**ITEM 4.3  
TENDER - GROUNDS MAINTENANCE SERVICES - DTMR HIGH PROFILE  
LOCATIONS - REGIONAL**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19548083 : 10 February 2020 - Refer **Confidential** Supporting Information  
**A18909804**  
*Responsible Officer:* TO, Team Leader - Asset Maintenance (ECM Directorate)

**Executive Summary**

Tenders were called for *Grounds Maintenance Services of DTMR (Department of Transport and Main Roads) High Profile Locations (MBRC009104)*. Tenders closed on 19 December 2019 with a total of seven conforming and one non-conforming submissions received.

It is recommended that the tender for *Grounds Maintenance Services of DTMR High Profile Locations (MBRC009104)* be awarded to Skyline Landscape Services QLD Pty Ltd for the annual sum of \$529,724.04 (excl. GST), as this offer represents the best overall value to Council.

**RESOLUTION**

Moved by Cr Julie Greer

Seconded by Cr Denise Sims

CARRIED 11/0

1. That the tender for *Grounds Maintenance Services of DTMR High Profile Locations (MBRC009104)* be awarded to Skyline Landscape Services QLD Pty Ltd for the annual sum of \$529,724.04 (excl. GST) for an initial period of two years (1 July 2020 to 30 June 2022) with an option to extend a further two x one-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with Skyline Landscape Services QLD Pty Ltd as described in this report
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Skyline Landscape Services QLD Pty Ltd for *Grounds Maintenance Services of DTMR High Profile Locations (MBRC009104)* and any required variations of the agreement on Council's behalf.

ITEM 4.3 TENDER - GROUNDS MAINTENANCE SERVICES - DTMR HIGH PROFILE LOCATIONS - REGIONAL - A19548083 : 10 February (Cont.)

## OFFICER'S RECOMMENDATION

1. That the tender for *Grounds Maintenance Services of DTMR High Profile Locations (MBRC009104)* be awarded to Skyline Landscape Services QLD Pty Ltd for the annual sum of \$529,724.04 (excl. GST) for an initial period of two years (1 July 2020 to 30 June 2022) with an option to extend a further two x one-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with Skyline Landscape Services QLD Pty Ltd as described in this report
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Skyline Landscape Services QLD Pty Ltd for *Grounds Maintenance Services of DTMR High Profile Locations (MBRC009104)* and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

Council currently undertakes grounds maintenance services along parts of the DTMR road network (approximately 36.5 kilometres in length) under an existing 'Memorandum of Understanding' agreement with DTMR. The nominated high-profile locations under this contract are:

- Anzac Avenue (from Redcliffe Parade to the Petrie roundabout)
- Deception Bay Road (from Rothwell roundabout to Priests Road)
- Morayfield Road (from Graham Road, Morayfield to King Street, Caboolture)
- Lower King and King Street (from Bruce Highway to Glenfield Drive, Caboolture)
- Bribie Island Road (Ningi township between 60 kph entry signs)
- Gympie Road (from the Petrie roundabout to Brisbane City Council boundary at South Pine River)
- South Pine Road (from Gympie Road to Old Northern Road)
- Old Northern Road (from Albany Creek Road to the southern boundary with Brisbane City Council)
- Albany Creek Road (from the eastern Brisbane City Council boundary to South Pine Road).

The road segments comprise landscaped and grassed areas that are highly visible areas in the region.

The scope of works under this contract include mowing of turfed areas and landscape maintenance including weed management. The frequencies of maintenance within this contract have been set at 18 cycles per annum for the day works component, and 12 cycles per annum for the night works component.

The current arrangement for Grounds Maintenance Services of DTMR High Profile Locations is due to expire on 30 June 2020.

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

The tender for *Grounds Maintenance Services of DTMR High Profile Locations* closed on 19 December 2019, with submissions received from eight companies. One of the eight submissions was deemed to be non-conforming. Tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the mandatory selection criteria set out in the tender documentation.

ITEM 4.3 TENDER - GROUNDS MAINTENANCE SERVICES - DTMR HIGH PROFILE LOCATIONS - REGIONAL - A19548083 : 10 February (Cont.)

All tenderers with their weightings are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Skyline Landscape Services QLD Pty Ltd	96.64
2	River City Garden and Lawn Pty Ltd	91.25
3	Jungle Busters Pty Ltd	90.85
4	Elite Horticultural Services	88.96
5	MMS Group Pty Ltd	84.75
6	Broad Acre Maintenance Services	78.14
7	Gabriel Family Holdings Pty Ltd	50.04
8	Centrogen Pty Ltd	Non-conforming

**Skyline Landscape Services QLD Pty Ltd (Skyline)** received the highest ranking based on the selection criteria and submitted the second lowest price. The submission from Skyline was very strong and included a detailed and clear understanding of the project requirements and scope, and demonstrated a high level of skill, knowledge, experience and qualifications desirable for this tender. The panel recommend Skyline's offer as being the best value offer to Council.

**River City Garden and Lawn Pty Ltd (River City)** received the second highest ranking based on the selection criteria and submitted the fifth lowest priced offer. The River City submission demonstrated the company holds the required experience and resources but were not as competitive in their pricing for this tender.

**Jungle Busters Pty Ltd (Jungle Busters)** received the third highest ranking based on the selection criteria and submitted the sixth lowest price. The Jungle Busters submission was strong and demonstrated a high level of skill, knowledge, experience and qualifications desirable for this tender, but was not as price competitive when compared to submissions from the above companies. (This company is the incumbent contractor for Council's Grounds Maintenance Services of DTMR High Profile Locations and has performed to a very high level during the term of this contract.)

The submission from **Centrogen Pty Ltd** did not address the tender requirements relating to day works and night works and was therefore deemed non-conforming.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

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

*ITEM 4.3 TENDER - GROUNDS MAINTENANCE SERVICES - DTMR HIGH PROFILE LOCATIONS - REGIONAL - A19548083 : 10 February (Cont.)*

3.4 Risk Management Implications

This contract requirements will ensure that the contractor's staff are suitably qualified and experienced to undertake these specialised services in accordance with MBRC specification and stakeholder expectation. The recommended contractor and staff will be required to comply with Council's WH&S requirements and undertake a formal induction process prior to commencing the ground works.

A third-party financial status review of the recommended tenderer was undertaken, with a financial status rating of 'sound' confirming their financial capacity to deliver the proposed contracted works.

3.5 Delegated Authority Implications             Nil identified

3.6 Financial Implications

This project will be debited to job number 20431-124-22004. The recommended tender amount for this contract is within budget allocation.

Tender price	\$ 529,724.04
Contingency (5%)	\$ 26,486.20
	-----
Total annual contract amount	\$ 556,210.24
	=====

3.7 Economic Benefit Implications

The agreed maintenance levels of the DTMR road network under the existing 'Memorandum of Understanding' agreement with DTMR and its subsequent presentation has a definitive effect on the perception that people have of the region. Past observation has shown successful tenderers procure resources and recruit staff from within our region.

3.8 Environmental Implications

The successful tenderer will be subject to the same State and Federal environmental legislation that regulates Council's urban roads maintenance activities.

3.9 Social Implications

The provision and regular maintenance of these high-profile assets has positive implications in terms of visual amenity, public safety outcomes and create a general feeling of wellbeing for the community.

3.10 Consultation / Communication

Consultation for the delivery of this program has been undertaken with relevant officers, stakeholders, department managers and the procurement section of Council.

**ITEM 4.4**

**TENDER - GROUNDS MAINTENANCE SERVICES (CEMETERIES) - REGIONAL**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19548068 : 10 February 2020 - Refer **Confidential** Supporting Information  
**A18909801**  
*Responsible Officer:* TO, Team Leader - Asset Maintenance (ECM Operations)

**Executive Summary**

Tenders were called for *Grounds Maintenance Services - Regional Cemeteries (MBRC009102)*. Tenders closed on 19 December 2019 with a total of 10 conforming submissions received.

It is recommended that the tender for *Grounds Maintenance Services - Regional Cemeteries (MBRC009102)* be awarded to River City Garden & Lawn Pty Ltd for the annual amount of \$202,716.15 (excluding GST), as this offer represents the best overall value to Council.

**RESOLUTION**

Moved by Cr Koliانا Winchester

Seconded by Cr Peter Flannery

CARRIED 11/0

1. That the tender for *Grounds Maintenance Services - Regional Cemeteries (MBRC009102)* be awarded to River City Garden & Lawn Pty Ltd for the annual sum of \$202,716.15 (excluding GST) for an initial period of two years (1 July 2020 to 30 June 2022) with an option to extend a further two x one-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with River City Garden & Lawn Pty Ltd as described in this report
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with River City Garden & Lawn Pty Ltd for *Grounds Maintenance Services - Regional Cemeteries (MBRC009102)* and any required variations of the agreement on Council's behalf.



*ITEM 4.4 TENDER - GROUNDS MAINTENANCE SERVICES (CEMETERIES) - REGIONAL - A19548068 : (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That the tender for *Grounds Maintenance Services - Regional Cemeteries (MBRC009102)* be awarded to River City Garden & Lawn Pty Ltd for the annual sum of \$202,716.15 (excluding GST) for an initial period of two years (1 July 2020 to 30 June 2022) with an option to extend a further two x one-year periods, subject to satisfactory performance.
2. That the Council enters into an agreement with River City Garden & Lawn Pty Ltd as described in this report
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with River City Garden & Lawn Pty Ltd for *Grounds Maintenance Services - Regional Cemeteries (MBRC009102)* and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

Council undertakes grounds maintenance services at Redcliffe Cemetery, Tallowood Cemetery (Deception Bay), King Street Cemetery (Caboolture), Albany Creek Cemetery, Samford Cemetery, Samsonvale Cemetery, Lawnton Cemetery, Dayboro Cemetery and Caboolture River Road Cemetery.

Services include mowing of the grounds and garden maintenance including weed management. The frequency of grounds maintenance within this contract has been set at 39 cycles per annum.

The current arrangement for regional grounds maintenance of cemeteries is due to expire on 30 June 2020.

**2. Explanation of Item**

Tenders were called for *Grounds Maintenance Services - Regional Cemeteries*. Tenders closed on 19 December 2019, with conforming submissions received from 10 companies. Tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the mandatory selection criteria set out in the tender documentation.

All tenderers with their weightings are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	River City Garden and Lawn Pty Ltd	98.57
2	Brisbane Commercial Lawn and Garden Care	96.43
3	Skyline Landscape Services QLD Pty Ltd	93.68
4	Aruma Services	79.76
5	The Plant Maintenance Company	76.95
6	Coast2Coast Grounds and Gardens Pty Ltd	74.81
7	Beach and Ocean Art Design	70.87
8	MMS Group Pty Ltd	69.48
9	Broad Acre Maintenance Services	66.04
10	Novar Group Pty Ltd	44.84

ITEM 4.4 TENDER - GROUNDS MAINTENANCE SERVICES (CEMETERIES) - REGIONAL - A19548068 : (Cont.)

**River City Garden and Lawn Pty Ltd (River City)** received the highest ranking based on the selection criteria and submitted the lowest price. The submission from River City was very strong and included a detailed and clear understanding of the project requirements and scope, and demonstrated a high level of skill, knowledge, experience and qualifications desirable for this tender. The offer from River City was deemed by the panel to be the best value offer to Council and is the recommendation of this report.

**Brisbane Commercial Lawn and Garden Care (Brisbane Commercial)** received the second highest ranking based on the selection criteria and submitted the third lowest price. The Brisbane Commercial submission demonstrated this company holds the required experience and resources and clearly understands this tender's project requirements and scope, however, were not as competitive in their pricing for this tender and therefore not deemed best value to Council.

