



# MINUTES

## GENERAL MEETING

**Wednesday 10 June 2020**

commencing at 9.32am

Strathpine Chambers  
220 Gympie Road, Strathpine

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

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

**ENDORSED GM20200624**

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

**General Meeting - 10 June 2020 (Pages 20/867 - 20/1133)**

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Sandra Ruck

**CARRIED 13/0**

That the minutes of the General Meeting held 10 June 2020, be confirmed.

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RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, TELECOMMUNICATIONS  
FACILITY, THEATRE, TOURIST ATTRACTION AND UTILITY INSTALLATION AND  
VARIATION TO THE PLANNING SCHEME TO INCLUDE THE LAND IN THE GENERAL  
RESIDENTIAL ZONE - NEXT GENERATION NEIGHBOURHOOD PRECINCT, LIMITED  
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BRENDALE

**MOTION**

**RESOLUTION**

REPORT DETAIL

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**ITEM 5.1 1109**

ENVIRONMENTAL BURSARY 2020

**RESOLUTION**

REPORT DETAIL

**ITEM 5.2 1112**

KOALA MONITORING SERVICES PHASE 4 - THE MILL AT MORETON BAY

**RESOLUTION**

REPORT DETAIL

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**RESOLUTION**

REPORT DETAIL

**6 FINANCE & CORPORATE SERVICES SESSION (Cr M Constance) 1122**

**ITEM 6.1 1122**

MONTHLY REPORTING PACKAGE - APRIL 2020

**RESOLUTION**

REPORT DETAIL

**ITEM 6.2 1125**

REVENUE POLICY 2020/21

**RESOLUTION**

REPORT DETAIL

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**RESOLUTION**

REPORT DETAIL

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TAKEN ON NOTICE 1132**

**ITEM 11.1 1132**

DEVELOPMENT APPLICATION - PACIFIC HARBOUR

**RESOLUTION**

**12. CLOSED SESSION 1132**

*(s275 of the Local Government Regulation 2012)*

**12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL 1132**

**12b. CONFIDENTIAL GENERAL BUSINESS 1132**

**ATTENDANCE**

Cr Peter Flannery (Mayor) was required to attend another engagement and was not present at the commencement of the General meeting.

The Deputy Mayor (Cr Denise Sims) assumed the Chair and opened the meeting.

**1. ACKNOWLEDGEMENT OF COUNTRY**

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The Deputy Mayor provided the Acknowledgement of Country.

**2. OPENING PRAYER / REFLECTION**

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The Deputy Mayor provided the opening prayer / reflection for the meeting.

**3. ATTENDANCE & APOLOGIES**

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**Attendance:**

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

Chief Executive Officer	(Mr Greg Chemello)
Deputy CEO/Director Engineering, Construction & Maintenance	(Mr Tony Martini) *
Director Community & Environmental Services	(Mr Bill Halpin) *
Director Finance & Corporate Services	(Ms Donna Gregory) *
Director Infrastructure Planning	(Mr Andrew Ryan) *
Director Planning	(Mr David Corkill)
Senior Executive Support Officer	(Hayley Kenzler)
Team Leader Meeting Support	(Kathrine Crocker) *
Manager Development Services	(Dan Staley)
Coordinator (Planning Assessment South)	(Amy White)
Coordinator (Planning Assessment South)	(Marco Alberti)

**Apologies:**

Nil

*\*attended via VC from Caboolture Chambers*

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#### 4. MEMORIALS OR CONDOLENCES

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Cr Brooke Savige paid tribute to the late **Annemarie Kofler**, a volunteer of the Bribie Visitor Information Centre (VIC) for 13 years and the previous Caboolture Shire Council Visitor Centre for five years, who had recently passed away at the age of 82. Cr Savige said that Annemarie had contributed over 800 hours of volunteering with the Bribie Island VIC and was a favourite tour guide for many of the bus groups visiting the island. On behalf of Council and the community, Cr Savige extended her condolences to Annemarie's family and friends at her sad passing.

Cr Karl Winchester acknowledged and passed on a tribute to the late **Mr Gordon Tong**, a resident of Clontarf who had a long history in the Redcliffe community. Gordon worked as an Engineer for the former Redcliffe City Council, had served on the State Committee of the National Serviceman's Organisation Queensland, and was involved in many community groups such as School P&C's and charitable food services. Cr Winchester said that Gordon's contribution to the community would be sorely missed.

Councillors observed a moment's silence in memory of residents who had passed away, noting Council's sympathy.

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#### 5. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

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##### General Meeting - 27 May 2020 (Pages 20/795 - 20/866)

##### RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Mark Booth

CARRIED 12/0

That the minutes of the General Meeting held 27 May 2020, be confirmed.

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#### 6. PRESENTATION OF PETITIONS

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

##### 6.1. **Petition - Cr Jodie Shipway: Mosquito Management within the Moreton Bay Region (A20146259)**

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Cr Jodie Shipway tabled an e-petition containing 269 signatures as at today's date, that was initiated by Cr Shipway when she was running as a candidate in the recent local government elections, reading as follows:

*"There is a growing concern amongst the community in regards to our Mosquito Management within the Moreton Bay Region. I am running as your Division 4 candidate in the Local Government Election on the 28th March and I would like to push for a review of our current plan. Several concerned residents have raised issues with me. My research tells me that the Brisbane City Council boasts one of Australia's leading Mosquito Management [sic] Plans. Whilst I understand that this is a complex issue with several factors coming into play such as the climate, environmental factors and development to name a few, I still feel we can learn from our neighbouring Council and investigate our options to improve livability [sic] and reduce mosquito born disease. My promise to you is that, with enough signatures, this will be presented to Council for consideration. I will also keep you up to date with the progress during my campaign and after the election period."*

**Council received the petition, referring it to the Director Community & Environmental Services for investigation and report to Council, if required.**



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## 7. CORRESPONDENCE

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There was no correspondence for tabling.

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## 8. DEPUTATIONS / COMMUNITY COMMENT

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The Deputy Mayor opened the Deputations / Community Comment session, making the required statement regarding the conduct of the Session and invited the participant to make her address.

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### 8.1. Community Comment: Christine West - Development Application for Warner Quarry (A20072420)

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Christine West addressed the Council in respect of 'Development Application for Warner Quarry at 107-109 Kremzow Road, Warner - V2L - 36991 / 2018 Material Change of Use', making the following comments:

- CSR community engagement was welcomed by the community - and delivery of requested items from the community was well above expectations
- Warner Working Group formulation to:
  1. Protect all remaining bushland for our Warner Koalas.
  2. Work with the developer to create a fauna sensitive urban design.
  3. Lobby Councillors, State Governments and the UDIA to show how community collaboration can achieve better design outcomes.
- Warner Working Group selection as a case study to be featured in the State Government's Koala Conservation Policy and Guidelines for its community consultation approach in urban design
- Traffic modelling to be undertaken by the developer under the structure plan is not supported by the community
- The Swann Parade intersection and the Road Reserve will result in the removal of the 2000 non-juvenile koala habitat trees and is not supported by the community
- The tree clearance to be offsetted by a 50m tree corridor on the northern and eastern site is not supported by the community
- The housing choices not being affordable due to reduction in lots, and therefore does not meet Council's planning scheme desired outcomes.
- The recommended conditions ignore the ethos of a fauna friendly design and devalues the community's input and expert recommendations.

The Deputy Mayor thanked Christine for her participation

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### 8.2. Community Comment: Derek Catterall - Objection to Development Application DA/33818/2017/VCHG/2 (A19998072) - WITHDRAWN AT THE REQUEST OF THE APPLICANT

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Prior to the General Meeting, Derek Catterall withdrew his application to address the Council as part of this session.

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

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*(s262 of the Local Government Regulation 2012)*

There were no Notices of Motion.

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

*(as referred by the Chief Executive Officer)*

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

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

<b>Session</b>	<b>Portfolio Councillor</b>	<b>Deputy Portfolio Councillor</b>
<b>1 Governance &amp; Engagement</b>	Cr P Flannery (Mayor)	Cr D Sims (Deputy Mayor)
<b>2 Infrastructure Planning</b>	Cr A Hain	C T Latter
<b>3 Engineering, Construction &amp; Maintenance</b>	Cr B Savige	Cr C Tonks
<b>4 Planning</b>	Cr D Grimwade	Cr K Winchester / Cr M Booth
<b>5 Community &amp; Environmental Services</b>	Cr M Gillam	Cr S Ruck
<b>6 Finance &amp; Corporate Services</b>	Cr M Constance	Cr J Shipway

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**1 GOVERNANCE & ENGAGEMENT SESSION**

**(Cr D Sims, Deputy Mayor)**

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Declarations of interest statement

*There are no personal interests to be declared for items in this session.*

**ITEM 1.1**

**LIVEABLE CITIES CONFERENCE: WEBINAR SERIES 2020**

*Meeting / Session:* 1 GOVERNANCE & ENGAGEMENT

*Reference:* A20102898 : 2 June 2020

*Responsible Officer:* LK, Executive Support Officer (FCS Executive Services)

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**Executive Summary**

The purpose of this report is to seek Council direction in relation to Councillor attendance at the Liveable Cities Conference: Webinar Series 2020. This year the conference will be a virtual event (three webinars being held on 9, 16 and 23 June 2020) due to the COVID-19 pandemic.

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**RESOLUTION**

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**Moved by Cr Matt Constance**

**Seconded by Cr Jodie Shipway**

**CARRIED 12/0**

1. That Cr Karl Winchester be authorised to attend the Liveable Cities Conference: Webinar Series 2020.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

ITEM 1.1 LIVEABLE CITIES CONFERENCE: WEBINAR SERIES 2020 - A20102898 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Cr Karl Winchester be authorised to attend the Liveable Cities Conference: Webinar Series 2020.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

**REPORT DETAIL**

**1. Background**

Advice has been received that the Liveable Cities Conference: Webinar Series 2020, which consists of three webinars, will be held on 9, 16 and 23 June 2020. Cr Karl Winchester has expressed an interest in attending webinars 2 and 3 to be held on 16 and 23 June 2020.

**2. Explanation of Item**

The Liveable Cities Conference is held annually and aims to equip attendees with strategies for sustainable city creation using social, environmental and economic opportunities.

Due to the COVID-19 pandemic the conference will be run as a virtual event, consisting of three separate webinars to be held as 2.5 hour online sessions.

The program/topics for the webinar series includes:

- Long term planning with communities in mind;
- Circular economy in the built environment: creating purposeful places for people and planet;
- Liveable communities through engagement, culture and connection;
- Bringing nature back to urban areas; and
- Liveable cities: ways to make your place in town or city 'family'.

**3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

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

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

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications  
Appropriate funds have been provided in the 2019/20 budget.

3.7 Economic Benefit Implications  
Topics associated with the conference will address a range of economic issues relevant to planning for sustainable cities within a local government context.

3.8 Environmental Implications  
Topics associated with the conference will address a range of environmental issues relevant to planning for sustainable cities within a local government context.

*ITEM 1.1 LIVEABLE CITIES CONFERENCE: WEBINAR SERIES 2020 - A20102898 (Cont.)*

3.9 Social Implications

Topics associated with the conference will address a range of social issues relevant to planning for sustainable cities within a local government context.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Communication has been undertaken with Councillors, Chief Executive Officer and Directors.

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**2 INFRASTRUCTURE PLANNING SESSION**

**(Cr A Hain)**

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No items for consideration.

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**3 ENGINEERING, CONSTRUCTION & MAINTENANCE SESSION**

**(Cr B Savige)**

Declarations of interest statement

Cr Darren Grimwade and Cr Matt Constance advised they would each declare perceived conflicts of interest for Items 3.5 and 3.6.

**ITEM 3.1**

**TENDER - SUPPLY AND DELIVERY OF ONE 21-INCH WOODCHIPPER**

Meeting / Session: 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
Reference: A20032110: 11 May 2020 - Refer **Confidential Supporting Information A19986046**  
Responsible Officer: BS, Technical Officer Fleet Support (ECM Asset Maintenance)

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**Executive Summary**

Tenders were called for the supply and delivery of one x 21-inch Woodchipper (HF44.20/MBRC009757) through open tender using LG Tender Box. Tenders closed on 22 April 2020, with three conforming submissions received.