**Skyline Landscape Services QLD Pty Ltd (Skyline)** received the third highest ranking based on the selection criteria and submitted the fifth lowest price. The Skyline submission demonstrated a sound understanding of the project specification and scope; however, were not as competitive in their pricing for this tender and therefore not deemed best value to Council.

**3. Strategic Implications**

3.1 Legislative / Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

The contract requires that the recommended tenderer's staff are suitably qualified and experienced to undertake specialised services in accordance with the tender (MBRC) specification and stakeholder expectation. The recommended tenderer and its staff will be required to comply with Council's WH&S requirements and undertake a formal induction process prior to commencing the ground works.

A third-party financial status review of the recommended tenderer was undertaken and received a financial status rating of 'strong', confirming their financial capacity to deliver the proposed works outlined in the contract.

3.5 Delegated Authority Implications                       Nil identified

3.6 Financial Implications

This project will be debited to job number 20431-121-22004. The tendered amount is within budget allocation for this contract.

Tender price	\$ 202,716.15
Contingency (5%)	\$ 10,135.80
	-----
Total annual contract amount	<u>\$ 212,851.95</u>

3.7 Economic Benefit Implications

The effective management and maintenance of cemeteries and their subsequent presentation has a definitive effect on the perception that people have of the region. Past observation has shown successful tenderers procure resources and recruit staff from within our region.

*ITEM 4.4 TENDER - GROUNDS MAINTENANCE SERVICES (CEMETERIES) - REGIONAL - A19548068 : (Cont.)*

3.8 Environmental Implications

The successful tenderer will be subject to the same State and Federal environmental legislation that regulates Council's parks maintenance activities.

3.9 Social Implications

Regional cemeteries, maintained to a high level by Council, provide a safe and visually amenable environment for the community to visit.

3.10 Consultation / Communication

Consultation for the delivery of this program has been undertaken with relevant officers, stakeholders, department managers including the former Manager Regulatory Services and the procurement section of Council.

**ITEM 4.5  
NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT - DETAILED DESIGN -  
DIVISION 4**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19620012: 29 January 2020  
*Responsible Officer:* BB, Manager Project Management (ECM Project Management)

**Executive Summary**

Council is currently designing a new central works depot at Boundary Road, Narangba procured under Local Buy contract BUS 262 for Engineering and Environmental.

Additional design work is required for consideration of an additional office floor to the proposed two-level building to accommodate various Council staff, in addition to Asset Maintenance at this facility.

This report recommends that Council enters into a variation to the current contractual arrangement with Bornhorst & Ward Pty Ltd to progress the *Narangba - Boundary Road - Depot Development - Detailed Design* project.

**RESOLUTION**

Moved by Cr Julie Greer

Seconded by Cr Peter Flannery

CARRIED 11/0

1. That in accordance with section 234 of the Local Government Regulation 2012, Council is satisfied that an agreement with Bornhorst & Ward Pty Ltd to undertake the additional design work for the *Narangba - Boundary Road - Depot Development - Detailed Design* project is entered into under an LGA Arrangement (Local Buy).
2. That the Council enters into an agreement with Bornhorst & Ward Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the variation to the agreement with Bornhorst & Ward Pty Ltd for the *Narangba - Boundary Road - Depot Development - Detailed Design* project and any required variations of the agreement on Council's behalf.

ITEM 4.5 NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT - DETAILED DESIGN - DIVISION 4 - A19620012 (Cont.)

## OFFICER'S RECOMMENDATION

1. That in accordance with section 234 of the Local Government Regulation 2012, Council is satisfied that an agreement with Bornhorst & Ward Pty Ltd to undertake the additional design work for the *Narangba - Boundary Road - Depot Development - Detailed Design* project is entered into under an LGA Arrangement (Local Buy).
2. That the Council enters into an agreement with Bornhorst & Ward Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the variation to the agreement with Bornhorst & Ward Pty Ltd for the *Narangba - Boundary Road - Depot Development - Detailed Design* project and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

Bornhorst & Ward Pty Ltd was awarded the tender for the *Narangba - Boundary Road - Depot Development - Detailed Design (VP104383)* on 7 May 2019 - refer to Coordination Committee Minute Page 19/772-19/773.

A variation to the design to consider an additional floor to that of the current project scope's two-level building at this central location is recommended. The proposed facility's central location is attractive to accommodate a range of Council staff, in addition to that of Asset Maintenance staff and to provide for growth. It is timely to consider this variation as detailed design is still in relatively early stage (15%).

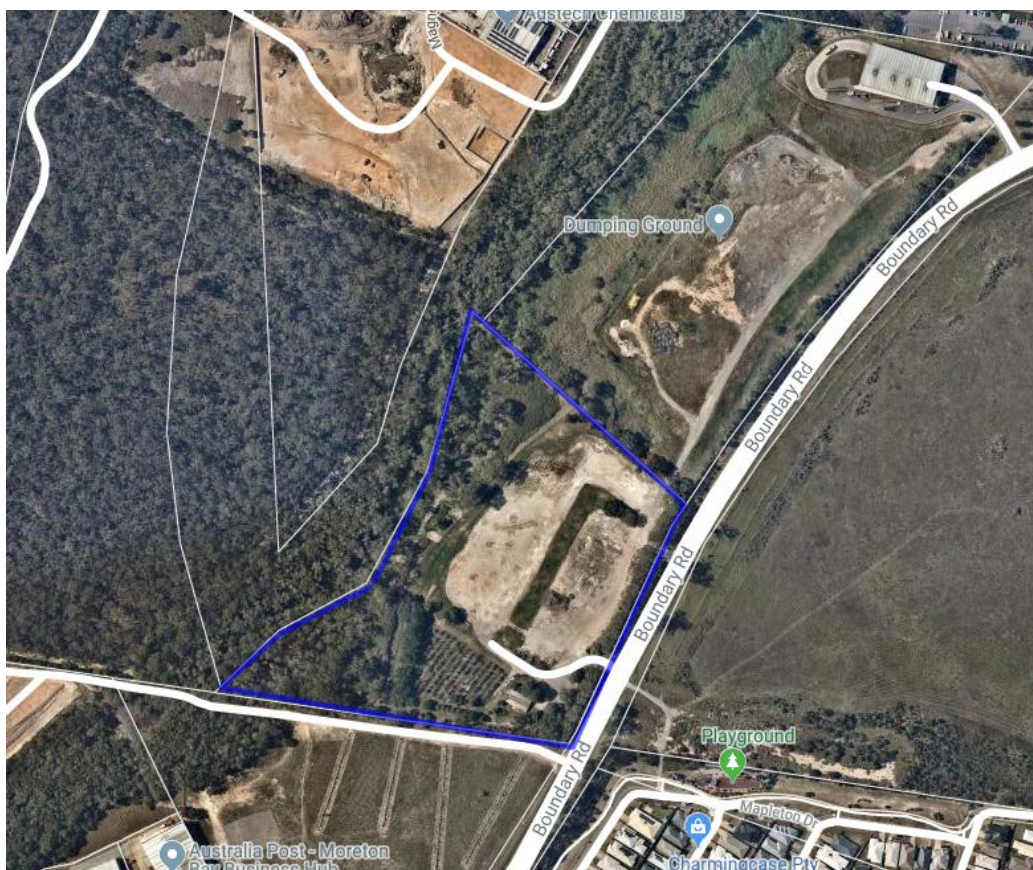


Figure 1: Site of works

*ITEM 4.5 NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT - DETAILED DESIGN - DIVISION 4 - A19620012 (Cont.)*

**2. Explanation of Item**

As the principal consultant appointed under the contract, Bornhorst & Ward will manage the additional detailed design including its nominated sub-consultants. The scope and associated fee proposal align with the current contract and will leverage the project knowledge Bornhorst & Ward has with work completed to date.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

To manage legal risk and implications, the agreement with Bornhorst & Ward Pty Ltd will be a variation to the current contract for consultancy services using a Local Buy Panel supplier thus ensuring Council's contractual risk is adequately managed.

Under section 234 of the Local Government Regulation 2012, a local government may enter into a contract for goods and services without first inviting written quotes or tenders if the contract is entered under an LGA arrangement (Local Buy). Local Buy Contract BUS262 for Engineering & Environmental is an LGA arrangement.

**3.2 Corporate Plan / Operational Plan**

This project is consistent with the Corporate Plan outcome - Strengthening Communities: Strong local governance - a council connected with its community.

**3.3 Policy Implications**

Procurement Policy 2150-006 notes that for all contracts exceeding \$200,000 it is necessary to conduct an open tender process, unless an exception is made in accordance with the Local Government Regulation 2012.

**3.4 Risk Management Implications**

A detailed risk management plan has been prepared. The project risk has been assessed and the identified issues noted in the current contract. The way in which the possible impact of these risks is minimised is detailed below.

*a. Financial*

Tenders were invited from consultants selected from the Local Buy Supplier Panel with prequalified supplier arrangements in place.

**3.5 Delegated Authority Implications**                       Nil identified

**3.6 Financial Implications**

Council originally allocated a total of \$8,226,054 in the 19-20 FY Capital Project Program. At quarter 2, the budget allocation was reduced (\$6.9M funds deferred) to a total budget of \$1,326,054. All financials are excluding GST. The additional design work has been priced (lump sum) at \$290,405.

Current Building Design Contract Value	\$ 867,171.00
Current Contract Variations	\$ 124,091.00
Project Management costs	\$ 45,192.00
<b>Sub-total</b>	<b>\$1,036,454.00</b>
Proposed three level building design variation	\$ 290,405.00
Total Project Building Design Cost	----- \$1,326,859.00 =====

The progress of the design will be monitored and managed closely.

*ITEM 4.5 NARANGBA - BOUNDARY ROAD - DEPOT DEVELOPMENT - DETAILED DESIGN - DIVISION 4 - A19620012 (Cont.)*

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Consultation / Communication

The design work will be managed by the Project Management team in line with communication policies and protocols. Council's Legal Services and Procurement teams have been consulted regarding the proposed arrangement.

**ITEM 4.6  
CABOOLTURE - BROWN STREET CORRIDOR - ROAD CONSTRUCTION AND  
UPGRADE - DIVISION 3**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19425318 : 3 December 2019 - Refer **Confidential** Supporting Information  
**A19539545**  
*Responsible Officer:* BB, Manager Project Management (ECM Project Management)

**Executive Summary**

Tenders were invited for the 'Caboolture - Brown Street Corridor - Road Construction and Upgrade (MBRC009301)' project. The tender closed on 20 December 2019 with a total of nine tenders received, all of which were conforming.

It is recommended that Council award the contract to CES Civil SEQ Pty Ltd for the sum of \$1,913,794.59 (excl. GST) as this tender was evaluated as representing the best overall value to Council.

**RESOLUTION**

Moved by Cr Brooke Savige

Seconded by Cr Peter Flannery

CARRIED 11/0

1. That the tender for the 'Caboolture - Brown Street Corridor - Road Construction and Upgrade (MBRC009301)' project be awarded to CES Civil SEQ Pty Ltd for the sum of \$1,913,794.59 (excl. GST).
2. That the Council enters into an agreement with CES Civil SEQ Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with CES Civil SEQ Pty Ltd for the 'Caboolture - Brown Street Corridor - Road Construction and Upgrade (MBRC009301)' project and any required variations of the agreement on Council's behalf.
4. That to allow the project to continue, Council commits to providing \$1,000,000 in the draft 2020-21 Financial Year Capital Projects Program.