It is recommended that the tender for the supply and delivery of one x 21-inch Woodchipper be awarded to Bandit Tree Equipment for the supply of one x Bandit 21XP 21-inch Woodchipper without remote control option for the amount of \$221,600 excl. GST, as this offer represents the best overall value for Council.

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**RESOLUTION**

Moved by Cr Cath Tonks

Seconded by Cr Adam Hain

**CARRIED 12/0**

1. That the tender for supply and delivery of one x 21-inch Woodchipper be awarded to Bandit Tree Equipment for the supply of one x Bandit 21XP 21-inch Woodchipper without remote control option for the sum of \$221,600 (excluding GST).
2. That the Council enters into an agreement with Bandit Tree Equipment 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 Bandit Tree Equipment for the supply and delivery of one x Bandit 21XP 21-inch Woodchipper and any required variations of the agreement on Council's behalf.

**OFFICER’S RECOMMENDATION**

1. That the tender for supply and delivery of one x 21-inch Woodchipper be awarded to Bandit Tree Equipment for the supply of one x Bandit 21XP 21-inch Woodchipper without remote control option for the sum of \$221,600 (excluding GST).
2. That the Council enters into an agreement with Bandit Tree Equipment 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 Bandit Tree Equipment for the supply and delivery of one x Bandit 21XP 21-inch Woodchipper and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

Tenders were called for the supply and delivery of one x 21-inch Woodchipper (HF44.20/MBRC009757) through open tender using LG Tender Box. Tenders closed on 22 April 2020, with three conforming submissions received.

Woodchippers are utilised within the Parks section of Asset Maintenance undertaking tree maintenance works across the Region. The optimum replacement period for these assets is 6 years/6,000 hrs, which has been reached on the current asset.

**2. Explanation of Item**

Council received three conforming tender responses, However, the offer submitted by Vermeer Equipment Holdings was formally withdrawn due to supply issues in the United States due to COVID 19, this offer was therefore not considered as part of this tender.

The tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

The conforming tenders and the final weighting scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Bandit Tree Equipment - 21XP Bandit Woodchipper	100.00
2	Bandit Tree Equipment - 21XP Bandit Woodchipper with Remote Option	93.67
3	Vermeer Equipment Holdings	Withdrawn

**Bandit Tree Equipment ('BTE')** - submitted an offer for the Bandit 21XP 21-inch Woodchipper with two options. Option one - 21XP 21-inch woodchipper with handheld remote-control for all machine functions; Option two, the 21XP 21-inch woodchipper without the remote-control. Both options submitted meet all requirements outlined in the tender specification, have sufficient power to carry out day to day operations. The optional function of the remote-control feature was not deemed essential to current operations and the benefits of the remote-control feature, did not out way the additional cost. The Bandit 21XP 21-inch woodchipper comes with 5 years / 3,000 hours warranty. Council currently own and operate Bandit woodchippers within its current Fleet. The Bandit 21XP 21-inch woodchipper without the remote option was the lowest priced offer and received the highest evaluation score.

ITEM 3.1 TENDER - SUPPLY AND DELIVERY OF ONE 21-INCH WOODCHIPPER - A20032110 (Cont.)

**Vermeer Equipment Holdings ('VEH') - Offer Withdrawn** - The offer submitted was withdrawn as the machine tendered was sold after the tender submission. Due to supply issues in the United States due to COVID 19, VEH were not able to confirm they could supply another machine at the same tendered price and subsequently formally withdrew their offer.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

Due to the value of the purchase being greater than \$200,000, a competitive tender process was undertaken through a Local Buy vendor panel arrangement. 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 - Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

These assets have 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.

The tendering and evaluation process for this acquisition was undertaken prior to the recent Council endorsement of the Procurement Policy (including Local Preference). All tenders were assessed in line with the selection criteria and weightings outlined in the tender documentation at the time of release.

3.4 Risk Management Implications

COVID-19 - the recommended tenderer has advised that there are no foreseen supply issues associated with the supply of the tendered item of plant.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The tendered sum for the supply and delivery of one x Bandit 21XP 21-inch Woodchipper is within the 2020-21 budget allocation. This acquisition will be debited to project number 102178.

Tender Price	\$ 221,600.00
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Total Project Cost	\$ 221,600.00
	=====

3.7 Economic Benefit

The purchase of the 21-inch woodchipper will ensure programs are delivered in line with planned outcomes.

3.8 Environmental Implications

The recommended woodchipper engine meets current environmental and Australian standards.

3.9 Social Implications  Nil identified



*ITEM 3.1 TENDER - SUPPLY AND DELIVERY OF ONE 21-INCH WOODCHIPPER - A20032110 (Cont.)*

3.10 Human Rights Implications  Nil identified

3.11 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 3.2**  
**TENDER - SUPPLY AND DELIVERY OF TWO 4WD MOTOR GRADERS**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20021786 : 11 May 2020 - Refer **Confidential Supporting Information**  
**A19986075**  
*Responsible Officer:* BS, Technical Officer Fleet Support (ECM Asset Maintenance)

**Executive Summary**

Tenders were called for the supply and delivery of two x 4WD Motor Graders (HF29.20) through Vendor Panel using the Local Buy Arrangement NPN 2.15. Tenders closed on 17 April 2020, with three conforming submissions received.

It is recommended that the tender for the supply and delivery of two x 4WD Motor Graders be awarded to Hastings Deering for the supply of two x Caterpillar 140-14A Motor Graders for the sum of \$561,855.00 each; total cost of \$1,123,710.00 (excl. GST), as this offer represents the best overall value for Council.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Mark Booth

CARRIED 12/0

1. That the tender for supply and delivery of two x 4WD Motor Graders (HF29.20) be awarded to Hastings Deering for the supply of two x Caterpillar 140-14A Motor Graders for the sum of \$561,855.00 each; total cost of \$1,123,710.00 (excluding GST).
2. That the Council enters into an agreement with Hastings Deering 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 Hastings Deering for the supply and delivery of two x Caterpillar 140-14A Motor Graders and any required variations of the agreement on Council's behalf.

ITEM 3.2 TENDER - SUPPLY AND DELIVERY OF TWO 4WD MOTOR GRADERS - A20021786 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for supply and delivery of two x 4WD Motor Graders (HF29.20) be awarded to Hastings Deering for the supply of two x Caterpillar 140-14A Motor Graders for the sum of \$561,855.00 each; total cost of \$1,123,710.00 (excluding GST).
2. That the Council enters into an agreement with Hastings Deering 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 Hastings Deering for the supply and delivery of two x Caterpillar 140-14A Motor Graders and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

Tenders were called for the supply and delivery of two x 4WD Motor Graders (HF29.20) through Vendor Panel using the Local Buy Arrangement NPN 2.15. Tenders closed on 17 April 2020, with three conforming submissions received.

Graders are utilised within the Road Maintenance and Construction sections of Asset Maintenance, including road rehabilitation works and unsealed road grading activities. The optimum replacement period for these assets is 8 years / 8,000 hours, which has been reached on the current assets.

**2. Explanation of Item**

Council received three conforming tender responses. The tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

The conforming tenders and the final weighting scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Hastings Deering - Caterpillar 140-14A Grader	100.00
2	RDO Equipment - John Deere 670GP Grader	97.51
3	Komatsu Australia - GD 655-7 Grader	96.56

**Hastings Deering ('HD')** - submitted an offer for two x Caterpillar 140-14A Motor Graders. The Caterpillar 140-14A Motor Grader meets all requirements outlined in the tender specification and has sufficient power and torque to carry out day to day operations. The Caterpillar 140-14A Motor Grader comes with 5 years / 6,000 hours warranty, the offer also includes a service contract covering all maintenance requirements up to 8,000 machine hours. The offer from HD was the lowest priced and received the highest evaluation score and is deemed best value to Council.

**RDO Equipment ('RDO')** - submitted an offer for two x John Deere 670 GP Motor Graders. The John Deere 670 GP Motor Grader meets all requirements outlined in the tender specification and has sufficient power and torque to carry out day to day operations. The John Deere 670 GP Motor Grader comes with 5 years / 5,000 hours warranty, the offer also includes a service contract covering all maintenance requirements up to 8,000 machine hours. This offer was the second lowest priced and received the second highest evaluation score.

ITEM 3.2 TENDER - SUPPLY AND DELIVERY OF TWO 4WD MOTOR GRADERS - A20021786 (Cont.)

**Komatsu Australia ('Komatsu')** - submitted an offer for two x Komatsu GD 655-7 Motor Graders. The Komatsu GD 655-7 Motor Grader meets all requirements outlined in the tender specification, has sufficient power and torque to carry out day to day operations. The Komatsu GD 655-7 Motor Grader comes with 5 years / 6,000 hours warranty, the offer also includes a service contract covering all maintenance requirements up to 8,000 machine hours. The offer from Komatsu Australia was the highest priced and received the lowest evaluation score.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

Due to the value of the purchase being greater than \$200,000, a competitive tender process was undertaken through a Local Buy vendor panel arrangement. 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 - Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

These assets have 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.

The tendering and evaluation process for this acquisition was undertaken prior to the recent Council endorsement of the Procurement Policy (including Local Preference). All tenders were assessed in line with the selection criteria and weightings outlined in the tender documentation at the time of release.

3.4 Risk Management Implications

COVID19 procurement - the recommended tenderer has advised that floor stock is available.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

The tendered sum for the supply and delivery of two x Caterpillar 140-14A Motor Graders is within the 2020-21 budget allocation. These acquisitions will be debited to project number 102178.

Tender Price	\$1,123,710.00
	-----
Total Project Cost (Excl. GST)	\$1,123,710.00
	=====

3.7 Economic Benefit

The purchase of the two Motor Graders will ensure programs are delivered in line with planned outcomes.

3.8 Environmental Implications

The recommended Caterpillar engine meets current environmental and Australian standards.

3.9 Social Implications

Nil identified

*ITEM 3.2 TENDER - SUPPLY AND DELIVERY OF TWO 4WD MOTOR GRADERS - A20021786 (Cont.)*

3.10 Human Rights Implications

Nil identified

3.11 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 3.3  
TENDER - SUPPLY AND DELIVERY OF THIRTEEN 3.5 TONNE FRONT DECK  
MOWER TRAILERS**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20021656 : 11 May 2020 - Refer **Confidential Supporting Information**  
**A19911753**  
*Responsible Officer:* BS, Technical Officer Fleet Support (ECM Asset Maintenance)

**Executive Summary**

Tenders were called for the supply and delivery of thirteen x 3.5 Tonne Front Deck Mower Trailers (HF21.20) through Vendor Panel using the Local Buy Arrangement NPN 1.15. Tenders closed on 13 April 2020, with two conforming submissions received.

It is recommended that the tender for the supply and delivery of thirteen x 3.5 Tonne Front Deck Mower Trailers be awarded to Belco Custom Trailers for the supply of thirteen x 3.5 Tonne Front Deck Mower Trailers for the sum of \$17,299.10 each; total cost of \$224,888.30 (excluding GST) as this offer represents the best overall value for Council.

**RESOLUTION**

Moved by Cr Karl Winchester

Seconded by Cr Jodie Shipway

CARRIED 12/0

1. That the tender for supply and delivery of thirteen x 3.5 Tonne Front Deck Mower Trailers (HF21.20) be awarded to Belco Custom Trailers for the supply of thirteen x 3.5 Tonne Front Deck Mower Plant Trailers for the amount of \$17,299.10 each; total cost of \$224,888.30 (excluding GST).
2. That the Council enters into an agreement with to Belco Custom Trailers 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 to Belco Custom Trailers for the supply and delivery of thirteen x 3.5 Tonne Front Deck Mower Trailers and any required variations of the agreement on Council's behalf.

*ITEM 3.3 TENDER - SUPPLY AND DELIVERY OF THIRTEEN 3.5 TONNE FRONT DECK MOWER TRAILERS - A20021656 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That the tender for supply and delivery of thirteen x 3.5 Tonne Front Deck Mower Trailers (HF21.20) be awarded to Belco Custom Trailers for the supply of thirteen x 3.5 Tonne Front Deck Mower Plant Trailers for the amount of \$17,299.10 each; total cost of \$224,888.30 (excluding GST).
2. That the Council enters into an agreement with to Belco Custom Trailers 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 to Belco Custom Trailers for the supply and delivery of thirteen x 3.5 Tonne Front Deck Mower Trailers and any required variations of the agreement on Council's behalf.

***REPORT DETAIL***

**1. Background**

Tenders were called for the supply and delivery of thirteen x 3.5 Tonne Front Deck Mower Trailers (HF21.20) through Vendor Panel using the Local Buy Arrangement NPN 1.15. Tenders closed on 13 April 2020, with two conforming submissions received.

Front deck mower trailers are utilised within the Parks section of Asset Maintenance. These trailers are primarily used for the transportation of front deck mowers to undertake grounds maintenance mowing activities. The optimum replacement period for these assets is 10 years, which has been reached on the current assets.

**2. Explanation of Item**

Council received two conforming tender responses. The tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

The conforming tenders and the final weighting scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Belco Custom Trailers	100.00
2	Duralloy Truck Bodies	82.69

**Belco Custom Trailers ('BCT')** - submitted an offer for thirteen x 3.5 tonne mower trailers. The tendered trailers meet all requirements outlined in the tender specification. The BCT 3.5 tonne mower trailer comes with a 10-year warranty on the trailer chassis and draw bar and a one-year warranty for bolt on components. The submission from BCT was the lowest priced and received the highest evaluation score. Council has a number of BCT within the fleet, these trailers are robust and fit for purpose. The offer from BCT was deemed best value to Council.

**Duralloy Truck Bodies ('DTB')** - submitted an offer for thirteen x 3.5 tonne mower trailers. The tendered trailers meet all requirements outlined in the tender specification. The Duralloy 3.5 tonne mower trailer comes with a 2-year warranty period. The offer from DTB was the higher of the two tender submissions and received the lower evaluation score and therefore not deemed best value to Council.

ITEM 3.3 TENDER - SUPPLY AND DELIVERY OF THIRTEEN 3.5 TONNE FRONT DECK MOWER TRAILERS - A20021656 (Cont.)

3. Strategic Implications

3.1 Legislative/Legal Implications

Due to the value of the purchase being greater than \$200,000, a competitive tender process was undertaken through a Local Buy vendor panel arrangement. 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 - Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

These assets have 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.

The tendering and evaluation process for this acquisition was undertaken prior to the recent Council endorsement of the Procurement Policy (including Local Preference). All tenders were assessed in line with the selection criteria and weightings outlined in the tender documentation at the time of release.

3.4 Risk Management Implications

COVID19 procurement - the recommended tenderer has advised that floor stock is available.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

The tendered sum for the supply and delivery of thirteen x 3.5 tonne front deck mower trailers built by Belco Custom Trailers is within the 2020-21 budget allocation. These acquisitions will be debited to project number 102178.

Tender Price	\$ 224,888.30
	-----
Total Project Cost	\$ 224,888.30
	=====

3.7 Economic Benefit

The purchase of the thirteen x 3.5 tonne front deck mower trailers will ensure programs are delivered in line with planned outcomes.

3.8 Environmental Implications

The trailer build meets current environmental and Australian standards.

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Nil identified

3.11 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 3.4**

**TENDER - SUPPLY AND DELIVERY OF ONE X 15 TONNE EXCAVATOR**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20023036 : 11 May 2020 - Refer **Confidential Supporting Information A19933712**  
*Responsible Officer:* BS, Technical Officer Fleet Support (ECM Asset Maintenance)

**Executive Summary**

Tenders were called for the supply and delivery of one x 15 tonne Excavator (HF35.20), through Vendor Panel using the Local Buy Arrangement NPN2.15. Tenders closed on 17 April 2020, with three conforming submissions received.

It is recommended that the tender for the supply and delivery of one x 15 tonne Excavator be awarded to Komatsu Australia for the supply of one Komatsu PC138US-11 Excavator for the sum of \$222,386.00 (excl. GST), as this offer represents the best overall value for Council.

**RESOLUTION**

Moved by Cr Mark Booth

Seconded by Cr Jodie Shipway

CARRIED 12/0

1. That the tender for supply and delivery of one x 15 tonne Excavator be awarded to Komatsu Australia for the supply of one Komatsu PC138US-11 Excavator for the sum of \$222,386.00 (excluding GST).
2. That the Council enters into an agreement with Komatsu Australia 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 Komatsu Australia for the supply and delivery of one x Komatsu PC138US-11 Excavator and any required variations of the agreement on Council's behalf.

*ITEM 3.4 TENDER - SUPPLY AND DELIVERY OF ONE X 15 TONNE EXCAVATOR - A20023036 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That the tender for supply and delivery of one x 15 tonne Excavator be awarded to Komatsu Australia for the supply of one Komatsu PC138US-11 Excavator for the sum of \$222,386.00 (excluding GST).
2. That the Council enters into an agreement with Komatsu Australia 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 Komatsu Australia for the supply and delivery of one x Komatsu PC138US-11 Excavator and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

Tenders were called for the supply and delivery of one x 15 tonne Excavator (HF35.20), through Vendor Panel using the Local Buy Arrangement NPN2.15. Tenders closed on 17 April 2020, with three conforming submissions received.

This 15 tonne excavator will be utilised within the Construction section of Asset Maintenance. The optimum replacement period for these assets is 8 years / 8,000 hours, which has been reached on the current asset.

**2. Explanation of Item**

Council received three conforming tender responses. The tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

The conforming tenders and the final weighting scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Komatsu Australia - Komatsu PC138US-11 Excavator	98.90
2	CEA JCB & Dynapac - JCB JZ140DLC Excavator	97.77
3	Hastings Deering - Caterpillar 315 Excavator	88.62

**Komatsu Australia ('KA')** - submitted an offer for the Komatsu PC138US-11 excavator, this machine meets all requirements outlined in the tender specification and has sufficient power and torque to carry out day to day operations. The Komatsu PC138US-11 excavator comes with 5 years / 6,000 hours warranty, the offer also includes complimentary servicing up to 3 years / 2,000 hours of the machine's life. This offer was the lowest priced and received the highest evaluation score and therefore deemed best value to Council.

**CEA JCB & Dynapac ('CEA')** - submitted an offer for the JCB JZ140 DLC excavator, this machine meets all requirements outlined in the tender specification and has sufficient power and torque to carry out day to day operations. The JCB JZ140 DLC excavator comes with a 3 years / 6,000 hours warranty. This offer did not include any complimentary servicing, it was the second lowest priced and received the second highest evaluation score.

**Hastings Deering ('HD')** - submitted an offer for the Caterpillar 315 excavator, this machine meets all requirements outlined in the tender specification and has sufficient power and torque to carry out day to day operations. The Caterpillar 315 excavator comes with 5 years / 6,000 hours warranty, this offer did not include any complimentary servicing, it was the highest priced and received the lowest evaluation score.

ITEM 3.4 TENDER - SUPPLY AND DELIVERY OF ONE X 15 TONNE EXCAVATOR - A20023036 (Cont.)

3. Strategic Implications

3.1 Legislative/Legal Implications

Due to the value of the purchase being greater than \$200,000, a competitive tender process was undertaken through a Local Buy vendor panel arrangement. 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 - Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

These assets have 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.

The tendering and evaluation process for this acquisition was undertaken prior to the recent Council endorsement of the Procurement Policy (including Local Preference). All tenders were assessed in line with the selection criteria and weightings outlined in the tender documentation at the time of release.

3.4 Risk Management Implications

COVID19 - the recommended tenderer has advised that there are no supply issues associated with the tendered machine.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

The tendered sum for the supply and delivery of one x Komatsu PC138US-11 15 tonne xxcavator is within the 2020-21 budget allocation. This acquisition will be debited to project number 102178.

Tender Price	\$ 222,386.00
	-----
Total Project Cost	\$ 222,386.00
	=====

3.7 Economic Benefit

The purchase of the Komatsu PC138US-11 Excavator will ensure programs are delivered in line with planned outcomes.

3.8 Environmental Implications

The recommended Komatsu engine meets current environmental and Australian standards.

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

3.11 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 3.5 - DECLARATION OF INTEREST**

#### **Conflict of Interest - Declaration - Cr Darren Grimwade**

Pursuant to s175E of the *Local Government Act 2009*, Cr Darren Grimwade declared a perceived conflict of interest in Item 3.5 as the owner of Brisbane Isuzu (Alan Newcombe), who submitted a tender, is the father of Shane Newcombe, a friend of the Councillor.

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

#### **Conflict of Interest - Declaration - Cr Matt Constance**

Pursuant to s175E of the *Local Government Act 2009*, Cr Matt Constance declared a perceived conflict of interest in Item 3.5 as follows:

- a) The owner of Brisbane Isuzu who submitted a tender is related to a friend of the Councillor.
- b) The Councillor's personal interest arises because of a relationship as follows:
  - (i) Alan Newcombe who owns Brisbane Isuzu is the father of Mr Shane Newcombe.
  - (ii) Mr Shane Newcombe is a friend of the Councillor.

However, Cr Constance has considered his position and was of the opinion that he could participate in the debate and recommendation 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 Mick Gillam**

**Seconded by Cr Sandra Ruck**

**CARRIED 10/0**

**That in accordance with s175E(4) of the *Local Government Act 2009*, it is considered that Cr Darren Grimwade 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 Darren Grimwade remained in the meeting.**

#### **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 Mick Gillam**

**Seconded by Cr Karl Winchester**

**CARRIED 10/0**

**That in accordance with s175E(4) of the *Local Government Act 2009*, it is considered that Cr Matt Constance 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 Matt Constance remained in the meeting**

**ITEM 3.5  
TENDER - SUPPLY AND DELIVERY OF ONE 11-12 TONNE FLEET SERVICE TRUCK**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20020176 : 11 May 2020 - Refer **Confidential** Supporting Information  
**A20100986**  
*Responsible Officer:* BS, Technical Officer Fleet Support (ECM Asset Maintenance)

**Executive Summary**

Tenders were called for the supply and delivery of one x 11-12 Tonne Fleet Service Truck (HF18.20) through vendor panel using the Local Buy Arrangement NPN 04 -13. Tenders closed on 26 April 2020, with eleven conforming submissions received.

It is recommended that the tender for the supply and delivery of one x 11-12 Tonne Fleet Service Truck be awarded to Daimler Trucks Brisbane for the supply of one x Fuso Fighter 1224 fitted with Custom Truck Bodies service body for the amount of \$211,583 excl. GST, as this offer represents the best overall value for Council.

**RESOLUTION**

Moved by Cr Jodie Shipway

Seconded by Cr Sandra Ruck

**CARRIED 12/0**

1. That the tender for supply and delivery of one x 11-12 Tonne Fleet Service Truck be awarded to Daimler Trucks Brisbane for the supply of one x Fuso Fighter 1224 with a Custom Truck Bodies service body for the sum of \$211,583.00 (excluding GST).
2. That the Council enters into an agreement with Daimler Trucks Brisbane 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 Daimler Trucks Brisbane for the supply and delivery of one x Fuso Fighter 1224 with a Custom Truck Bodies service body and any required variations of the agreement on Council's behalf.

*ITEM 3.5 TENDER - SUPPLY AND DELIVERY OF ONE 11-12 TONNE FLEET SERVICE TRUCK - A20020176  
(Cont.)*

**OFFICER'S RECOMMENDATION**

1. That the tender for supply and delivery of one x 11-12 Tonne Fleet Service Truck be awarded to Daimler Trucks Brisbane for the supply of one x Fuso Fighter 1224 with a Custom Truck Bodies service body for the sum of \$211,583.00 (excluding GST).
2. That the Council enters into an agreement with Daimler Trucks Brisbane 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 Daimler Trucks Brisbane for the supply and delivery of one x Fuso Fighter 1224 with a Custom Truck Bodies service body and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

Tenders were called for the supply and delivery of one x 11-12 Tonne Fleet Service Truck (HF18.20) through vendor panel using the Local Buy Arrangement NPN 04 -13. Tenders closed on 26 April 2020, with eleven conforming submissions received.