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*ITEM 4.6 CABOOLTURE - BROWN STREET CORRIDOR - ROAD CONSTRUCTION AND UPGRADE - DIVISION 3  
- A19425318 (Cont.)*

## **OFFICER'S RECOMMENDATION**

1. That the tender for the 'Caboolture - Brown Street Corridor - Road Construction and Upgrade (MBRC009301)' project be awarded to CES Civil SEQ Pty Ltd for the sum of \$1,913,794.59 (excl. GST).
2. That the Council enters into an agreement with CES Civil SEQ Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with CES Civil SEQ Pty Ltd for the 'Caboolture - Brown Street Corridor - Road Construction and Upgrade (MBRC009301)' project and any required variations of the agreement on Council's behalf.
4. That to allow the project to continue, Council commits to providing \$1,000,000 in the draft 2020-21 Financial Year Capital Projects Program.

## ***REPORT DETAIL***

### **1. Background**

The project is located along the Brown Street Corridor which runs from Ardrossan Road to Pettigrew Street, Caboolture.

The scope of works involves the construction of a new road between Ardrossan Road and Elof Road. The works also include construction of a new roundabout at Elof Road and Cassowary Court intersection, including on-road cycle lanes, pathway facilities and elements of water sensitive urban design. The project will supplement capacity improvements created by the construction of the Brown Street bridge to accommodate future traffic volumes and provide pedestrian and cyclist connectivity and amenity.

Project works will commence in March 2020 and take six months to complete, which includes an allowance for wet weather.

ITEM 4.6 CABOOLTURE - BROWN STREET CORRIDOR - ROAD CONSTRUCTION AND UPGRADE - DIVISION 3  
- A19425318 (Cont.)



Figure 1: Locality Plan - works site

2. Explanation of Item

Tenders were invited for the 'Caboolture - Brown Street Corridor - Road Construction and Upgrade (MBRC009301)' project and closed on 20 December 2019, with a total of nine conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	CES Civil SEQ Pty Ltd	97.33
2	Allroads Pty Ltd	96.78
3	HEH Civil Pty Ltd	95.19
4	Hazell Bros (Qld) Pty Ltd	93.31
5	Civlec Pty Ltd T/A GRC Civil	88.98
6	AllenCon Pty Ltd	88.50

*ITEM 4.6 CABOOLTURE - BROWN STREET CORRIDOR - ROAD CONSTRUCTION AND UPGRADE - DIVISION 3 - A19425318 (Cont.)*

RANK	TENDERER	EVALUATION SCORE
7	Ryan Civil Contracting Pty Ltd	87.30
8	SGQ Pty Ltd	86.07
9	Epoca Constructions Pty Ltd	82.68

**CES Civil SEQ Pty Ltd (CES)** submitted a comprehensive tender. A tender clarification meeting was held on 24 January 2020 at which CES demonstrated their experience and understanding of the project requirements and capability in delivering the works. CES's methodology has been designed to minimise disruption to road users throughout the project. The contractor will stage the works and maintain one lane of traffic along Elof Road and Cassowary Court, under contraflow. Translink buses will be provided with priority through the site. The road will be open to two lanes of traffic each day after the completion of works. CES has undertaken construction works for Moreton Bay Regional Council, including Margate - Cox Street - Drainage Upgrade valued at \$3.5M and Redcliffe - Jeffrey Street - Drainage Construction Upgrade 2 and Road Rehabilitation valued at \$1.4M, James Cook University Mount Stuart Continuation / Western Carpark / James Cook Drive reconstruction valued at \$3M. The assessment panel evaluated the offer from CES as providing the best overall value to Council.

**Allroads Pty Ltd (Allroads)** submitted a comprehensive and well-presented tender. A tender clarification meeting was held on 24 January 2020 at which Allroads demonstrated their experience and understanding of the project requirements and capability in delivering the works; however, there were no additional benefits for the higher price.

**HEH Civil Pty Ltd (HEH)** submitted a comprehensive and well-presented tender. A tender clarification meeting was held on 24 January 2020 at which HEH demonstrated their experience and understanding of the project requirements and capability in delivering the works; however, there were no additional benefits for the higher price.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

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

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

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

- Council's Procurement Policy 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 is minimised is detailed below.

**Financial Risks:**

- a. CES Civil NQ Pty Ltd have provided a cross company guarantee for the subsidiary company CES Civil SEQ Pty Ltd. A third-party review of financial status has been carried out on CES Civil NQ Pty Ltd and the successful tenderer was rated '*sound*'.

*ITEM 4.6 CABOOLTURE - BROWN STREET CORRIDOR - ROAD CONSTRUCTION AND UPGRADE - DIVISION 3 - A19425318 (Cont.)*

Construction Risks:

- b. The recommended tenderer will provide a program of works, traffic management plans, safety management plan, environmental management plan, tree management plan, and quality management documentation as part of the contract to detail how they will plan, establish and manage project construction risks which will be reviewed and audited by Project Management.
- c. Unsuitable subgrade may be encountered during earthworks. The pavement design has incorporated potential treatments and a provisional sum for the treatment of unsuitable subgrade materials has been included in the contract and the project contingency.
- d. The recommended tenderer has demonstrated their understanding of the project site and the need to manage the impact on road users and property access requirements.
- e. The recommended tenderer has indicated that their program of works takes into consideration the provision of appropriate resources to be able to complete the project works efficiently.
- f. An allowance for wet weather (8 weeks) is included in the recommended tenderer's construction program.
- g. There are no development approval risks relating to this contract.
- h. The procurement risks relating to this project are low given that there is sufficient lead time for the recommended tenderer to procure the relevant construction materials as to not delay the project.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

Council has allocated a total of \$3,865,000 for this project, with \$1,865,000 for construction in the 19-20 FY and has a \$2,000,000 allocation in the draft 20-21 FY Capital Projects Program. All financial information below is excluding GST.

Street lighting (Energex)	\$ 288,608.57
Construction tender	\$ 1,913,794.59
Contingency (15%)	\$ 287,069.19
Service Relocations (Unitywater/Telstra)	\$ 92,581.79
QLeave (0.475%)	\$ 9,090.52
	-----
Total Project Cost	\$ 2,591,144.66
	=====

Estimated ongoing operational/maintenance costs                    \$ 38,650 per F/Y.

The budget amount for this project is sufficient. It is recommended that the identified \$2,000,000 in the draft 2020-21 FY Capital Projects Program can be reduced to \$1,000,000.

3.7 Economic Benefit Implications

An economic benefit of the project is increased road network connectivity for future developments and residential access.

3.8 Environmental Implications

The recommended tenderer submitted an integrated Construction Project Management Plan as part of their tender submission. The plan includes quality, work health and safety, and environmental management. The integrated management plan details the management of onsite environmental matters affecting the project during construction.

3.9 Social Implications

The proposed project will supplement capacity improvements for current and future residents, improve cyclists and pedestrian access.

*ITEM 4.6 CABOOLTURE - BROWN STREET CORRIDOR - ROAD CONSTRUCTION AND UPGRADE - DIVISION 3  
- A19425318 (Cont.)*

3.10 Consultation / Communication

A detailed communication management plan has been prepared for this project. Communication strategies include project notices issued two weeks prior to the commencement of works, variable message boards (VMS Boards) placed on site during construction and 2 weeks pre and post construction, project signs placed at either end of the work site and fortnightly updates to the Divisional Councillor. The project will be progressively updated twice per week on the council website. The Divisional Councillor has been consulted and is supportive of the project.

The Procurement and Legal teams were consulted.

**ITEM 4.7**  
**LOCAL DISASTER MANAGEMENT PLAN 2019 - REGIONAL**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A19635126 : 3 February 2020 - **Refer Supporting Information A18539521 & A18715295**  
*Responsible Officer:* CCB, Disaster Preparedness Coordinator (ECM Directorate)

**Executive Summary**

This report seeks Council's approval of the Moreton Bay Regional Council (MBRC) Local Disaster Management Plan (the 'Plan' - version 5). The Plan was signed by the Chair of the Local Disaster Management Group (LDMG) and the Moreton District Disaster Coordinator (DDC) on 11 February 2020. The Plan has been prepared in accordance with the requirements of the *Disaster Management Act 2003*.

**RESOLUTION**

**Moved by Cr Peter Flannery**

**Seconded by Cr Matt Constance**

**CARRIED 10/0**

*Cr Mick Gillam had briefly retired from the meeting and was not present when the vote was taken.*

**That the Moreton Bay Regional Council Local Disaster Management Plan (amendment version 5 dated December 2019) be adopted as Council's approved plan for disaster management in the Moreton Bay Regional Council area.**

ITEM 4.7 LOCAL DISASTER MANAGEMENT PLAN 2019 - REGIONAL - A19635126 (Cont.)

## OFFICER'S RECOMMENDATION

That the Moreton Bay Regional Council Local Disaster Management Plan (amendment version 5 dated December 2019) be adopted as Council's approved plan for disaster management in the Moreton Bay Regional Council area.

## **REPORT DETAIL**

### **1. Background**

The authority to develop and maintain a Local Disaster Management Plan for the Moreton Bay Regional Council area is legislated under the provisions of Section 57(1) of the *Disaster Management Act 2003* (the Act). The current Plan (version 4.1) was approved by Moreton Bay Regional Council on 13 December 2018.

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

Section 59(1) of the Act states 'a local government may review, or renew, its local disaster management plan when the local government considers it appropriate'. Section 59(2) states 'However, the local government must review the effectiveness of the plan at least once a year'.

The most recent annual review of the Plan has been finalised with significant amendments and changes to the format being made from version 4.1. Key changes reflected in the Plan (amendment version 5 dated December 2019) include:

- Incorporation of an *Acknowledgement of Country* in the preamble.
- Alignment of the Plan content with Prevention, Preparedness, Response, Recovery framework.
- Updated foreword from the Chair of the Local Disaster Management Group (LDMG).
- Updated Abbreviations and Acronyms and Definitions, moved to Appendix A and B.
- Document Authorisation and Control updated and moved to Appendix F.
- Emergency contacts updated and moved to Appendix E.
- Part One: Structure & Governance
  - Updated from version 4.1 to incorporate recent renewal of Queensland Disaster Management Arrangements, Emergency Management Assurance Frameworks and other updates to governance that require communication to the reader.
  - Where appropriate, information has been summarised and relevant references provided for further information in a change from version 4.1.
  - Roles and responsibilities within the LDMG, DDMG and for all member/advisor agencies have been provided in a change from version 4.1 in a summarised, tabulated format with relevant internet hyperlinks provided for ease of access by the reader.
- Part Two: Community Characteristics
  - New format maps and images have been incorporated with the Plan to provide easy references for the reader in a change from version 4.1.
  - Demographic information relevant to the Plan has been provided in a new infographic format that is compatible with the technical accessibility tools used by community members with special needs in a change from version 4.1.
  - Infrastructure and Essential Services and Transport Network information have been updated and refined to include recent changes from version 4.1.
- Part Three: Disaster Risk Assessment
  - The three areas of high-risk exposure faced by the region, Bushfire, Severe Weather and Coastal Inundation have been highlighted.
  - Supporting State documents that help inform MBRC priorities for risk-treatment have been identified and hyper-linked for the benefit of readers.
  - A basic explanation of the QLD Emergency Risk Management Framework (QERMF) has been provided in addition to the outline of the MBRC strategy for Risk Treatment provided in version 4.1.
- Part Four: Prevention
  - Strategies for risk mitigation for vulnerable communities have been summarised from version 4.1.

*ITEM 4.7 LOCAL DISASTER MANAGEMENT PLAN 2019 - REGIONAL - A19635126 (Cont.)*

- Hazard-specific risks have been summarised in the Plan, with further detail provided in the supporting Local Disaster Hazard Specific Arrangements document in a change from version 4.1.
- Part Five: Preparedness
  - A summary of General Operational, Public Information & Warnings and Emergency Warning arrangements that are in place to support the community has been provided, reviewed and updated from version 4.1.
  - Information on Volunteer Coordination summarised in a change from version 4.1.
- Part Six: Response
  - A summary of the different levels of disaster response that can be adopted by MBRC and the LDMG has been reviewed and updated from version 4.1.
  - This includes tabulated information that provides clear information on Triggers, Actions and Communications that can be expected as responses move up and down the escalatory scale.
  - A summary of the region's disaster response arrangements is provided and the chain of authority for the declaration of a disaster in the region is confirmed.
- Part Seven: Relief and Recovery
  - An outline of MBRC Relief and Recovery strategies is provided for the reader with links to relevant State and Agency documents for further information in a change from version 4.1.
  - For a detailed account of MBRC Disaster Relief and Recovery Operations, readers are directed to address the dedicated Recovery Plan for MBRC that has been recently published in a change from version 4.1.
- Part Eight: Hazard Specific Arrangements
  - A summary of the MBRC Hazard Specific strategies is provided with readers also directed to consult the Local Disaster Hazard Specific Arrangements publication that will be published with the Plan if they require further information. This is a change from version 4.1 to make the Plan shorter and more accessible for the community.
  - The impact of Climate Change and its influence on likely hazards is detailed in a stand-alone sub-section. It details a summary of climate change effects, published by the Bureau of Meteorology and refers to the Emergency Management Sector Adaptation Plan publication that has been recently published by the State government.
- In a change from version 4.1, the Local Disaster Hazard Specific Arrangements provides detailed information on the MBRC strategies to mitigate and manage these hazards appropriately in a stand-alone supplementary document. This document supports community understanding and education for those community members who wish to access more detailed information about relevant MBRC strategies for disaster management.

### **3. Strategic Implications**

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

The authority to develop and maintain the Plan for the Moreton Bay Region is legislated under the provisions of Section 57(1) of the Act. Section 57(2) states the Plan must include provision for the following:

- a) the State group's strategic policy framework for disaster management for the State and the local government's policies for disaster management;
- b) the roles and responsibilities of entities involved in disaster operations and disaster management in the area;
- c) the coordination of disaster operations and activities relating to disaster management performed by the entities mentioned in paragraph (b);
- d) events that are likely to happen in the area;
- e) strategies and priorities for disaster management for the area;
- f) the matters stated in the disaster management guidelines as matters to be included in the plan;
- g) other matters about disaster management in the area the local government considers appropriate.

Section 59(1) of the Act states 'a local government may review, or renew, its local disaster management plan when the local government considers it appropriate. Section 59(2) states 'However, the local government must review the effectiveness of the plan at least once a year'.



*ITEM 4.7 LOCAL DISASTER MANAGEMENT PLAN 2019 - REGIONAL - A19635126 (Cont.)*

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Nil identified

3.4 Risk Management Implications

The integration of the new QERMF into how MBRC assesses its risk of exposure to disaster hazards is an ongoing process. The MBRC risk exposure to hazards has not changed significantly, but the appreciation and understanding of how its existing risk exposure may impact the community, environment and Council services continue to evolve as support and guidance are provided to Council from Queensland Fire Emergency Services Hazard Risk Unit. Further reporting and outputs from this process of review will be provided through routine LDMG business and reporting.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

Nil identified

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

This Plan seeks to support individuals, communities, businesses, industries, non-government organisations and government agencies to be aware of and prepared for disasters. Good planning is critical in assisting to minimise the consequences of a disaster event on the community and ensuring effective and timely operational response and recovery occurs. The Plan is one mechanism to build on the existing community and individual awareness of risk and participation in disaster management activities to enhance resilience.

3.10 Consultation / Communication

Consultation has occurred with the following persons/agencies:

- The Chair and Deputy Chair of the LDMG (Cr Flannery and Cr Constance)
- Members and Advisors of the LDMG (All Agencies)
- The Moreton District Disaster Coordinator and Executive Officer
- Queensland Fire and Emergency Services and Queensland Police Service personnel
- Council officers

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**5 PARKS, RECREATION & SPORT SESSION**

**(Cr K Winchester)**

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**ITEM 5.1**

**NEW LEASE - PINE HILLS LIGHTNING BASEBALL CLUB INC - DIVISION 10**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A19487671: 14 January 2020 - **Refer Supporting Information A19487672**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council's approval for the provision of a lease to Pine Hills Lightning Baseball Club Inc at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (refer Supporting Information #1). The proposed lease would take effect following construction of a new amenities building expected to be completed in March 2020.

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**RESOLUTION**

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**Moved by Cr Matt Constance**

**Seconded by Cr Denise Sims**

**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, subject to recommendation 3, Pine Hills Lightning Baseball Club Inc be granted a lease over an area at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (refer Supporting Information #1) for a period commencing at the conclusion of construction activities for the new amenities building, and expiring 28 February 2021.**
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 - PINE HILLS LIGHTNING BASEBALL CLUB INC - DIVISION 10 - A19487671 (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, subject to recommendation 3, Pine Hills Lightning Baseball Club Inc be granted a lease over an area at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (refer Supporting Information #1) for a period commencing at the conclusion of construction activities for the new amenities building, and expiring 28 February 2021.
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 2006, Pine Hills Lightning Baseball Club Inc has held a lease with Council over an area, including a canteen, scorers hut, amenities, batting cages and storage sheds, at James Drysdale Reserve, 2 Pine Hills Drive, Bunya (refer Supporting Information #1) for the purpose of operating a baseball club. This lease is due to expire on 28 February 2021.

As part of the James Drysdale Reserve Master Plan 2015, Council identified the need for an additional playing diamond and new amenities to support the activities of the Pine Hills Lightning Baseball Club Inc. Both the new diamond (located directly to the west of the existing diamond) and amenities building are being constructed by Council as part of its 2019/20 capital works program.

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

To enable Pine Hills Lightning Baseball Club Inc to occupy the new amenities building following its construction, Council will need to provide the group with an additional lease over the area where the building will be located (refer Supporting Information #1).

Accordingly, this report recommends that Council approve the granting of a new lease to Pine Hills Lightning Baseball Club Inc under the terms and conditions of Council's Community Leasing Policy, over the area identified in Supporting Information #1. Further it is recommended that this lease commence following the completion of construction activities associated with the new amenities building and conclude on 28 February 2021 to align with the club's existing lease at this location.

As with the majority of playing fields throughout the region, utilisation of the new diamond will be facilitated through the issuing of a non-exclusive Sports Field Permit to Pine Hills Lightning Baseball Club Inc. Council approval (via resolution) for the issuing of such permits is not required.

#### **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**

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

ITEM 5.1 NEW LEASE - PINE HILLS LIGHTNING BASEBALL CLUB INC - DIVISION 10 - A19487671 (Cont.)

- 3.3 Policy Implications  
The terms and conditions of the proposed lease agreement will be in accordance with Council's Community Leasing Policy (2150-079).
- 3.4 Risk Management Implications  Nil identified
- 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  Nil identified
- 3.7 Economic Benefit Implications  Nil identified
- 3.8 Environmental Implications  Nil identified
- 3.9 Social Implications  
The issuing of a lease to Pine Hills Lightning Baseball Club Inc will provide the club with additional facilities to support its operations.
- 3.10 Consultation / Communication  
Councillor Constance (Division 10)  
Pine Hills Lightning Baseball Club Inc

**ITEM 5.2  
NEW LEASE - BEACHMERE RUGBY LEAGUE FOOTBALL CLUB INCORPORATED  
- DIVISION 2**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A19527359 : 15 January 2020 - **Refer Supporting Information A19527358**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

This report seeks Council's approval for the provision of a trustee lease (lease) to Beachmere Rugby League Football Club Incorporated at the Beachmere Sports Complex, 57 Rogers Street, Beachmere (refer Supporting Information #1).

**RESOLUTION**

**Moved by Cr Peter Flannery**

**Seconded by Cr James Houghton**

**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, subject to recommendation 3, Beachmere Rugby League Football Club Incorporated be granted a lease over an area at 57 Rogers Street, Beachmere (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 5.2 NEW LEASE - BEACHMERE RUGBY LEAGUE FOOTBALL CLUB INCORPORATED - DIVISION 2 - A19527359 (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, subject to recommendation 3, Beachmere Rugby League Football Club Incorporated be granted a lease over an area at 57 Rogers Street, Beachmere (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**

Beachmere Rugby League Football Club Incorporated (the organisation) was founded in 1992 and currently occupies a clubhouse and two storage sheds at Beachmere Sports Complex (refer Supporting Information #1) for the purpose of operating a rugby league football club.

Since the adoption and implementation of Council's consolidated Community Leasing Policy (2150-079) in 2014, the organisation has operated without formal tenure arrangements being in place. The informal tenure was due primarily to ongoing negotiations between Council and the various user groups at the site, including the former Beachmere Sports Club Inc and, more recently, Beachmere Junior Rugby League Club Inc.

In late 2019, the Beachmere Rugby League Football Club Inc. and Beachmere Junior Rugby League Club Inc. resolved to merge and operate under the entity name of Beachmere Rugby League Football Club Incorporated. The merged club has now confirmed its willingness to formalise tenure arrangements at the site via a lease over its designated areas.

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

To implement the agreed tenure arrangements at this location, Council would need to provide the Beachmere Rugby League Football Club Incorporated with a lease over the clubhouse and two storage sheds (refer Supporting Information #1).

Accordingly, this report recommends that Council approves the granting of a lease, under the terms and conditions of Council's Community Leasing Policy, over the areas identified in Supporting Information #1 for a period of five years.

#### **3. Strategic Implications**

##### 3.1 Legislative / Legal Implications

The proposed lease will be registered with the Department of Natural Resources, Mines and Energy in accordance with the *Land Act 1994*.

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

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

ITEM 5.2 NEW LEASE - BEACHMERE RUGBY LEAGUE FOOTBALL CLUB INCORPORATED - DIVISION 2 - A19527359 (Cont.)

3.3 Policy Implications

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

3.4 Risk Management Implications                     Nil identified

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                                     Nil identified

3.7 Economic Benefit Implications                                     Nil identified

3.8 Environmental Implications                                     Nil identified

3.9 Social Implications

The issuing of a lease to Beachmere Rugby League Football Club Incorporated will provide the club with facilities to support its operations.

3.10 Consultation / Communication

Councillor Flannery (Division 2)  
Beachmere Rugby League Football Club Incorporated  
Beachmere Junior Rugby League Club Inc.

**ITEM 5.3 - DECLARATION OF INTEREST**

**Conflict of Interest - Declaration - Cr Koliana Winchester**

Pursuant to s175E of the *Local Government Act 2009*, Cr Koliana Winchester declared a perceived conflict of interest in Item 5.3 as Cr Winchester was previously a member of the Redcliffe Multicultural Association.

During this time Cr Koliana Winchester worked with Elizabeth Hunt who is currently on the management committee of Aiga Samoa Association North Brisbane Inc.

**However, Cr Koliana Winchester has considered her position and is firmly of the opinion that she could participate in the debate and resolution on the matter in the public interest.**

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

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

**Moved by Cr Julie Greer**

**Seconded by Cr James Houghton**

**CARRIED 10/0**

*Cr Winchester having made a declaration of interest is not entitled to vote*

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

**Cr Koliana Winchester remained in the meeting.**



**ITEM 5.3**

**NEW LEASE - AIGA SAMOA ASSOCIATION NORTH BRISBANE INC - DIVISION 2**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A17533231 : 2 January 2020 - **Refer Supporting Information A17533604**  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

This report seeks Council's approval for the provision of a trustee lease (lease) to Aiga Samoa Association North Brisbane Inc over an area located at 2 Raymond Terrace, Deception Bay (Refer Supporting Information #1).