Fleet Service Trucks are utilised within the Fleet Services section of Asset Maintenance. The optimum replacement period for these assets is 8 years / 180,000 kms. The acquisition of this truck will expand Fleet's capacity to service fleet assets located at depots throughout the region, removing the need for crews to take plant and equipment to the three workshops for servicing.

**2. Explanation of Item**

Council received eleven conforming tender responses. The tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

The conforming tenders and the final weighting scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Daimler Trucks Brisbane - Fuso Fighter 1224 - Custom Truck Bodies	100.00
2	James Frizelle's Automotive Group - Isuzu FSR 120-260 - Custom Truck Bodies	98.84
3	Brisbane Isuzu - Isuzu FSR 120-260 - Custom Truck Bodies	97.35
4	Sci Fleet Hino - Hino FE1426 - Custom Truck Bodies	95.52
5	Daimler Trucks Brisbane - Fuso Fighter 1224 - Tosca Industries	93.46
6	James Frizelle's Automotive Group - Isuzu FSR 120-260 - Tosca Industries	92.31
7	Brisbane Isuzu - Isuzu FSR 120-260 -Tosca Industries	91.87
8	Daimler Trucks Brisbane - Fuso Fighter 1224 - Gibson Tru Body	89.86
9	Sci Fleet Hino - Hino FE1426 - Tosca Industries	88.99
10	Brisbane Isuzu - Isuzu FSR 120-260 - Gibson Tru Body	86.72
11	Sci Fleet Hino - Hino FE1426 - Gibson Tru Body	85.81

ITEM 3.5 TENDER - SUPPLY AND DELIVERY OF ONE 11-12 TONNE FLEET SERVICE TRUCK - A20020176  
(Cont.)

**Daimler Trucks Brisbane ('DTB')** - submitted an offer for the Fuso Fighter 1224 chassis fitted with service body options from three body builders, Custom Truck Bodies, Tosca Industries and Gibson Tru Body. The Fuso Fighter 1224 chassis meets all requirements outlined in the tender specification, features GPS navigation and has sufficient power and torque to carry out day to day operations. The Fuso Fighter 1224 chassis comes with 5 years / 300,000 kms / unlimited hours warranty. All three bodies offered meet the body specification in the tender, however the offer for the Custom Truck Bodies was the lowest priced and received the highest evaluation score and was deemed best value for Council.

**James Frizelle's Automotive Group ('JFA')** - submitted an offer for the Isuzu FSR 120-260 Chassis fitted with service body options from two body builders, Custom Truck Bodies and Tosca Industries. The Isuzu FSR 120-260 chassis meets all requirements outlined in the tender specification and has sufficient power and torque to carry out day to day operations. The Isuzu FSR 120-260 comes with 5 years / 300,000 kms / 5,000 hours warranty. Both bodies offered meet the body specification in the tender, however the offer from JFA for the Isuzu FSR120-260 chassis fitted with the Custom Truck Bodies body was the second lowest priced offer and received the second highest evaluation score.

**Brisbane Isuzu ('BI')** - submitted an offer for the Isuzu FSR 120-260 Chassis fitted with service body options from three body builders, Custom Truck Bodies, Tosca Industries and Gibson Tru Body. The Isuzu FSR 120-260 chassis meets all requirements outlined in the tender specification and has sufficient power and torque to carry out day to day operations. The Isuzu FSR 120-260 comes with 5 years / 300,000 kms / 5,000 hours warranty. All three bodies offered meet the body specification in the tender, however the offer from BI for the Isuzu FSR120-260 chassis fitted with the Custom Truck Bodies body was the third lowest priced offer and received the third highest evaluation score.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

Due to the value of the purchase being greater than \$200,000, a competitive tender process was undertaken through a Local Buy vendor panel arrangement. 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 - Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

These assets have 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.

The tendering and evaluation process for this acquisition was undertaken prior to the recent Council endorsement of the Procurement Policy (including Local Preference). All tenders were assessed in line with the selection criteria and weightings outlined in the tender documentation at the time of release.

3.4 Risk Management Implications

Nil identified

COVID19 - the recommended tenderer has advised that there are no supply issues associated with the tendered item of plant.

3.5 Delegated Authority Implications

Nil identified

ITEM 3.5 TENDER - SUPPLY AND DELIVERY OF ONE 11-12 TONNE FLEET SERVICE TRUCK - A20020176  
(Cont.)

3.6 Financial Implications

The tendered sum for the supply and delivery of one x Fuso Fighter 1224 fitted with Custom Truck Bodies service body is within the 2020-21 budget allocation. This acquisition will be debited to project number 102178.

Tender Price	\$ 211,583.00
	-----
Total Project Cost	\$ 211,583.00
	=====

3.7 Economic Benefit

The purchase of the 11-12 tonne fleet service truck will ensure servicing programs are delivered in line with planned outcomes.

3.8 Environmental Implications

The recommended Fuso engine meets current environmental and Australian standards.

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Nil identified

3.11 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 3.6 - DECLARATION OF INTEREST**

#### **Conflict of Interest - Declaration - Cr Darren Grimwade**

Pursuant to s175E of the *Local Government Act 2009*, Cr Grimwade declared a perceived conflict of interest in Item 3.6 as the owner of Brisbane Isuzu (Alan Newcombe), who submitted a tender, is the father of Shane Newcombe, a friend of the Councillor.

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

#### **Conflict of Interest - Declaration - Cr Matt Constance**

Pursuant to s175E of the *Local Government Act 2009*, Cr Matt Constance declared a perceived conflict of interest in Item 3.6 as follows:

- a) The owner of Brisbane Isuzu who submitted a tender is related to a friend of the Councillor.
- b) The Councillor's personal interest arises because of a relationship as follows:
  - (i) Alan Newcombe who owns Brisbane Isuzu is the father of Mr Shane Newcombe.
  - (ii) Mr Shane Newcombe is a friend of the Councillor.

However, Cr Constance has considered his position and was of the opinion that he could participate in the debate and recommendation on the matter in the public interest.

#### **Councillors 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 Mick Gillam**

**Seconded by Cr Tony Latter**

**CARRIED 10/0**

**That in accordance with s175E(4) of the *Local Government Act 2009*, it is considered that Cr Darren Grimwade and Cr Matt Constance have 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 Darren Grimwade and Cr Matt Constance remained in the meeting.**

**ITEM 3.6**

**TENDER - SUPPLY AND DELIVERY OF ONE X 12-13 TONNE 4WD FIRE TRUCK**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20019976: 11 May 2020 - Refer **Confidential Supporting Information A19991527**  
*Responsible Officer:* BS, Technical Officer Fleet Support (ECM Asset Maintenance)

**Executive Summary**

Tenders were called for the supply and delivery of one x 12-13 tonne 4wd fire truck (HF13.20) through Vendor Panel using the Local Buy Arrangement NPN 04-13. Tenders closed on 30 April 2020, with six conforming submissions received.

It is recommended that the tender for the supply and delivery of one x 12-13 tonne 4wd fire truck (HF13.20) be awarded to Brisbane Isuzu for the supply of one x Isuzu FTS139-260 chassis with Bell Environmental fire appliance body for the amount of \$421,205.04 excl. GST, as this offer represents the best overall value for Council.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Mark Booth

**CARRIED 12/0**

1. That the tender for supply and delivery of one x 12-13 tonne 4wd fire truck (HF13.20) be awarded to Brisbane Isuzu for the supply of one x Isuzu FTS139-260 chassis with Bell Environmental fire appliance body for the sum of \$421,205.04 (excluding GST).
2. That the Council enters into an agreement with Brisbane Isuzu 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 Brisbane Isuzu for the supply and delivery of one x Isuzu FTS139-260 chassis with Bell Environmental fire appliance body and any required variations of the agreement on Council's behalf.

*ITEM 3.6 TENDER - SUPPLY AND DELIVERY OF ONE X 12-13 TONNE 4WD FIRE TRUCK - A20019976 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That the tender for supply and delivery of one x 12-13 tonne 4wd fire truck (HF13.20) be awarded to Brisbane Isuzu for the supply of one x Isuzu FTS139-260 chassis with Bell Environmental fire appliance body for the sum of \$421,205.04 (excluding GST).
2. That the Council enters into an agreement with Brisbane Isuzu 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 Brisbane Isuzu for the supply and delivery of one x Isuzu FTS139-260 chassis with Bell Environmental fire appliance body and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

Tenders were called for the supply and delivery of one x 12-13 tonne 4wd fire truck (HF13.20) through Vendor Panel using the Local Buy Arrangement NPN 04-13. Tenders closed on 30 April 2020, with six conforming submissions received.

The 4WD fire truck will be utilised as a shared asset within the Natural Areas and Emergency Management departments within Engineering Construction and Maintenance. Tasks include the ongoing maintenance of Natural Areas across the region and fire response as required either during the bushfire season or to undertake important back burning operations during the Winter months. The optimum replacement period for these assets is 8 Year / 180,000kms, which has been reached on the current asset.

**2. Explanation of Item**

Council received six conforming tender responses. The tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

The conforming tenders and the final weighting scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Brisbane Isuzu - Isuzu FTS139-260 - Bell Environmental Body	100.00
2	Brisbane Isuzu - Isuzu FTS139-260 - Varley Body	98.79
3	Brisbane Isuzu - Isuzu FTS139-260 - Quikcorp Body	98.63
4	Sci Fleet Hino - Hino GT1528 - Bell Environmental Body	97.81
5	James Frizelle's Automotive Group - Isuzu FTS139-260 - Varley Body	97.44
6	Sci Fleet Hino - Hino GT1528 - Varley Body	94.77

**Brisbane Isuzu ('BI')**- submitted an offer for the Isuzu FTS139-260 Chassis with three fire appliance body options from Bells Environmental, Varley Group and Quikcorp. The Isuzu FTS139-260 chassis meets all requirements outlined in the tender specification and has sufficient power and torque to carry out day to day operations. The Isuzu chassis comes with 5 years / 300,000kms / 5,000hrs warranty. All fire appliance body options tendered, meet the requirements of the tender and come with a one-year warranty. The offer from BI for the Isuzu FTS139-260 chassis fitted with the three fire appliance body options were the lowest three priced offers and received the highest three evaluation scores, however the fire appliance body option from *Bells Environmental* was the lowest priced offer and received the highest evaluation score and is therefore deemed best value to Council.

ITEM 3.6 TENDER - SUPPLY AND DELIVERY OF ONE X 12-13 TONNE 4WD FIRE TRUCK - A20019976 (Cont.)

**Sci Fleet Hino ('SFH')**- submitted an offer for the Hino GT1528 chassis and with two fire appliance body options from Bell Environmental and Varley Group. The Hino GT1528 chassis meets all requirements outlined in the tender specification and has sufficient power and torque to carry out day to day operations. The Hino comes with 3 years / 150,000 km warranty. Both fire appliance body options tendered, meet the requirements of the tender and come with a one-year warranty. The offer from SFH for the Hino GT1528 Chassis fitted with the fire appliance body from Bell Environmental was the fourth lowest priced and received the fourth highest evaluation score.

**James Frizelle's Automotive Group ('JF')** - submitted an offer for an Isuzu FTS139-260 chassis and fire appliance body option from Varley Group. The Isuzu FTS139-260 chassis and Varley Group body meets all requirements outlined in the tender specification, has sufficient power and torque to carry out day to day operations. The Isuzu FTS 139-260 comes with 5 years / 300,000 kms / 5,000 hours warranty. This offer was the fifth lowest priced offer and received the fifth highest ranked offer.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

Due to the value of the purchase being greater than \$200,000, a competitive tender process was undertaken through a Local Buy vendor panel arrangement. 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 - Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

These assets have 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.

The tendering and evaluation process for this acquisition was undertaken prior to the recent Council endorsement of the Procurement Policy (including Local Preference). All tenders were assessed in line with the selection criteria and weightings outlined in the tender documentation at the time of release. However, it is noted that the recommended tenderer is a local supplier within the Moreton Bay Region.

3.4 Risk Management Implications

COVID-19 - the recommended tender has advised that there are no foreseen procurement risks associated with the tendered item of plant.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

The tendered sum for the supply and delivery of one x Isuzu FTS139-260 chassis with Bell Environmental fire appliance body is within the 2020-21 budget allocation. These acquisitions will be debited to project number 102178.

Tender Price	\$ 421,205.04
	-----
Total Project Cost	\$ 421,205.04
	=====

ITEM 3.6 TENDER - SUPPLY AND DELIVERY OF ONE X 12-13 TONNE 4WD FIRE TRUCK - A20019976 (Cont.)

3.7 Economic Benefit

The purchase of the 12-13 tonne 4wd fire truck will ensure programs are delivered in line with planned outcomes and disaster management coordination.

3.8 Environmental Implications

The recommended chassis engine meets current environmental and Australian standards.

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Nil identified

3.11 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 3.7**

**TENDER - SUPPLY AND DELIVERY OF ONE 16 TONNE WHEEL LOADER**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20022814: 11 May 2020 - Refer **Confidential Supporting Information A19986070**  
*Responsible Officer:* BS, Technical Officer Fleet Support (ECM Asset Maintenance)

**Executive Summary**

Tenders were called for the supply and delivery of one x 16 tonne Wheel Loader (HF31.20) through Vendor Panel using the Local Buy Arrangement NPN 2.15. Tenders closed on 17 April 2020, with three conforming submissions received.

It is recommended that the tender for the supply and delivery of one x 16 tonne Wheel Loader (HF31.20) be awarded to Hastings Deering for the supply of one x Caterpillar 938K Wheel Loader for the amount of \$360,427.00 excl. GST, as this offer represents the best overall value for Council.

**RESOLUTION**

Moved by Cr Sandra Ruck

Seconded by Cr Cath Tonks

CARRIED 12/0

1. That the tender for supply and delivery of one x 16 tonne Wheel Loader (HF31.20) be awarded to Hastings Deering for the supply of one x Caterpillar 938K Wheel Loader for the sum of \$360,427.00 (excluding GST).
2. That the Council enters into an agreement with Hastings Deering 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 Hastings Deering for the supply and delivery of one x Caterpillar 938K Wheel Loader and any required variations of the agreement on Council's behalf.

ITEM 3.7 TENDER - SUPPLY AND DELIVERY OF ONE 16 TONNE WHEEL LOADER - A20022814 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for supply and delivery of one x 16 tonne Wheel Loader (HF31.20) be awarded to Hastings Deering for the supply of one x Caterpillar 938K Wheel Loader for the sum of \$360,427.00 (excluding GST).
2. That the Council enters into an agreement with Hastings Deering 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 Hastings Deering for the supply and delivery of one x Caterpillar 938K Wheel Loader and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

Tenders were called for the supply and delivery of one x 16 tonne Wheel Loader (HF31.20) through Vendor Panel using the Local Buy Arrangement NPN 2.15. Tenders closed on 17 April 2020, with three conforming submissions received.

This wheel loader will be utilised within Council's regional shale pits. These pits supply gravel materials to various road maintenance and construction crews within Asset Maintenance. The material is used with maintenance grading of Council's unsealed road network. The optimum replacement period for these assets is 8 years / 8,000 hours, which has been reached on the current asset.

**2. Explanation of Item**

Council received three conforming tender responses. The tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

The conforming tenders and the final weighting scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Hastings Deering - Caterpillar 938K Wheel Loader	100
2	Hitachi Construction Machinery - Hitachi ZW180-5 Wheel Loader	98.16
3	Komatsu Australia - Komatsu WA 320-8 Wheel Loader	97.54

**Hastings Deering ('HD')** - submitted an offer for the Caterpillar 938K Wheel Loader which meets all requirements outlined in the tender specification and has sufficient power and torque required. The Caterpillar 938K comes with 5 years / 6,000 hours warranty; the offer also includes a service contract covering all maintenance requirements up to 6,000 machine hours. This offer was the lowest priced and received the highest evaluation score and therefore deemed best value to Council.

**Hitachi Construction Machinery ('HCM')** - submitted an offer for a Hitachi ZW180-5 Wheel Loader. The Hitachi ZW180-5 Wheel Loader meets all requirements outlined in the tender specification, has sufficient power and torque to carry out day to day operations. The Hitachi ZW180-5 Wheel Loader comes with 5 years / 5,000 hours warranty, the offer also includes a service contract covering all maintenance requirements up to 6,000 machine hours. The offer from Hitachi Construction Machinery was the second lowest priced and received the second highest evaluation score.

ITEM 3.7 TENDER - SUPPLY AND DELIVERY OF ONE 16 TONNE WHEEL LOADER - A20022814 (Cont.)

**Komatsu Australia ('KA')** - submitted an offer for a Komatsu WA320-8 Wheel Loader. The Komatsu WA320-8 Wheel Loader meets all requirements outlined in the tender specification, has sufficient power and torque to carry out day to day operations. The Komatsu WA320-8 Wheel Loader comes with 5 years / 6,000 hours warranty, the offer also includes a service contract covering all maintenance requirements up to 6,000 machine hours. The offer from Komatsu Australia was the highest priced and received the third highest evaluation score.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

Due to the value of the purchase being greater than \$200,000, a competitive tender process was undertaken through a Local Buy vendor panel arrangement. 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 - Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

These assets have 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.

The tendering and evaluation process for this acquisition was undertaken prior to the recent Council endorsement of the Procurement Policy (including Local Preference). All tenders were assessed in line with the selection criteria and weightings outlined in the tender documentation at the time of release.

3.4 Risk Management Implications

COVID19 - the recommended tenderer has advised that the tendered machine is available within Australia.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

The tendered sum for the supply and delivery of one x Caterpillar 938K Wheel Loader is within the 2020-21 budget allocation. This acquisition will be debited to project number 102178.

Tender Price	\$ 360,427.00
	-----
Total Project Cost (excl. GST)	\$ 360,427.00
	=====

3.7 Economic Benefit

The purchase of the Caterpillar 938K Wheel Loader will ensure programs are delivered in line with planned outcomes.

3.8 Environmental Implications

The recommended Caterpillar engine meets current environmental and Australian standards.

3.9 Social Implications

Nil identified



*ITEM 3.7 TENDER - SUPPLY AND DELIVERY OF ONE 16 TONNE WHEEL LOADER - A20022814 (Cont.)*

3.10 Human Rights Implications

Nil identified

3.11 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 3.8**

**TENDER - SUPPLY AND DELIVERY OF ONE 4WD BACKHOE LOADER**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20022649 : 11 May 2020 - Refer **Confidential Supporting Information A19986072**  
*Responsible Officer:* BS, Technical Officer Fleet Support (ECM Asset Maintenance)

**Executive Summary**

Tenders were called for the supply and delivery of one x 4WD Backhoe Loader (HF30.20) through vendor panel using the Local Buy Arrangement NPN 2.15. Tenders closed on 17 April 2020, with eight conforming submissions received.

It is recommended that the tender for the supply and delivery of one x 4WD Backhoe Loader (HF30.20) be awarded to CEA JCB & Dynapac for the supply of one x JCB 3CX Classic Backhoe Loader for the amount of \$208,220.00 excl. GST, as this offer represents the best overall value for Council.

**RESOLUTION**

Moved by Cr Jodie Shipway

Seconded by Cr Mark Booth

CARRIED 12/0

1. That the tender for supply and delivery of one x 4WD Backhoe Loader (HF30.20) be awarded to CEA JCB & Dynapac for the supply of one x JCB 3CX Classic Backhoe Loader for the sumt of \$208,220.00 (excluding GST).
2. That the Council enters into an agreement with CEA JCB & Dynapac 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 CEA JCB & Dynapac for the supply and delivery of one x JCB 3CX Classic Backhoe Loader and any required variations of the agreement on Council's behalf.

*ITEM 3.8 TENDER - SUPPLY AND DELIVERY OF ONE 4WD BACKHOE LOADER - A20022649 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That the tender for supply and delivery of one x 4WD Backhoe Loader (HF30.20) be awarded to CEA JCB & Dynapac for the supply of one x JCB 3CX Classic Backhoe Loader for the sumt of \$208,220.00 (excluding GST).
2. That the Council enters into an agreement with CEA JCB & Dynapac 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 CEA JCB & Dynapac for the supply and delivery of one x JCB 3CX Classic Backhoe Loader and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

Tenders were called for the supply and delivery of one x 4WD Backhoe Loader (HF30.20) through vendor panel using the Local Buy Arrangement NPN 2.15. Tenders closed on 17 April 2020, with eight conforming submissions received.

Backhoe Loaders are utilised within the Construction and Maintenance sections of Asset Maintenance. The optimum replacement period for these assets is 8 years / 8,000 hours, which has been reached on the current asset.

**2. Explanation of Item**

The tender contained an option to add an 'Automatic Greaser' to the machine; currently the machines are greased manually each day as part of the operators pre trip inspection, the auto greasing function allows all grease points to be automatically greased when required. Tender submissions contained pricing for both standard grease points and automatic greasing. It was determined the additional cost associated with the 'Auto Greaser' was not deemed value for money.

Council received eight conforming tender responses. The tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

The conforming tenders and the final weighting scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	CEA JCB & Dynapac - JCB 3CX Classic Backhoe <i>(No Auto Greaser)</i>	100
2	RDO Equipment - John Deere 315SL Backhoe <i>(No Auto Greaser)</i>	98.04
3	Hastings Deering - CAT 432F2 Backhoe <i>(No Auto Greaser)</i>	97.89
4	CEA JCB & Dynapac - JCB 3CX Classic Backhoe <i>(Auto Greaser)</i>	96.83
5	CEA JCB & Dynapac - JCB 3CX Elite Backhoe <i>(No Auto Greaser)</i>	96.73
6	Hastings Deering - CAT 432F2 Backhoe <i>(Auto Greaser)</i>	93.93
7	RDO Equipment - John Deere 315SL Backhoe <i>(Auto Greaser)</i>	93.81
8	CEA JCB & Dynapac - JCB 3CX Elite Backhoe <i>(Auto Greaser)</i>	93.56

ITEM 3.8 TENDER - SUPPLY AND DELIVERY OF ONE 4WD BACKHOE LOADER - A20022649 (Cont.)

**CEA JCB & Dynapac ('CEA')** - submitted two backhoe options both with the option of standard greasing and the auto greasing function. Both machines offered the JCB 3CX Classic and Elite meet all requirements outlined in the tender specification and have sufficient power and torque to carry out the day to day requirements. The JCB 3CX 'Classic' comes with a 3-tier diesel engine, this engine meets all Australian standards for emission controls; the JCB 3CX 'Elite' has a 4-tier diesel engine, which has advanced technology in emission controls, however, the benefits of the 4-tier engine do not out way the additional costs for this machine. Both JCB 3CX 'Classic' and the 'Elite' come with 5 years / 6,000 hours warranty. The offer from CEA for the JCB 3CX 'Classic' (*No Auto-Greaser*) was the lowest priced and received the highest evaluation score and is deemed best value to Council.

**RDO Equipment ('RDO')**- submitted an offer for the John Deere 315SL Backhoe. The John Deere 315SL meets all requirements outlined in the tender specification, has sufficient power and torque to carry out day to day operations. The John Deere 315SL is fitted with a 3-tier diesel engine and comes with 5 years / 5,000 hours warranty. The offer from RDO for the John Deere 315SL (*No Auto Greaser*) was the second lowest priced and received second highest evaluation score.

**Hastings Deering ('HD')** - submitted an offer for the Caterpillar 432F2 Backhoe. The Caterpillar 432F2 meets all requirements outlined in the tender specification, has sufficient power and torque to carry out day to day operations. The Caterpillar 432F2 is fitted with a 3-tier diesel engine and comes with 5 years / 6,000 hours warranty. The offer from Hastings Deering for the Caterpillar 432F2 (*No Auto Greaser*) was the third lowest priced and received third highest evaluation score.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

Due to the value of the purchase being greater than \$200,000, a competitive tender process was undertaken through a Local Buy vendor panel arrangement. 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 - Strengthening Communities: Strong local governance - strong leadership and governance.

3.3 Policy Implications

These assets have 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.

The tendering and evaluation process for this acquisition was undertaken prior to the recent Council endorsement of the Procurement Policy (including Local Preference). All tenders were assessed in line with the selection criteria and weightings outlined in the tender documentation at the time of release.