**RESOLUTION**

Moved by Cr Peter Flannery

Seconded by Cr Brooke Savige

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, subject to recommendation 3, Aiga Samoa Association North Brisbane Inc be granted a trustee lease over an area at 2 Raymond Terrace, Deception Bay (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 5.3 NEW LEASE - AIGA SAMOA ASSOCIATION NORTH BRISBANE INC - DIVISION 2 - A17533231 (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, subject to recommendation 3, Aiga Samoa Association North Brisbane Inc be granted a trustee lease over an area at 2 Raymond Terrace, Deception Bay (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**

Aiga Samoa Association North Brisbane Inc (Aiga Samoa) was incorporated in 2001. The primary objective of the organisation is to provide education, recreation and social support initiatives to members of the Samoan community, especially young people. The organisation comprises approximately 40 members from Deception Bay and surrounding areas, however their activities and services attract significantly higher participation rates.

In November of 2003, the Maota Fono structure (refer Supporting Information #1) was built at 2 Raymond Terrace, Deception Bay by the former Caboolture Shire Council in partnership with the Queensland Government and the Samoan community. Maota Fonos (meaning *Community Meeting Houses* in the Samoan language) are purpose-built structures present in most Samoan villages which are utilised for very special occasions and ceremonies.

Since construction, the Maota Fono has been considered an important and culturally significant asset to the local Samoan community. Accordingly, the facility has been managed by Aiga Samoa under a series of management agreements (the last of which expired in July 2016) which ensured its use is culturally appropriate and best meets the needs of the Samoan community.

Additionally, Aiga Samoa have lodged an application to seek Council approval to construct a community garden adjacent to the Maoto Fono. Community gardens are culturally significant to the Samoan community and while the group has historically tended some limited plantings adjacent to their structure, they are seeking to expand and formalise the activity. The proposed community garden would include plants for both food production as well as use for craft and ceremonial purposes.

Council's Parks and Recreation Planning team has collaborated with Aiga Samoa on the development of their community garden proposal, and undertaken consultation with various internal stakeholders, including the Divisional Councillor.

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

As a result of consultation between Council and Aiga Samoa, the organisation has agreed to formalise their occupation of the Maota Fono under the provision of Council's Community Leasing Policy (14-2150-079). With consideration to the cultural significance of the facility and its exclusive activation and management by Aiga Samoa, a lease has been determined as the most appropriate form of tenure.

Council's Park's and Recreation Planning team have finalised their assessment of Aiga Samoa's community garden application at this location. The assessment has determined that the proposal: is considered an appropriate community / recreational use for the park; would not compromise community access to the park;

ITEM 5.3 NEW LEASE - AIGA SAMOA ASSOCIATION NORTH BRISBANE INC - DIVISION 2 - A17533231 (Cont.)

and would not constrain Council's future embellishment of park and/or community facilities in the area. Accordingly, the application is supported, subject to Council's approval of the required lease area.

Accordingly, this report recommends that Council grant a lease to Aiga Samoa, under the terms and conditions of Council's Community Leasing Policy, over the area identified in Supporting Information #1 (inclusive of the Maota Fono structure and proposed community garden). Further, it is recommended that the term of this lease be for the period of five years, with annual rental commencing at \$1.00 per annum.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

The proposed lease will be registered with the Department of Natural Resources, Mines and Energy in accordance with the *Land Act 1994*.

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

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

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).

3.4 Risk Management Implications  Nil identified

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  Nil identified

3.7 Economic Benefit Implication  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The issuing of a lease to Aiga Samoa Association North Brisbane Inc will provide the organisation with formal recognition of their use and activation of the Maota Fono, as well as enable their development of a community garden.

3.10 Consultation / Communication

Councillor Flannery (Division 2)  
Relevant Council departments  
Aiga Samoa Association North Brisbane Inc

**ITEM 5.4  
COMMUNITY LEASING - DELEGATION OF POWERS FOR MINOR AREA  
AMENDMENTS AND IMPROVEMENT WORKS - REGIONAL**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A19634450 : 6 November 2019 - Refer Supporting Information A19635108 & A19638196  
*Responsible Officer:* CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

**Executive Summary**

At the 17 September 2019 General Meeting, Council adopted the *Community Lease Renewals* policy directive (2160-024) and delegated its powers to the Chief Executive Officer (CEO) to renew leases in accordance with the directive.

An opportunity has been identified to further streamline Council's community leasing operations by enabling minor lease area amendments resulting from the renewal of community leases and Improvement Works Applications (IWA) to be approved by the CEO under delegated authority, in certain circumstances.

This report recommends Council's adoption of a revised *Community Lease Renewals* policy directive (refer Supporting Information #1) and a new *Community Leasing - Improvement Works and Area Amendments* policy directive (refer Supporting Information #2). These directives will provide guidance regarding the application, assessment, consideration and communication processes associated with lease renewals and improvement works, including those requiring area amendments.

This report also recommends that Council delegates its power to the Chief Executive Officer to:

- grant leases in accordance with the new *Community Leasing - Improvement Works and Area Amendments* policy directive (noting that such a delegation is already in place for the granting of leases under the *Community Lease Renewals* policy directive, as amended from time to time); and
- provide approval of IWAs and in-principle approval of any works requiring statutory approvals (subject to those statutory approvals being obtained).

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

CARRIED 11/0

1. That Council adopt the revised **Community Lease Renewals** policy directive contained in Supporting Information #1 to this report.
2. That Council adopt the **Community Leasing - Improvement Works and Area Amendments** policy directive contained in Supporting Information #2 to this report.
3. That the exception contained in section 236(1)(b)(ii) of the **Local Government Regulation 2012** applies to the Council on the granting of a lease in accordance with the **Community Leasing - Improvement Works and Area Amendments** policy directive (as amended from time to time).
4. That pursuant to section 257 of the **Local Government Act 2009**, Council delegates to the Chief Executive Officer the power to grant a lease in accordance with the **Community Leasing - Improvement Works and Area Amendments** policy directive (as amended from time to time).
5. That Council authorises the Chief Executive Officer to take all action necessary to give effect to Recommendation 4 (above) which includes negotiating, making, amending and signing leases.

*ITEM 5.4 COMMUNITY LEASING - DELEGATION OF POWERS FOR MINOR AREA AMENDMENTS AND IMPROVEMENT WORKS - REGIONAL - A19634450 (Cont.)*

6. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the power to approve Improvement Works Applications and provide in-principle approval of any works requiring statutory approvals (subject to those statutory approvals being obtained) in accordance with the Community Leasing - Improvement Works and Area Amendments policy directive (as amended from time to time).

*ITEM 5.4 COMMUNITY LEASING - DELEGATION OF POWERS FOR MINOR AREA AMENDMENTS AND IMPROVEMENT WORKS - REGIONAL - A19634450 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council adopt the revised Community Lease Renewals policy directive contained in Supporting Information #1 to this report.
2. That Council adopt the Community Leasing - Improvement Works and Area Amendments policy directive contained in Supporting Information #2 to this report.
3. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council on the granting of a lease in accordance with the Community Leasing - Improvement Works and Area Amendments policy directive (as amended from time to time).
4. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the power to grant a lease in accordance with the Community Leasing - Improvement Works and Area Amendments policy directive (as amended from time to time).
5. That Council authorises the Chief Executive Officer to take all action necessary to give effect to Recommendation 4 (above) which includes negotiating, making, amending and signing leases.
6. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the power to approve Improvement Works Applications and provide in-principle approval of any works requiring statutory approvals (subject to those statutory approvals being obtained) in accordance with the Community Leasing - Improvement Works and Area Amendments policy directive (as amended from time to time).

## **REPORT DETAIL**

### **1. Background**

Council adopted its consolidated Community Leasing Policy (No. 2150-079) on 1 April 2014. Under this policy, community organisations are granted tenure over Council land and facilities for a variety of community purposes. Generally, leases are provided for a five-year term, however in exceptional circumstances, longer tenure terms may be considered.

During the 2015 and 2016 calendar years, Council executed a high volume of new leases with community organisations under its new policy. Accordingly, these leases will be due for renewal by Council in the 2020 and 2021 calendar years.

At its 17 September 2019 General Meeting, Council adopted the *Community Lease Renewals* policy directive (2160-024). The following resolution appears on Minute Page 19/2090 of the General Meeting of Council held 24 September 2019.

*ITEM 5.4 COMMUNITY LEASING - DELEGATION OF POWERS FOR MINOR AREA AMENDMENTS AND IMPROVEMENT WORKS - REGIONAL - A19634450 (Cont.)*

Ex. General Meeting held 17 September 2019 (MP 19/2076):

RESOLUTION

1. That Council adopt the Community Lease Renewals Policy Directive contained in Supporting Information #1 to this report (Policy Directive).
2. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council on the granting of a lease in accordance with the Policy Directive (as amended from time to time).
3. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer the power to grant a lease in accordance with the Policy Directive (as amended from time to time).
4. That Council authorises the Chief Executive Officer to take all action necessary to give effect to Recommendation 3 (above) which includes negotiating, making, amending and signing leases.

This directive detailed the application, assessment, consideration and communication processes associated with the renewal of leases under Council's Community Leasing Policy (2150-079). Further, it enabled the renewal of leases, in particular circumstance, under delegated authority to the CEO. This authority did not however extend to the renewal of leases where a lease area amendment would be required.

A total of 39 leases have been renewed under delegated authority to the CEO since the adoption of this policy directive.

Improvement Works

Tenants of Council controlled land and/or facilities under the provision of Council's Community Leasing Policy are required to submit an Improvement Works Application (IWA) to obtain Council's approval for any proposed improvements. Council receives approximately 180 IWAs annually.

Where proposed improvement works require an amendment to a lease area (through the granting of an additional lease over the subject area), a Council resolution at a General Meeting is currently required.

**2. Explanation of Item**

The introduction of the *Community Lease Renewal* policy directive, and the related CEO delegation, has streamlined Council's community leasing operations and improved renewal timeframes for some customers. However, an opportunity exists to further improve the efficiency and responsiveness of these operations by enabling minor lease area amendments arising from both lease renewals and IWAs to be approved under delegation to the CEO, in certain circumstances.

Provided as supporting information to this report are two (2) policy directives proposed for Council's adoption:

1. Revised *Community Lease Renewals policy directive* (Supporting Information #1); and
2. New *Community Leasing - Improvement Works and Area Amendments* policy directive (Supporting Information #2)

1. Revised *Community Lease Renewals* policy directive (Supporting Information #1)

This existing policy directive of Council has been amended to incorporate the ability for minor lease area amendments (as defined in the directive), to be approved under delegated authority to the CEO in certain circumstances. No other material amendments have been proposed.

*ITEM 5.4 COMMUNITY LEASING - DELEGATION OF POWERS FOR MINOR AREA AMENDMENTS AND IMPROVEMENT WORKS - REGIONAL - A19634450 (Cont.)*

Should Council approve the revised directive, Council's existing delegation to the CEO, as resolved 17 September 2019, would sufficiently empower the implementation of the directive.

2. New Community Leasing - Improvement Works and Area Amendments policy directive (Supporting Information #2)

A new policy directive has been prepared that articulates the process through which tenant proposed improvements to Council controlled land and/or facilities will be reviewed, assessed, determined and communicated. This process by and large documents Council's current Improvement Works Application (IWA) process, however incorporates the ability for minor lease (exclusive use) area amendments resulting from IWAs to be approved under delegated authority to the CEO, in certain circumstances. Area amendments required for non-exclusive tenure types (ie. licences and permits) are already enabled under the existing powers of the CEO and delegates.

Should Council approve this new directive, further delegations to the CEO will be required to:

- grant leases in accordance with the policy directive (as amended from time to time); and
- approve Improvement Works Applications and provide in-principle approval of any works requiring statutory approvals (subject to those statutory approvals being obtained) in accordance with the policy directive (as amended from time to time).

**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 exceptions provided under section 236(1)(b)(ii) of the Regulation will allow the Council to complete disposals in the form of lease renewals and new leases to community organisations by means other than tender or auction.

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

This report proposes the adoption of a revised *Community Lease Renewals* policy directive and the adoption of a new *Community Leasing - Improvement Works and Area Amendments* policy directive under Council's Community Leasing Policy (No. 2150-079).

The terms and conditions of leases renewed and granted in accordance with these directives will be in accordance with Council's Community Leasing Policy (No. 2150-079)

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

In line with Officer's Recommendations 4 and 6 of this report, it is proposed that the Chief Executive Officer be delegated power to:

- grant leases in accordance with the *Community Leasing - Improvement Works and Area Amendments* policy directive (as amended from time to time); and
- approve Improvement Works Applications and provide in-principle approval of any works requiring statutory approvals (subject to those statutory approvals being obtained) in accordance with the *Community Leasing - Improvement Works and Area Amendments* policy directive (as amended from time to time).

The CEO may sub-delegate these powers to appropriately qualified employees or contractors of the Council.

3.6 Financial Implications  Nil identified



*ITEM 5.4 COMMUNITY LEASING - DELEGATION OF POWERS FOR MINOR AREA AMENDMENTS AND IMPROVEMENT WORKS - REGIONAL - A19634450 (Cont.)*

- 3.7 Economic Benefit Implications  Nil identified
- 3.8 Environmental Implications  Nil identified
- 3.9 Social Implications  Nil identified
- 3.10 Consultation / Communication  
Chief Executive Officer  
Director Community and Environmental Services  
Community Services, Sport and Recreation department  
Legal Services Department

**ITEM 5.5**  
**NAMING OF THE NATHAN ROAD SPORTS GROUND - DIVISION 5**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A19645987 : 5 February 2020  
*Responsible Officer:* BS, Technical Officer (IP Parks & Recreation Planning)

**Executive Summary**

Development of new sports facilities are nearing completion on Council managed land at Nathan Road, Kippa-Ring. To ensure appropriate signage can be installed as part of the current facility construction, Council endorsement of a suitable name is being sought. Relevant internal stakeholders and the Division 5 Councillor have been consulted and have identified a suitable facility name - 'Nathan Road Sports Ground'.

The proposed naming reflects the intended use of the facility by multiple sports and community users and is consistent with Council's convention for naming of such facilities.

**RESOLUTION**

Moved by Cr James Houghton

Seconded by Cr Julie Greer

CARRIED 11/0

1. That having regard to the information provided within this report and subject to the outcome of public advertising, the naming of the complex shown in figure 1 on Lot 305, SL5082, as "Nathan Road Sports Ground" be approved.
2. That the proposal to name the facility be advertised in local newspapers with public submissions open for a period of 28 days.
3. That should adverse submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

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*ITEM 5.5 NAMING OF THE NATHAN ROAD SPORTS GROUND - DIVISION 5 - A19645987 (Cont.)*

## **OFFICER'S RECOMMENDATION**

1. That having regard to the information provided within this report and subject to the outcome of public advertising, the naming of the complex shown in figure 1 on Lot 305, SL5082, as "Nathan Road Sports Ground" be approved.
2. That the proposal to name the facility be advertised in local newspapers with public submissions open for a period of 28 days.
3. That should adverse submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

## ***REPORT DETAIL***

### **1. Background**

Development of new sports facilities at Nathan Road, Kippa-Ring are nearing completion. The facility is primarily intended to become the new home for the nearby Redcliffe Tigers AFC Inc (Tigers) which remains unnamed. The facility will also support wider use by other sports users and community groups, noting there are further multi-use fields yet to be constructed subject to Council funding budget processes.

Nathan Road Sports Ground is located at 30 Nathan Road, Kippa-Ring. Stage 1 of the project was to construct a senior AFL field, clubhouse, amenities, car parking, landscaping of the wetlands and provision of future sporting fields. The Tigers will be the lessee of the Nathan Road Sports Ground.

As the resident club, the Tigers were consulted closely as part of the detail design for the construction of the new sports facility. The proposed name of the new facility was discussed with relevant internal stakeholders and the Division 5 Councillor who support naming the facility as "Nathan Road Sports Ground".

Council endorsement of the proposed name is required so that new facility branding and wayfinding signage can be installed as part of the construction works, noting that a provisional sum has been allowed in the building contract for this purpose.

ITEM 5.5 NAMING OF THE NATHAN ROAD SPORTS GROUND - DIVISION 5 - A19645987 (Cont.)



Figure 1 Nathan Road Sports Ground site

**2. Explanation of Item**

A formally recognised name for a district standard sports facility is considered important in establishing a brand, assisting with wayfinding and promotion of significant community facilities. The current construction project has progressed to the point where a formal facility name is required so that new signage can be installed as part of the Council endorsed scope of works.

The proposed name is consistent with MBRC Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads), and the associated convention for naming of a facility of this type. The proposed name is supported by internal stakeholders and the Division 5 Councillor.

The building works contract includes funding for the supply and installation of the proposed signage.

**3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Healthy and supportive communities - a healthy and inclusive community.

*ITEM 5.5 NAMING OF THE NATHAN ROAD SPORTS GROUND - DIVISION 5 - A19645987 (Cont.)*

3.3 Policy Implications

The submitted application complies with and has all the supporting documentation required under MBRC Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads). Council policy requires that any proposal to name a complex be advertised in local newspapers for a period of up to 28 days during which time submissions can be received. This process allows Council to assess any possible objections to the proposed naming.

3.4 Risk Management Implications

The proposed name meets Policy requirements and poses no governance risk. However, there may be a risk of the community not readily accepting the name chosen for the facility, posing a risk to Council's reputation.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications                                     Nil identified

3.7 Economic Benefit     Nil identified

3.8 Environmental Implications                             Nil identified

3.9 Social Implications

It is appropriate to name the new facility such that it does not cause confusion with other similar sports facilities and to assist with wayfinding and establishing an appropriate brand. The facility is intended to support multi-sports and community uses.

3.10 Consultation / Communication

Division 5 Councillor, Cr Houghton, Sport and Recreation Manager, Team Leader Sport and Recreation, Parks and Recreation Planning Manager, and Senior Sports Planner, have been consulted regarding the proposed naming of the facility as 'Nathan Road Sports Ground' and are in agreement.

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**ITEM 5.6**  
**NAMING OF SAMFORD COMMUNITY HUB BUILDING - DIVISION 11**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A19660384 : 7 February 2020  
*Responsible Officer:* WM, Parks and Recreation Planning Manager (IP Parks & Recreation Planning)

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**Executive Summary**

Construction of a new community purposes building has commenced at the Samford Parklands on Lot 901 SP156333, commonly referred to as the former Glasshouse Precinct. The project is 50% funded by Council and the Federal Government via a Building Better Regions Grant program and has thus far been referred to as the Samford Community Hub.

While the facility has consistently been referred to as the Samford Community Hub, this name has not yet been formally endorsed by Council.

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**RESOLUTION**

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Moved by Cr Darren Grimwade

Seconded by Cr Adam Hain

CARRIED 11/0

That having regard to the information provided within this report, the naming of the building shown in figure 1 on Lot 901 SP156333, as “Samford Community Hub” be approved.

ITEM 5.6 NAMING OF SAMFORD COMMUNITY HUB BUILDING - DIVISION 11 - A19660384 (Cont.)

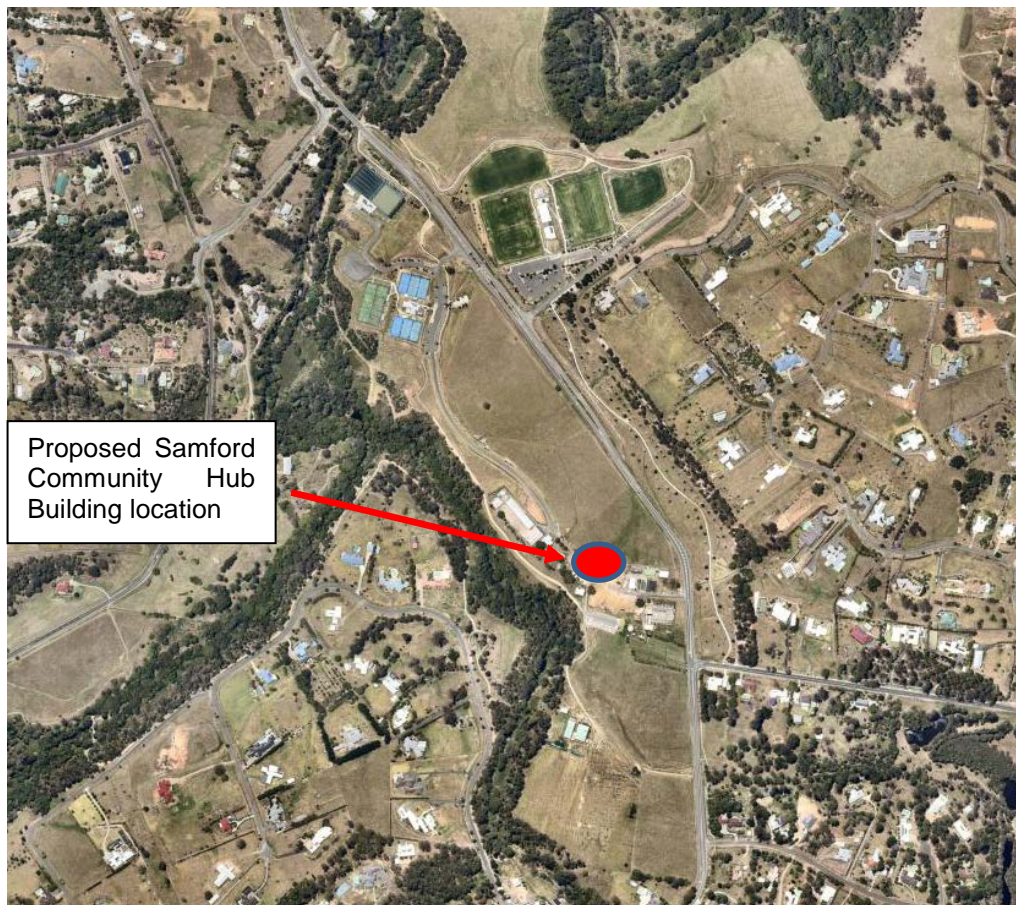
**OFFICER'S RECOMMENDATION**

That having regard to the information provided within this report, the naming of the building shown in figure 1 on Lot 901 SP156333, as "Samford Community Hub" be approved.

**REPORT DETAIL**

**1. Background**

Council has commenced the construction of a new community facility building at the Samford Parklands, Mt Samson Road, Samford. (Refer Figure 1)



**Figure 1 Building Location**

The building is intended to provide a venue for numerous community groups to use as a base of operations as well as being available for use by the wider community on a fee for service arrangement managed under a head lease arrangement by the Samford and Districts Progress and Protection Association.

Relevant Internal stakeholders have been consulted and the naming is also supported by the Division 11 Councillor and the Hon Peter Dutton, Federal Member for Dickson.

**2. Explanation of Item**

The Samford Community Hub building is under construction and arrangements are progressing regarding the leasing and ongoing management of the facility. In order to finalise leases and to implement facility name signage, Council endorsement of the proposed building name is required. (Refer Figure 2).

ITEM 5.6 NAMING OF SAMFORD COMMUNITY HUB BUILDING - DIVISION 11 - A19660384 (Cont.)



Figure 2 Building to be named

The proposed name is consistent with MBRC Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads), and the associated convention for naming of a facility of this type.