3.4 Risk Management Implications

COVID-19 - the recommended tenderer has advised that the supply of the tendered item of plant is not foreseen to be adversely affected by COVID-19

3.5 Delegated Authority Implications

Nil identified

ITEM 3.8 TENDER - SUPPLY AND DELIVERY OF ONE 4WD BACKHOE LOADER - A20022649 (Cont.)

3.6 Financial Implications

The tendered sum for the supply and delivery of one x JCB 3CX Classic (*no auto greaser*) Backhoe Loader is within the 2020-21 budget allocation. These acquisitions will be debited to project number 102178.

Tender Price	\$ 208,220.00
	-----
Total Project Cost	\$ 208,220.00
	=====

3.7 Economic Benefit

The purchase of the Backhoe Loader will ensure programs are delivered in line with planned outcomes.

3.8 Environmental Implications

The recommended JCB engine meets current environmental and Australian standards.

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Nil identified

3.11 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 3.9**  
**TENDER - REDCLIFFE WAR MEMORIAL POOL SHELL RENEWALS**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20093032 : 29 May 2020 - Refer **Confidential Supporting Information**  
**A20088689**  
*Responsible Officer:* CB, Senior Technical Officer (ECM Asset Maintenance)

**Executive Summary**

The Redcliffe War Memorial Pool is a central hub for swimming activities on the Redcliffe Peninsula (Division 6). The facility is home to three pools, a 50 metre Olympic-size, an 18.3 metre Learn to Swim Pool and a Baby Wading Pool. All pools have deteriorated due to their age, due to this reason tenders were invited for the 'Redcliffe War Memorial Pool Shell Renewals (MBRC009780)' project. Tenders closed on 22 May 2020, with two conforming tenders received.

It is recommended that the contract for 'Redcliffe War Memorial Pool Shell Renewals (MBRC009780)' be awarded to Premis Solutions Pty Ltd for the sum of \$234,200.00 (excluding GST) as this offer represents the best overall value to Council.

**RESOLUTION**

Moved by Cr Sandra Ruck

Seconded by Cr Karl Winchester

**CARRIED 12/0**

1. That the contract for 'Redcliffe War Memorial Pool Shell Renewals (MBRC009780)' be awarded to Premis Solutions Pty Ltd for the sum of \$234,200.00 (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 'Redcliffe War Memorial Pool Shell Renewals (MBRC009780)' and any required variations of the agreement on Council's behalf.

## OFFICER'S RECOMMENDATION

1. That the contract for 'Redcliffe War Memorial Pool Shell Renewals (MBRC009780)' be awarded to Premis Solutions Pty Ltd for the sum of \$234,200.00 (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 'Redcliffe War Memorial Pool Shell Renewals (MBRC009780)' and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

The Redcliffe War Memorial Pool is located at 50 Sydney Street, Redcliffe 4020 (Division 6). The project will address the renewal of the below items. Works will commence 22 June 2020 with completion targeted for 9 September 2020. On completion of the contracted works, MBRC's contracted pool operator will be able to take possession of the facility

- a. The **50 metre Olympic-size pool** consists of a paint applied floor and tiles around the sides. The floor has deteriorated due to age and as such the substrate is now visible from the surface of the pool; Figure 1 highlights these areas of deterioration. Tiles around the pool have been damaged and the grouting has eroded. As part of this project the pool floor will be stripped and recoated with applied epoxy. Damaged tiles will be replaced, and all tiles will benefit from reapplication of grouting.

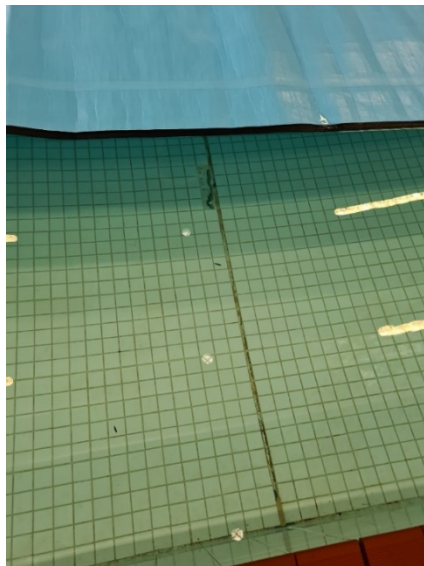
**Figure 1: Image of 50m Pool Deterioration**



ITEM 3.9 TENDER - REDCLIFFE WAR MEMORIAL POOL SHELL RENEWALS - A20093032 (Cont.)

- b. The **18.3 metre Learn to Swim Pool** is approximately 18.3m by 11m and is tiled on both the floor and sides. Tiles around the pool have been damaged and grouting eroded. **Figure 2** illustrates a small number of these missing/damaged tiles. The parent waiting area has also deteriorated significantly due to age, the current condition is illustrated in **Figure 3**. As part of this project all damaged and missing tiles will be replaced, and all tiles will benefit from reapplication of grouting. The existing artwork will be stripped back and reapplied under a similar design.

**Figure 2:**  
**Image of 18.3m Pool Missing Tiles**



**Figure 3:**  
**Image of Deteriorated Artwork (18.3m Pool)**



- c. The **Baby Wading Pool** is approximately 7.9m by 7.8m and is tiled on both the floor and sides. Like the 50m and 18.3m pools, tiles have sustained damage and require replacement. As part of this project all damaged and missing tiles will be replaced. The existing non-slip painted border will be repainted as part of this project.

**Figure 4: Image of Baby Wading Pool**



- d. Due to the age of the facility all **expansion joints** have deteriorated and are believed to no longer be capable of preventing water ingress or completing their purpose. As part of this project all expansion joints on the concourse and in the pool will be renewed and sealed to prevent further deterioration.



ITEM 3.9 TENDER - REDCLIFFE WAR MEMORIAL POOL SHELL RENEWALS - A20093032 (Cont.)

Figure 5: Image of Expansion Joints



**2. Explanation of Item**

Tenders were called for the ‘Redcliffe War Memorial Pool Shell Renewals (MBRC009780)’ project through a selective tender, using LG Tenderbox. The tender was sent to twenty-four Contractors within the industry on 8 May 2020 and closed on 22 May 2020. Two conforming submissions were received.

The following works are separated from the contract and will be managed by Council officers:

- a. Emptying and refilling of pool water
- b. Earth continuity testing
- c. Structural investigation

The tender was assessed by a selection panel in accordance with Council’s Procurement Policy and the mandatory selection criteria set out in the tender documentation.

Both tenderers and their final weighting scores are tabled below (ranked from highest to lowest).

Rank	Tenderer	Evaluation Score
1	Premis Solutions Pty Ltd	100.00
2	Concrete Seal Pty Ltd	83.07

**Premis Solutions Pty Ltd (‘Premis’)** - submitted a comprehensive tender submission. Premis’ submission demonstrated the required level of skill, knowledge, experience and demonstrated their capacity to undertake the works required. Premis was the lowest priced offer and received the highest evaluation score. At the post tender clarification meeting, Premis provided the evaluation team with confidence in their ability to deliver the pool facility renewal works required. This offer was deemed best value to Council and is the recommendation of this report.

**Concrete Seal Pty Ltd (‘Concrete Seal’)** - submitted a comprehensive tender submission. Their submission demonstrated the required level of skill, knowledge, experience and demonstrated their capacity to undertake the works required; however, there was no additional benefits for the higher price. Concrete Seal was the highest offer and received the lowest evaluation score. This offer was not deemed best value to Council.

ITEM 3.9 TENDER - REDCLIFFE WAR MEMORIAL POOL SHELL RENEWALS - A20093032 (Cont.)

3. Strategic Implications

3.1 Legislative / Legal Implications

Council's Procurement Policy states that tenders over the value of \$200,000 are to be publicly tendered in accordance with the *Local Government Act 2009*. Budgeting estimates based upon similar works tendered in the last six months anticipated the value of this project to come under the \$200,000 threshold and was, in turn, selectively tendered to 24 companies via LG Tender box

Both submissions received were greater than \$200,000 and the Director of Finance & Corporate Services and Deputy CEO / Director Engineering, Construction & Maintenance provided approval to proceed without going to public tender to minimise the shutdown period of the facility, minimising the impact to users, given that a large number of companies were selectively invited to tender.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - places to discover, learn, play and imagine.

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.

The tendering and evaluation process for this acquisition was undertaken prior to the recent Council endorsement of the Procurement Policy (including Local Preference). All tenders were assessed in line with the selection criteria and weightings outlined in the tender documentation at the time of release.

3.4 Risk Management Implications

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

Risk	Mitigation
Completing the large extent of works required prior to 9 September 2020.	Premis Solutions Pty Ltd have agreed to the Key Performance Indicators that impose financial penalties if deadlines are not met.
Council Officer will not be onsite full time to supervise all works being completed.	Regular inspections will be completed by Council Officers to ensure deadlines are met. Premis Solutions Pty Ltd will be required to submit a contract close out report, detailing completion of all works which is to include before, during and after photographs.

A third-party review of financial status has been carried out on the successful tenderer, with Premis Solutions Pty Ltd receiving a rating of 'sound', which has confirmed they have the financial capacity to carry out the required works.

3.5 Delegated Authority Implications

Nil identified

ITEM 3.9 TENDER - REDCLIFFE WAR MEMORIAL POOL SHELL RENEWALS - A20093032 (Cont.)

3.6 Financial Implications

The estimated costs as tendered by Premis Solutions Pty Ltd are not within budget allocation.

Tender Price	\$ 234,200.00
Contingency - 5%	\$ 11,710.00
	-----
Total Project Cost	\$ 245,910.00
	=====

The estimated cost for the works separated from the contract and managed by Council Officers is \$20,790.00. This project will be debited to project number 105806.

The budget amount for this Project is insufficient. Additional funds will be required at the next quarterly review. The budget allowance for the works was \$165,000.00 and an additional \$101,700.00 will be required to complete this project.

3.7 Economic Benefit Implications

Effective renewal of swimming pool assets will boost appearance, assist in meeting tenant's expectations and increase pool patronage.

3.8 Environmental Implications  Nil identified

3.9 Social Implications

Improving the appearance of the Redcliffe War Memorial Pool facility continues to demonstrate Council's commitment to its obligation as an actively responsible member of the local community.

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Consultation for the delivery of this contract has been undertaken with relevant officers of the Property Services department and the Procurement section of Council.

**ITEM 3.10**

**TENDER - MORAYFIELD - TRINITY WAY PARK - PARK UPGRADE**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A19681054 : 20 May 2020 - Refer **Confidential Supporting Information A19920240**  
*Responsible Officer:* BB, Manager Project Management (ECM Project Management)

**Executive Summary**

Tenders were invited for “Morayfield, Trinity Way - Park Upgrade” (BUS267/ VP181328) project. The request for tenders closed on 8 April 2020 with fourteen tenders received, all of which were conforming, including six alternative offers.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Adam Hain

CARRIED 12/0

1. That the tender for ‘Morayfield, Trinity Way - Park Upgrade (BUS267 / VP181328)’ be awarded to A\_SPACE AUSTRALIA PTY LTD for the sum of \$243,930.00 (excluding GST).
2. That the Council enters into an agreement with A\_SPACE AUSTRALIA 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 A\_SPACE AUSTRALIA PTY LTD for ‘Morayfield, Trinity Way - Park Upgrade (BUS267 / VP181328)’ and any required variations of the agreement on Council’s behalf.
4. To allow this project to proceed, Council commits to the 2020/21 FY draft budget allocation of \$250,000 for this project.

ITEM 3.10 TENDER - MORAYFIELD - TRINITY WAY PARK - PARK UPGRADE - A19681054 (Cont.)

## OFFICER'S RECOMMENDATION

1. That the tender for 'Morayfield, Trinity Way - Park Upgrade (BUS267 / VP181328)' be awarded to A\_SPACE AUSTRALIA PTY LTD for the sum of \$243,930.00 (excluding GST).
2. That the Council enters into an agreement with A\_SPACE AUSTRALIA 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 A\_SPACE AUSTRALIA PTY LTD for 'Morayfield, Trinity Way - Park Upgrade (BUS267 / VP181328)' and any required variations of the agreement on Council's behalf.
4. To allow this project to proceed, Council commits to the 2020/21 FY draft budget allocation of \$250,000 for this project.

## **REPORT DETAIL**

### **1. Background**

The project is located within Trinity Way Park, Trinity Way, Morayfield. The project originated as a result of the LGIP and Urban Recreation Park Plan 2012-2031 identifying the need for park embellishments in the short term (Appendix E, recommendation 670).

The project scope includes the construction of an inclusive playground, a fitness equipment node, picnic facilities and associated landscaping that will promote integrated and inclusive play opportunities for children and parents/caregivers. The playground will include spaces to suit different age groups from toddler through to young teenagers. The objective of the project is to provide play, fitness and picnic facilities which are lacking at this location (Local Government Infrastructure Plan os-150).

Project construction is programmed to commence in early August 2020 and be completed in six weeks including an allowance for wet weather.



Figure 1 Location of Works

ITEM 3.10 TENDER - MORAYFIELD - TRINITY WAY PARK - PARK UPGRADE - A19681054 (Cont.)

**2. Explanation of Item**

Tenderers were invited from Local Buy Pre-Qualified Panel BUS267 Open Spaces, Parks, Play, Sport & Recreation (BUS267/VP181328). The tender closed on 8 April 2020 with a total of 14 conforming submissions received, including 6 alternate offers. 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	A_SPACE AUSTRALIA PTY LTD (Alternate)	93.65
2	A_SPACE AUSTRALIA PTY LTD	93.35
3	WillPlay Pty Ltd	92.86
4	WillPlay Pty Ltd (alternate)	88.83
5	The Landscape Construction Company Pty Ltd - (A_SPACE AUSTRALIA equipment) Conforming	86.87
6	Hansen Pty Ltd T/A Forpark Australia	86.81
7	PlayRope Pty Ltd	83.09
8	The Landscape Construction Company Pty Ltd - Forpark Option 3 alternative 3	82.65
9	Austek Constructions Pty Ltd T/A Austek Play	80.94
10	The Landscape Construction Company - Urban Play option 2 alternative 2	80.71
11	URBAN PLAY PTY LTD T/A BEN URBAN SERVICES TRUST	80.70
12	URBAN PLAY PTY LTD T/A BEN URBAN SERVICES TRUST (Alternate)	80.26
13	The Landscape Construction Company Pty Ltd - Urban Play Option 1 alternative 1	79.45
14	M & N Enterprises t/a Playscape Creations	61.60

**A-SPACE AUSTRALIA PTY LTD - Alternate offer ('AS')** - submitted a comprehensive tender. A tender clarification meeting was held on 15 May 2020, at which AS demonstrated relevant experience, detailed methodology, understanding of the project and capability in effectively delivering the project in a timely manner. AS has undertaken previous playground and fitness construction work for Moreton Bay Regional Council and other Local Government Councils, such as Brisbane City Council, Grinstead Park \$135,000, Lake Macquarie City Council, Pasterfields Sports Complex \$150,000 and Central Coast Council, Mannering Park \$240,000.

The playground and fitness equipment for this project is manufactured within Australia. The equipment proposed for the fitness node maximises use of the area and has an additional item providing greater all-over body workout. The inclusion of extra ground level Play Panels within the defined footprint provides imaginative, educational and active learning opportunities for individual and group play for younger children. The rubber softfall provides connectivity for access from a number of different directions with a path to the swing, the rocker, stair access to junior fort/slide component and exit point from the slide.

The evaluation panel consider the AS alternate offer to provide the best overall value for council and meets the age range for the project scope.

**A-SPACE AUSTRALIA PTY LTD - Conforming offer** - submitted a comprehensive conforming tender, however, there were no additional benefits for the higher price.

ITEM 3.10 TENDER - MORAYFIELD - TRINITY WAY PARK - PARK UPGRADE - A19681054 (Cont.)

**WillPlay Pty Ltd - Conforming offer - ('WP')** - submitted a comprehensive tender and was the lowest priced tender. WP's submission confirmed their capability to complete the project and at a tender clarification meeting held on 15 May 2020, WP detailed their methodology to complete the project. The evaluation panel considered that the submission does not provide the same level of service to the community in terms of accessibility and range of activities for people with a variety of ages and abilities e.g. the fitness equipment proposed does not provide the extent of all-over body workout specified with fewer items of equipment. In the playground node rubber softfall does not provide linkage to entry point of Fort / slide element nor the rocker element reducing the accessibility for less abled users

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council sought quotations via the Local Buy Contract BUS267 Open Spaces, Parks, Play, Sport & Recreation for the work through Vendor Panel in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

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

#### 3.4 Risk Management Implications

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

*Financial Risks:*

Council sought quotations via the Prequalified Local Buy Contract BUS267 Open Spaces, Parks, Play, Sport & Recreation for the work through Vendor Panel.

*Construction Risks:*

- a) The recommended contractor will provide a program of works, traffic management plan, safety management plan and environmental management plan as part of the contract to identify and detail how they will manage and mitigate project construction risks. This information will be assessed for appropriateness and audited by Council's Project Manager.
- b) The recommended contractor has demonstrated their understanding of the project site and the need to manage the impact of works and safety for pedestrians, vehicles and adjacent private properties.
- c) The recommended contractor has programmed the works and allowed for appropriate resources to complete the project works efficiently including an allowance for wet weather.
- d) There are no development approvals associated with this project.
- e) There are no procurement issues identified with this project. The lead time to procure materials is considered suitable. The contractor is aware of the current COVID-19 situations and has not identified or advised of any impacts on the delivery of this project at the time of tender.

#### 3.5 Delegated Authority Implications                      Nil identified

ITEM 3.10 TENDER - MORAYFIELD - TRINITY WAY PARK - PARK UPGRADE - A19681054 (Cont.)

3.6 Financial Implications

Council has allocated a total of \$250,000 in the 20-21 FY Capital Works Program (project number 107571). All financials below are excluding GST.

Tender Price Construction	\$ 243,930.00
Contingency 10%	\$ 24,393.00
Qleave (0.475%)	\$ 1158.66
	-----
Total Project Cost	\$ 269,481.66
	=====
Estimated ongoing operational/maintenance costs	\$ 5,625.00 per F/Y.

The budget amount for this project is insufficient. Additional funds will be sought at the 2020/21 quarter one budget review, should the contingencies allowance be required.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications

The contractor is required to submit a site-specific Environmental Management Plan, which will be reviewed and monitored by Council officers. The contractor will be required to manage sediment and erosion controls during construction and these measures will be audited and monitored by Council's Project Management staff. Environmental controls to be implemented include installation of sedimentation curtains around the current works area and relocated as the works progress, spill kits on-site and placed accordingly. A tree management plan will be implemented as part of the construction works to monitor and protect existing trees on site

3.9 Social Implications

The project has positive social outcomes by providing additional park amenity for the local community. The project aims to promote a healthy and inclusive community, with a playground that encourages active living for both adults and children, whilst also promoting social inclusion opportunities for visitors who have intellectual, physical and sensory impairments

3.10 Human Rights Implications

This project will ensure that Trinity Way Park operates as required as a district level facility, particularly with the future surrounding development and the right to access public accessible space, the additional elements provided will ensure that all ages and abilities needs have been met at the facility.

3.11 Consultation / Communication

A detailed communication plan has been prepared for the project. Project notices and signs will be distributed four weeks prior to construction commencement to local residents and nearby Child Care Centre. Weekly project updates via email will be provided to the Divisional Councillor who has been consulted and is supportive of the project.



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**ITEM 3.11**  
**WYLLIE PARK - HERITAGE MASTER PLAN ENDORSEMENT - DIVISIONAL**

*Meeting / Session:* 3 ENGINEERING, CONSTRUCTION & MAINTENANCE  
*Reference:* A20069695 : 24 May 2020 - **Refer Supporting Information A20071256 & A20071257**  
*Responsible Officer:* WES MORTENSEN, Parks and Recreation Planning Manager (IP Parks & Recreation Planning)

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**Executive Summary**

The purpose of this report is to gain Council endorsement for the Heritage Master Plan for Wyllie Park, Petrie, identified as Lot 2 on SP216329. Wyllie Park was listed on the Queensland Heritage Register in 2009 as a *North Coast Roadside Rest Area* due to its significance as a pit stop for travellers along the old Bruce Highway.

The preparation of a Heritage Master Plan for Wyllie Park was a development permit requirement associated with infrastructure upgrades triggered by the nearby Petrie Mill redevelopment project and a legislative requirement due to the park's heritage listing.

Council officers presented the Heritage Master Plan to the Queensland Heritage Council on two occasions and the final plan was subsequently endorsed by the Queensland Heritage Council on December 19, 2019.

The matter was raised at a Council briefing held on 6 May 2020. Council recently resolved to award a tender for the reconstruction and rehabilitation of the park on 27 May 2020 to ensure grant funding commitments linked with Petrie Mill redevelopment project and associated works could be honoured.

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**RESOLUTION**

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Moved by Cr Mick Gillam

Seconded by Cr Denise Sims

CARRIED 12/0

1. That Council endorse the Wyllie Park Heritage Master Plan, dated 26 November 2019.
2. That the Wyllie Park Heritage Master Plan be advertised on Council's website for public information purposes, noting that it was endorsed by the Queensland Heritage Council on December 19, 2019.
3. That Council note the Heritage Master Plan complies with 2150-088 Policy - Preparation of Master Plans for Council-Controlled or Owned Sites.

ITEM 3.11 WYLLIE PARK - HERITAGE MASTER PLAN ENDORSEMENT - DIVISIONAL - A20069695 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That Council endorse the Wyllie Park Heritage Master Plan, dated 26 November 2019.
2. That the Wyllie Park Heritage Master Plan be advertised on Council's website for public information purposes, noting that it was endorsed by the Queensland Heritage Council on December 19, 2019.
3. That Council note the Heritage Master Plan complies with 2150-088 Policy - Preparation of Master Plans for Council-Controlled or Owned Sites.

**REPORT DETAIL**

**1. Background**

Wyllie Park is located at 980 Gympie Road, Petrie and has a rich anecdotal history as an indigenous meeting point, as well as being a rest stop for coaches, cars and caravans travelling along the original alignment of the Bruce Highway. Its southern edge is bounded by the North Pine River while its north, east and west borders are the Gympie Road rail and Pine River corridors respectively. (refer Figure 1).

A Council briefing was conducted on 6 May 2020 to enable further explanation/clarification to be provided to the Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

<i>BRIEFING 1 - WYLLIE PARK - HERITAGE MASTER PLAN ENDORSEMENT - DIVISIONAL</i>	
<p><b>EXTRACT TO BE INCLUDED IN OFFICER'S REPORT</b></p> <p>Discussion consisted of:</p> <ul style="list-style-type: none"> <li>• Overview of what the Master Plan entails;</li> <li>• Noted that the Heritage Council has signed off on this Master Plan;</li> <li>• Council Report to be brought to a future Meeting for Council's consideration to adopt the Heritage Master Plan.</li> </ul>	<p><b>Responsible Officer:</b></p> <p>Wes Mortensen - Parks &amp; Recreation Planning Manager</p> <p>Claud Bergs - Senior Urban Designer</p>



Figure 1: Wyllie Park in Context Aerial Photo

*ITEM 3.11 WYLLIE PARK - HERITAGE MASTER PLAN ENDORSEMENT - DIVISIONAL - A20069695 (Cont.)*

The area was originally state road reserve and contained a roadside rest stop. The area was closed as unallocated State land, in late 2008, creating Lot 2 on SP216329, which was subsequently transferred in trust to MBRC for management.

Wyllie Park was listed on the Queensland Heritage Register in 2009 as a *North Coast Roadside Rest Area* due to its significance as a pit stop for travellers along the old Bruce Highway. The caravanning heyday of the 1950s saw visitation of Wyllie Park increase as it was one of only a few locations along the North Coast which provided appropriate infrastructure for short term caravanning sites.

Consultants, Australian Heritage Specialists, prepared a Conservation Management Plan document with assistance from Council officers as a precursor to the Heritage Master Plan. While the Conservation Management Plan is not required to be endorsed by Council it is an important supporting document to the Heritage Master Plan. The Heritage Master Plan was subsequently prepared by Council officers with peer review by AHS.