The proposed facility has previously been promoted in local newspapers, the Village Pump in Samford and in the Division 11 Councillor's regular newsletters. It has also been consistently promoted with key facility stakeholders and Council officers have not received any formal objections from any of the proposed tenants. It is noted that the name was promoted in the grant funding application and it would be unusual for Council to change the proposed facility name given the strong support from the local Federal Member who is understood to have engaged directly with user groups during the initiation and subsequent design of the project.

**3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Valuing Lifestyle: Quality recreation and cultural opportunities - celebrating local arts, culture and community.

3.3 Policy Implications  
The proposed name is consistent with MBRC Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads), and the associated convention for naming of a facility of this type. Council policy requires that any proposal to name a building be advertised in local newspapers for a period of up to 28 days during which time submissions can be received. This process allows Council to assess any possible objections to the proposed naming.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
The current Council endorsed building works contract includes funding for the supply and installation of the proposed signage.

3.7 Economic Benefit Implications  
The proposed name provides marketing opportunities for the refurbished building that will assist in achieving a regular income from hire and contribute to its long-term economic sustainability.



*ITEM 5.6 NAMING OF SAMFORD COMMUNITY HUB BUILDING - DIVISION 11 - A19660384 (Cont.)*

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Establishing a strong identity for Council facilities is essential to wayfinding and promotion of community facilities and events.

3.10 Consultation / Communication

The proposed name is supported by, the Division 11 Councillor and the Hon Peter Dutton, Federal Member for Dickson. Verbal confirmation of ongoing support for the name was received from the Ministers office on 7 February 2020. Internal stakeholders included Councils Sport and Recreation Manager and Coordinator Community Planning and Policy (Community Services, Sport and Recreation Department), who have been responsible for liaising with external stakeholders regarding the development and management of the facility.

## **ATTENDANCE**

Mr Mark McCormack attended the meeting at 3.56pm for discussion on Item 5.7

**ITEM 5.7  
CABOOLTURE SPORTS CLUB REGIONAL INFRASTRUCTURE PARTNERSHIP -  
REGIONAL**

*Meeting / Session:* 5 PARKS, RECREATION & SPORT  
*Reference:* A19494593 : 19 December 2019  
*Responsible Officer:* KS, Sport and Recreation Manager (CES Community Services, Sport & Recreation)

**Executive Summary**

As one of the Moreton Bay Region's largest community sporting organisations, the Caboolture Sports Club Ltd (Club) plays an integral role in the delivery of sport and recreation opportunities to residents across the region through the provision of funding, governance support and land tenure management services. Currently the Club holds ten leases and twenty-two sports field permits across nine Council sporting venues.

In May 2019, the Club approached Council regarding a proposed five-year infrastructure partnership (Caboolture Sports Club Regional Infrastructure Partnership) for the planning and construction of new and improved sporting infrastructure at the various Council venues operated by the Club. Council provisionally allocated \$500,000 in its 2019/20 operational budget towards the infrastructure partnership.

This report seeks Council's approval to enter into a funding agreement with the Club which is intended to operate for 5 years. Further, the report seeks Council's approval for the allocation of the budgeted 2019/20 partnership funds (\$500,000) as a Regional Community Project Grant under the provision of Council's Community Grants Policy (2150-030), towards the Grant Road Cricket Facilities project at Grant Road Sport Complex, Morayfield.

**RESOLUTION**

Moved by Cr Adam Hain

Seconded by Cr Peter Flannery

CARRIED 11/0

1. That Council enter into a five year funding agreement with Caboolture Sports Club Ltd for the delivery of sports infrastructure projects, as described in this report, commencing in the 2019/20 financial year.
2. That Council's financial contribution towards projects delivered under the funding agreement be \$500,000 per annum, and be contingent upon:
  - a) All projects being approved by resolution of Council;
  - b) All projects meeting the requirements of Council's Community Grants Policy for Regional Community Project Grants;
  - c) Caboolture Sports Club Ltd providing a minimum contribution of \$360,000 per annum towards the projects; and
  - d) The terms and conditions of the funding agreement being satisfied.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging a funding agreement and any required variations of the funding agreement on the Council's behalf, as described in this report.
4. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that the Grant Road Cricket Facilities project, as referred to in this report, will deliver significant regional public benefits.
5. That subject to recommendation 6, Council provide a \$500,000 grant to the Caboolture Sports Club Ltd towards delivery of the Grant Road Cricket Facilities project.

*ITEM 5.7 CABOOLTURE SPORTS CLUB REGIONAL INFRASTRUCTURE PARTNERSHIP - REGIONAL - A19494593 (Cont.)*

6. That the grant referred to in recommendation 5 be provided under Council's Community Grants Policy as a Regional Community Project Grant, noting that the grant will be the first annual payment due under the funding agreement and will be contingent upon:
- a) the Caboolture Sports Club Ltd providing a minimum contribution of \$360,000 towards the project;
  - b) the Caboolture Sport Club Ltd securing the other project contributions as referenced in Table 2.1 of this report; and
  - c) a funding agreement being executed between Council and the Caboolture Sports Club Ltd on terms satisfactory to the Chief Executive Officer.

*ITEM 5.7 CABOOLTURE SPORTS CLUB REGIONAL INFRASTRUCTURE PARTNERSHIP - REGIONAL - A19494593 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council enter into a five year funding agreement with Caboolture Sports Club Ltd for the delivery of sports infrastructure projects, as described in this report, commencing in the 2019/20 financial year.
2. That Council's financial contribution towards projects delivered under the funding agreement be \$500,000 per annum, and be contingent upon:
  - a) All projects being approved by resolution of Council;
  - b) All projects meeting the requirements of Council's Community Grants Policy for Regional Community Project Grants;
  - c) Caboolture Sports Club Ltd providing a minimum contribution of \$360,000 per annum towards the projects; and
  - d) The terms and conditions of the funding agreement being satisfied.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging a funding agreement and any required variations of the funding agreement on the Council's behalf, as described in this report.
4. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that the Grant Road Cricket Facilities project, as referred to in this report, will deliver significant regional public benefits.
5. That subject to recommendation 6, Council provide a \$500,000 grant to the Caboolture Sports Club Ltd towards delivery of the Grant Road Cricket Facilities project.
6. That the grant referred to in recommendation 5 be provided under Council's Community Grants Policy as a Regional Community Project Grant, noting that the grant will be the first annual payment due under the funding agreement and will be contingent upon:
  - a) the Caboolture Sports Club Ltd providing a minimum contribution of \$360,000 towards the project;
  - b) the Caboolture Sport Club Ltd securing the other project contributions as referenced in Table 2.1 of this report; and
  - c) a funding agreement being executed between Council and the Caboolture Sports Club Ltd on terms satisfactory to the Chief Executive Officer.

## **REPORT DETAIL**

### **1. Background**

Founded in 1994, the Caboolture Sports Club Ltd (Club) is a not-for-profit sporting organisation operating extensively within the Moreton Bay Region. The Club has a proven track record in the provision sport and recreation opportunities to residents across the region through the delivery of funding, governance support and land tenure management services.

In addition to the holding ten leases and twenty-two sports field permits across nine Council sporting venues, the Club provides over \$1.9M annually in both cash and in-kind support to a wide range of local sporting / community organisations, and individuals.

In 2018, the Club initiated an infrastructure fund as part of its commitment to growing and improving sports infrastructure across its managed venues. \$360,000 per annum is allocated by the Club towards this fund.

*ITEM 5.7 CABOOLTURE SPORTS CLUB REGIONAL INFRASTRUCTURE PARTNERSHIP - REGIONAL - A19494593 (Cont.)*

## **2. Explanation of Item**

In May 2019, the Caboolture Sports Club Ltd approached Council with a proposal to enter into a five-year infrastructure partnership (Caboolture Sports Club Regional Infrastructure Partnership) for the planning and construction of new sporting facilities and infrastructure improvements, at various locations across the region. The proposed Caboolture Sports Club Regional Infrastructure Partnership (Infrastructure Partnership) would see Council provide a financial contribution of \$500,000 per annum (\$2,500,000 over five years), and the Sports Club provide a minimum contribution of \$360,000 per annum (\$1,800,000 over five years) towards projects delivered under the Partnership. In addition to the investment by Council and the Club, additional co-contributions would be sought from the State and Federal Governments towards the relevant projects delivered.

Since the original presentation by the Club in May of 2019, the proposed infrastructure partnership has been the subject of significant discussions between Council officers and the Club as part of due diligence investigations. Further, a series of Council briefings have been held during this time.

With consideration to the financial contributions offered by the Club under the proposed Infrastructure Partnership and the projected need for sports infrastructure investment at the Club's respective venues in future years, the Infrastructure Partnership is considered to offer significant benefits to Council and the community. Accordingly, this report recommends that Council enter into a funding agreement to give effect to the Infrastructure Partnership for five years (commencing 2019/20), subject to:

- All projects delivered under the Infrastructure Partnership being approved by resolution of Council;
- All projects delivered under the Infrastructure Partnership meeting the requirements of Council's Community Grants Policy;
- Caboolture Sports Club Ltd providing a minimum contribution of \$360,000 per annum towards projects under the Infrastructure Partnership; and
- Satisfaction of the terms of a funding agreement between Council and the Club.

### Proposed 2019/20 Partnership Project - Grant Road Cricket Facilities project

Subject to Council entering into the proposed Infrastructure Partnership, it is recommended that Council approve the allocation of funds provided in the 2019/20 operational budget (\$500,000) towards the Grant Road Cricket Facilities project. This would constitute the first annual payment of \$500,000 due under the proposed funding agreement. This project, located at Grant Road Sport and Community Complex Morayfield, will include:

- Construction of an Indoor Cricket Development Centre building;
- 5 x cricket nets with Gabba Grass flooring and retractable netting;
- Two additional change room facilities suitable for female athletes;
- An equipment storage shed (21 x 9m);
- Cricket fence;
- Site screens;
- Widening of turf wickets; and
- Landscaping and compensatory planting.

This \$1,548,469 project is expected to provide a high-quality cricket facilities for all Caboolture Sports Cricket Club members, as well as an indoor training facility suitable for regional, state and national level training clinics. Table 2.1 below details the proposed project contributors and their relevant funding commitments.

ITEM 5.7 CABOOLTURE SPORTS CLUB REGIONAL INFRASTRUCTURE PARTNERSHIP - REGIONAL - A19494593 (Cont.)

Table 2.1 - Project contributions

Organisation	Funding commitments	Status
Caboolture Sports Club Ltd	\$368,469	Funding confirmed
Queensland Government	\$150,000	Funding confirmed
Commonwealth Government	\$500,000	Funding confirmed
Council	\$500,000	Subject to this report.
Queensland Cricket	\$30,000	Funding confirmed
<b>TOTAL</b>	<b>\$1,548,469</b>	

The project is planned to commence in April of 2020 and has received all necessary approvals from Council, including a new lease over the required area at Grant Road Sports and Community Complex (MP19/2605) and development approval.

Any Council funds to be provided under the proposed Infrastructure Partnership are required to be administered as a grant in accordance with Council's Community Grants Policy. Under this policy, Council may, by resolution, provide a 'Regional Community Project Grant' to a community organisation where it determines there is significant regional public benefit. In determining regional public benefit, Council is required to give consideration to the following:

- Relevance of the proposed project to Council's vision for the Moreton Bay Region;
- Alignment of the proposed project to the role and functions of Council, including demonstrated economic, community, cultural, sporting or environmental benefits to the Moreton Bay Region;
- Capacity of the community organisation to successfully deliver the proposed project;
- The community organisation's financial contribution towards the project;
- Availability of funds and value for money; and
- The specific circumstance associated with the need for Council support.

With consideration to the community, sporting and economic benefits to be delivered through the Grant Road Cricket Facilities project, Council may consider that the project will deliver significant regional public benefits and meet the Regional Community Project Grant provisions of its Community Grants Policy.

Should Council wish to provide a Regional Community Project Grant towards this project, it is recommended that:

- the grant be contingent upon the Caboolture Sports Club Ltd contributing a minimum of \$360,000 towards the project;
- the grant be contingent upon the Caboolture Sports Club Ltd securing the other project contributions as referenced in Table 2.1 above; and
- a funding agreement be executed between the two parties on terms satisfactory to the Chief Executive Officer, and a full funding acquittal undertaken for all funded works.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

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

**3.2 Corporate Plan / Operational Plan**

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

**3.3 Policy Implications**

Council's Community Grants Program is administered in accordance with its Community Grants Policy (2150- 030).

ITEM 5.7 CABOOLTURE SPORTS CLUB REGIONAL INFRASTRUCTURE PARTNERSHIP - REGIONAL - A19494593 (Cont.)

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

This report recommends that the Chief Executive Officer be authorised to:

- take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging a funding agreement and any required variations of the funding agreement on the Council's behalf, as described in this report.

3.6 Financial Implications

Should Council approve the recommendations of this report, a maximum Council funding allocation of \$500,000 per annum for five years (\$2,500,000 in total) will be required.

\$500,000 is currently provided for in Council's 2019/20 operational budget (32014.000.22099) as Council's year 1 contribution towards the Infrastructure Partnership.

3.7 Economic Benefit Implications

The various sports facilities operated by Caboolture Sports Club Ltd provide significant economic benefits to the region through the hosting sporting events that contribute to increased tourism and expenditure within the Moreton Bay Region.

3.8 Environmental Implications  Nil identified

3.9 Social Implications

The sports venues operated by Caboolture Sports Club provide a significant contribution towards the social and sports offering of the Moreton Bay Region. Further, the Club provides direct support and sporting pathways for various clubs and members throughout the region including: Caboolture Rugby Union Club, Caboolture Sports Cricket Club, Caboolture Sports Dog Obedience, Caboolture Sports Football Club, Caboolture Sports Softball Association, Caboolture Touch Association, The Lakes Football Club, North Lake Mustangs Football Club, Lakers Softball Club, North Lakes Leopards Junior Rugby Union Club and the North Lake Kangaroos Rugby League Club.

3.10 Consultation / Communication

Caboolture Sports Club Council presentation - May 2019  
Council briefings  
Caboolture Sports Club Ltd  
Manager - Community Services, Sport and Recreation  
Parks & Recreation Planning Manager  
Legal Officer

## **ATTENDANCE**

Mr Mark McCormack left the meeting at 4.03pm after Item 5.7.

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**6 LIFESTYLE & AMENITY SESSION**

**(Cr D Sims)**

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No items for consideration.

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**7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION**

**(Cr P Flannery)**

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No items for consideration.

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**8 REGIONAL INNOVATION SESSION**

**(Cr D Grimwade)**

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No items for consideration.



## 11. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

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### ITEM 11.1 REGIONAL EVENTS

Cr Peter Flannery noted his attendance at the **QSEC Horse Home Show** event held on Saturday, 15 February 2020 at the Queensland State Equestrian Centre (QSEC), Caboolture. Cr Flannery advised this was the first time the event was held at the venue in the past three years. Cr Peter Flannery made comment that there was a great turnout with a large variety of exhibitors on display.

Cr Denise Sims gave a 'shout out' to the Parent and Friends Association (P&F) of **Mt Maria College** who organised a **Community Movie Night** on Saturday night, 15 February 2020. Cr Sims noted that all funds raised on the night went to the Orange Sky Australia organisation.

Cr Koliana Winchester made mention of her attendance on Thursday, 13 February 2020 at the Humpybong State School **Student Leader's Induction Ceremony** for Years 3-6.

Cr Koliana Winchester reported that she, together with Cr James Houghton had been provided with a site tour of the refurbishment works being undertaken at the **Redcliffe Administration Building** - which includes the accommodation of a **new art gallery and community space**. Cr Winchester thanked all staff involved with this project noting the large volume of work that has been undertaken especially in the Gallery area. Cr Winchester made comment that the venue will be a great asset and benefit to the community once the building is opened to the public.

### ADJOURNMENT

The meeting adjourned at 4.02pm for a short break.

The meeting resumed at 4.14pm.

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**12. CLOSED SESSION**

*(s275 of the Local Government Regulation 2012)*

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

**CLOSED SESSION**

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**RESOLUTION**

Moved by Cr James Houghton

Seconded by Cr Koliana Winchester

**CARRIED 11/0**

**That Council move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Items C.1 to C.4.**

Members of the press and public gallery left the Chambers.  
The closed session commenced at 4.15pm.

**OPEN SESSION**

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**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Brooke Savige

**CARRIED 11/0**

**That Council resume in open session and that the following motions be considered.**

The open session resumed at 4.28pm.

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**12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL**

**TENDER - ENERGY FROM WASTE (EFW) - REGIONAL**

**Meeting / Session:** 4 Asset Construction & Maintenance (Cr A Hain)

**Reference:** A19388694. : 11 February 2020 Refer **Confidential** Supporting Information  
**A19439483 & A19455034**

**Responsible Officer:** AH, Manager Waste Services (ECM Waste Services)

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**Basis of Confidentiality**

Pursuant to s275(1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

**Executive Summary**

To reduce waste disposal to landfill and maximise the beneficial use of waste materials received, Council sought submissions in October 2018 for the development and operation of Energy from Waste (EfW) facilities at one or more of Council's waste management facilities.

Evaluation of tender submissions has reached a critical stage and further due diligence investigations and negotiations are required to progress this EfW project. The engagement of consultant experts in the EfW field, including specialist lawyers, is required to advance the tender evaluation process. Council approval is sought to move forward with the EfW project(s) and the engagement of the necessary expertise as detailed in this report.

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**RESOLUTION**

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Moved by Cr Mick Gillam

Seconded by Cr Kolianna Winchester

CARRIED 11/0

1. That Council approves an extension of time for the EfW Request for Tender process to enable further due diligence investigations in respect of EfW tenderers.
2. That Council prepares Tender Consideration Plans for the contractual arrangements with Ashurst and Ricardo Australia Pty Ltd for the provision of due diligence advice in respect of the EfW Request for Tender process.
3. That the Tender Consideration Plans for the contractual arrangements with Ashurst and Ricardo Australia Pty Ltd for the provision of due diligence advice in respect of the EfW Request for Tender process be adopted, as tabled.
4. That the Council enters into agreements with Ashurst and Ricardo Australia Pty Ltd, as described in this report.
5. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreements with Ashurst and Ricardo Australia Pty Ltd for the provision of due diligence advice in respect of the EfW Request for Tender process and any required variations of the agreements on Council's behalf.

**ITEM C.2 – CONFIDENTIAL**  
**PROPOSED CHANGE TO COMMERCIAL DEVELOPMENT LEASE TERMS -**  
**DIVISION 4**

**Meeting / Session:** 7 Economic Development, Events & Tourism (Cr P Flannery)  
**Reference:** A19647948 : 5 February 2020 - Refer **Confidential** Supporting Information  
**A19672226**  
**Responsible Officer:** AS, Manager Property Services (CES Property & Commercial Services)

**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

**Executive Summary**

This report seeks a Council Resolution to vary commercial development lease terms previously agreed by Council.

**RESOLUTION**

Moved by Cr Julie Greer

Seconded by Cr Adam Hain

**CARRIED 10/1**

*Cr Matt Constance voted against the motion.*

1. That Council resolves to transfer ownership of 28 North Lakes Drive, North Lakes (Lot 81 on SP236568) at the completion of Stage 1 works, as described in this report.
2. That Council enters into a deed of variation to effect the transfer of ownership of 28 North Lakes Drive, North Lakes (Lot 81 on SP236568) at the completion of Stage 1 works, as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the deed of variation on the Council's behalf, as described in this report.

**ITEM C.3 – CONFIDENTIAL**

**DECEPTION BAY SCOUTS HALL CONSTRUCTION - DIVISION 5**

**Meeting / Session:** 4 Asset Construction & Maintenance (Cr A Hain)

**Reference:** A19672652 : 11 February 2020 - Refer **Confidential** Supporting Information  
**A19672653**

**Responsible Officer:** AR, Director Infrastructure Planning (IP Directorate)

**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

**Executive Summary**

A Council contractor (Ri-Con Contractors Pty Ltd) who was awarded a contract to construct the Deception Bay Scouts Hall (MBRC008989 - Deception Bay Scouts Hall Construction) has entered liquidation and failed to meet its contractual obligations.

Subject to the existing contract with Ri-Con Contractors Pty Ltd being terminated, officers propose that Council adopt a tender consideration plan which will enable the contract to be, in effect, "re-awarded" (without a second open tender process) to an alternative contractor (who provided a tender in the previous open tender process) so that any project delays are minimised to the extent possible.

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Brooke Savige

CARRIED 11/0

1. That Council decides to prepare a Tender Consideration Plan for the Deception Bay Scouts Hall Construction.
2. That the Tender Consideration Plan as tabled, be adopted.
3. That subject to recommendation 4, the Chief Executive Officer be authorised to negotiate, make, amend, sign and discharge a contract in accordance with the Tender Consideration Plan as tabled, on Council's behalf.
4. That no contract should be entered into in accordance with the Tender Consideration Plan until the existing contract with Ri-Con Contractors Pty Ltd (MBRC008989 - Deception Bay Scout Hall Construction) is terminated.

**ITEM C.4 – CONFIDENTIAL**

**AWARDING OF TENDER FOR MANAGEMENT AND OPERATION OF COUNCIL  
CARAVAN PARKS - DIVISION 1, DIVISION 2 AND DIVISION 6**

**Meeting / Session:** 7 Economic Development, Events & Tourism (Cr P Flannery)

**Reference:** A19511429 : 31 January 2020 - Refer **Confidential** Supporting Information  
**A19587492**

**Responsible Officer:** MF, Property Services Officer (CES Community Services, Sport & Recreation)

**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

**Executive Summary**

The purpose of this report is to seek a Council resolution for the engagement of management services for Council-owned caravan parks.

**RESOLUTION**

Moved by Cr Koliana Winchester

Seconded by Cr Adam Hain

CARRIED 11/0

1. That the tender for the Management of Bongaree Caravan Park (MBRC009328) be awarded to Dereck John Elvin and Carol Anne Elvin ABN 28077321741, trading as Dereck John and Carol Anne Elvin, for a period of 5 years with a 5 year option at Council's sole discretion.
2. That the tender for the Management of Bells Caravan Park (MBRC009329) be awarded to 1Eight Pty Ltd ACN 608811730, trading as 1Eight Pty Ltd, for a period of 5 years with a 5 year option at Council's sole discretion.
3. That the tender for the Management of Beachmere Caravan Park (MBRC009330) be awarded to Graham John Leeder ABN 73470115199, trading as Graham John Leeder, for a period of 5 years with a 5 year option at Council's sole discretion.
4. That the tender for the Management of Donnybrook Caravan Park (MBRC009331) be awarded to Donnybrook Enterprises Pty Ltd ACN 123363299, trading as Donnybrook Jetty Convenience Store and Donnybrook News, for a period of 5 years with a 5 year option at Council's sole discretion.
5. That the tender for the Management of Toorbul Caravan Park (MBRC009332) be awarded to 1Eight Pty Ltd ACN 608811730, trading as 1Eight Pty Ltd, for a period of 5 years and 1 month with a 5 year option at Council's sole discretion.
6. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreements noted in recommendations 1 - 5 above and any required variations of the agreements on the Council's behalf.

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**12b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

**13. CLOSURE**

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There being no further business the meeting closed at 4.30pm.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 20/253 to 20/540 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held Tuesday, 18 February 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday, 25 February 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

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Councillor Mike Charlton  
Acting Mayor