A priority outcome of the Conservation Management Plan was the production of a landscape Heritage Master Plan to be endorsed by the Queensland Heritage Council in order to guide Council's proposed Wyllie Park upgrade works, as well as allowing for the impact of the widening of Gympie Road to provide access to the Petrie Mill Development. In October 2019, Council officers presented the Heritage Master Plan to the Queensland Heritage Council to demonstrate how Council intended to comply with the requirements of heritage legislation and obligations under the provisions of the Petrie Mill project Priority Development Area. The Heritage Master Plan was subsequently endorsed by the Queensland Heritage Council following a further presentation in early December 2019.

Concurrent with the preparation of the Heritage Master Plan, Council officers have prepared and lodged the required civil and landscape documentation package for operational works approval including technical reports and studies required to satisfy the requirements of 2150-088 Policy - Preparation of Master Plans for Council-Controlled or Owned Sites. Requests for Information responses have also been prepared and submitted in order to secure the required development permits for the works. Works in the park will be staged and the first stage of construction works will enable the reinstatement of the core values of the park and removal of redundant infrastructure. A further stage is intended to complete works including the installation of interpretation elements that will explain the heritage values of the site.

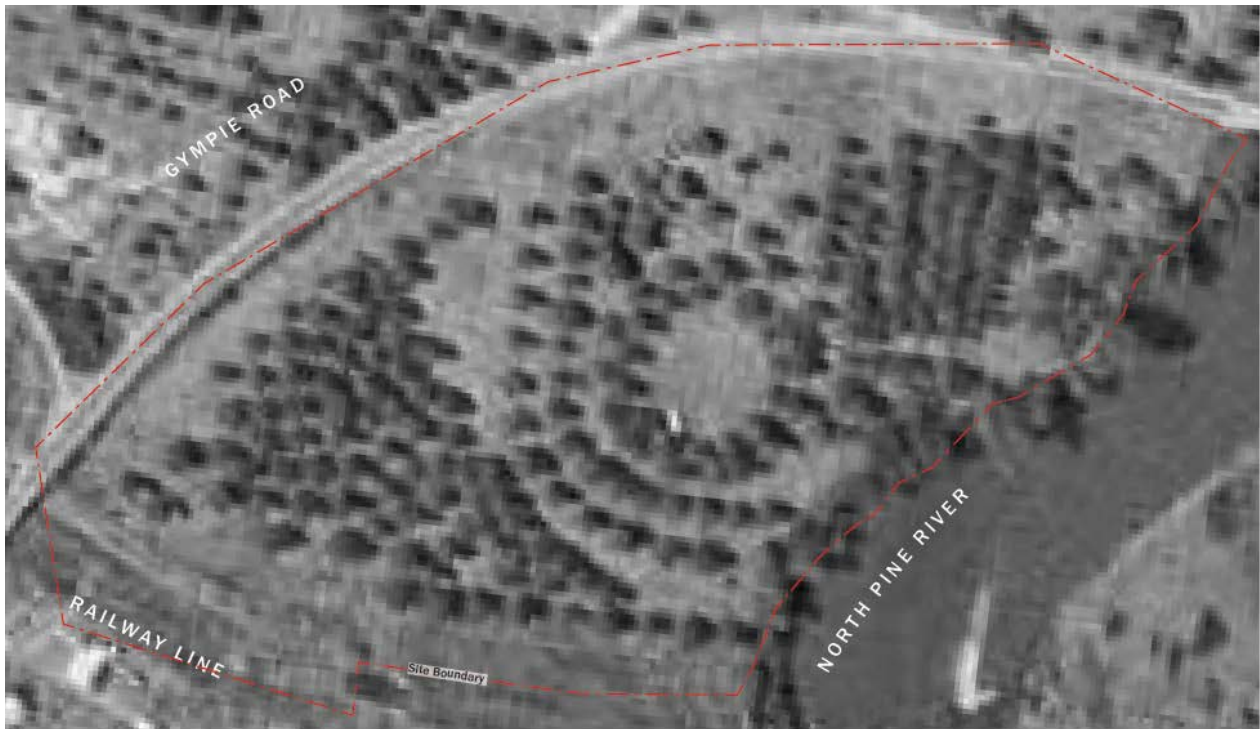
Council resolved to award a tender for the construction of the first stage of reinstatement works in the park at its general meeting held on 27 May 2020 noting the improvement works are consistent with the Heritage Master Plan.

## **2. Explanation of Item**

The Conservation Management Plan identifies the heritage elements within Wyllie Park which require protection, retention or recognition as part of planned upgrade works. These elements primarily include signage, remnant and replacement trees, picnic facilities and parking. The proposed future works associated with heritage elements will need to be informed by an interpretive strategy produced by an International Council on Monuments and Sites (ICOMOS) registered landscape architect. The Heritage Master Plan includes measures that satisfy this requirement and complies with Council's own Policy documents namely; (2150-088 Policy - Preparation of Master Plans for Council-Controlled or Owned Sites).

One persistent characteristic since the 1940s has been the concentric rings of Slash Pine trees (refer Figure 2). While the origins of this planting strategy remain unknown, it is speculated that the Slash Pines were planted by workers at Transport and Main Roads or the Petrie Paper Mill.

ITEM 3.11 WYLLIE PARK - HERITAGE MASTER PLAN ENDORSEMENT - DIVISIONAL - A20069695 (Cont.)



**Figure 2: Wyllie Park Aerial Photo, 1955 illustrating the concentric plantings of Slash Pines**

The Conservation Management Plan identified that by the 1990s, many of the mature Slash Pines in Wyllie Park had exceeded their expected life span, were haphazardly shedding limbs and dying. In order to maintain public safety for park patrons, Council removed dead and dying trees as required. There was no information available to Council at the time to indicate there was any inherent heritage values associated with the trees in the park. During preparation of the Conservation Management Plan and subsequent Heritage Master Plan, Queensland Government officers, Council's consultants nor Council officers could find any material that shed light on the original design intent for the park planting pattern, despite the clear intent visible in aerial images. (Refer Figure 3) Additionally, infrastructure expansions to the railway line, Gympie Road and riverbank remediation works has contributed to a change in park character over the last 70 years (refer Figure 4). In response to declining tree health, Council produced the Wyllie Park Vegetation Management & Design Intent Plan which was endorsed by Council in 2015. It outlined the staged replacement of the aging Slash Pine trees in a way which was in keeping with the park character and prepare for future development.

Tree health was also negatively impacted by uncontrolled camping and vehicular movement. Slash Pines are renowned for being sensitive to root zone impacts. In the early 2000s in an effort to mitigate the negative environmental and social impacts of camping in this area, Council closed Wyllie Park to overnight stays. In response to demand, in 2016/17 Council trialled short-term camping with the intention to monitor behaviour within the park. The unfavourable findings from this period were presented at a workshop in 2017 and a cessation of any form of overnight camping was supported by Council. Measures going forward included prohibition of overnight stays, the implementation of parking restrictions and public notification of the changes. Unfortunately negative impacts on tree health were too far advanced to gain any benefit from this action.



ITEM 3.11 WYLLIE PARK - HERITAGE MASTER PLAN ENDORSEMENT - DIVISIONAL - A20069695 (Cont.)



Figure 3: Wyllie Park Aerial Photo, 1998 showing the concentric rings of Slash Pine impacted by senescence. New landscaping, playground and pathways installed by Council with DTMR approval.



Figure 4: Wyllie Park Aerial Photo, 2017 showing the programmed replacement of trees triggered in part by the MBRL rail corridor expansion



ITEM 3.11 WYLLIE PARK - HERITAGE MASTER PLAN ENDORSEMENT - DIVISIONAL - A20069695 (Cont.)

A key outcome of the Conservation Management Plan was to reinstate the character of the former concentric rings of Slash Pines using more resilient species. The planting strategy adopted by Council officers comprises several species of core trees which acknowledge the form of the slash Pines, incorporate seasonal colour, are at appropriate spacings having regard for the mature size of each and planted in a sympathetic concentric ring pattern (refer Figure 5).

Rationalised road and carparking, pathways, playground and additional picnic areas are also key elements of the design. Care has been taken to retain essential rest stop infrastructure such as toilets and black water disposal while car and trailer / RV carparking have also been incorporated in the amended layout for the park. Redundant sections of internal roads, paths and services are intended to be removed to return the site to a similar condition to that which existed in its halcyon days. Almost 700sqm of redundant road and pavement are proposed to be removed from the park as part of reinstatement works. Overnight and extended camping are not intended to be reinstated noting the difficulty Council experienced in managing significant anti-social issues associated with this activity in recent years.

A tender has been awarded for construction of Stage 1 works to ensure Council’s obligation for acquittal of grant funds for the Mill Project can be met. An estimated allocation of a further \$400k will be sought via an ePID in future budget deliberations for consideration by Council.

Council officers have submitted the Heritage Master Plan to the Australian Institute of Landscape Architects annual awards program noting the significance of the project to both local and State Heritage values.



Figure 5: Wyllie Park HMP layout showing reinstated concentric plantings and reducer road and path network

3. Strategic Implications

3.1 Legislative / Legal Implications

Preparation and implementation of the Heritage Master Plan is a legislative requirement associated with the heritage listing of the park. Council has secured endorsement of the Heritage Master Plan from the Queensland Heritage Council.

*ITEM 3.11 WYLLIE PARK - HERITAGE MASTER PLAN ENDORSEMENT - DIVISIONAL - A20069695 (Cont.)*

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - celebrating local arts, culture and community.

3.3 Policy Implications

The Heritage Master Plan complies with 2150-088 Policy - Preparation of Master Plans for Council Controlled or Owned Sites.

3.4 Risk Management Implications

The completion of the first stage of works in the park is linked with grant funding requirements associated with the nearby Petrie Mill development.

3.5 Delegated Authority Implications  Nil identified

3.6 Financial Implications

Council has allocated enough budget for the construction of the first stage of reinstatement works. An estimated additional \$400k of funds will be required to complete the works to satisfy the Heritage Master Plan obligations.

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications

The removal of redundant road and other pavement and infrastructure in conjunction with riparian restoration is considered a significant positive local ecological outcome.

3.9 Social Implications

The restoration of Wyllie Park is considered important to local heritage and community values. Once complete the improvements have the potential to be a drawcard for tourists to interpret the rich local history of the region.

3.10 Human Rights Implications

Under the Human Rights Act 2019 (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council's decision in this circumstance may affect a person's property rights, including a person's right to not be arbitrarily deprived of their property. Officers consider that Council's decision in this circumstance (if it reflects the officer's recommendation) is compatible with (and does not limit) a person's property rights because there are sound and lawful reasons for the acquisition as set out in this report. The Conservation Management Plan and Heritage Master Plan acknowledge the influence of pre and post European settlement on the park and their contribution to local community heritage values.

3.11 Consultation / Communication

Council engaged with and subsequently secured the endorsement of the Queensland Heritage Council for the Wyllie Park Heritage Master Plan on December 19, 2019. Following Council endorsement, the Wyllie Park Heritage Master Plan will be advertised on Council's website for public information purposes, noting that it was endorsed by the Queensland Heritage Council on December 19, 2019.

## **ATTENDANCE**

Ms Amy White attended the meeting at 10.04am for discussion on Items 4.1 to 4.4 inclusive.

**4 PLANNING SESSION**

(Cr D Grimwade)

Declarations of interest statement

There are no personal interests to be declared for items in this session.

**ITEM 4.1**

**DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA**

**APPLICANT: Caboolture Gospel Trust C/- ARC Surveys Pty Ltd**

**OWNER: Mr Stephen J Thrush Tte and Mr Scott N Woodman Tte and Mr Trevor D Millar Tte**

Meeting / Session: 4 PLANNING  
Reference: A20053074 : 27 May 2020 – Refer Supporting Information A20060042, A20060044 & A20060045  
Responsible Officer: MO, A/Senior Planner (PL Development Services)

**Executive Summary**

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

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Caboolture Gospel Trust C/- ARC Surveys Pty Ltd
<b>Lodgement Date:</b>	23 September 2019
<b>Properly Made Date:</b>	26 September 2019
<b>Confirmation Notice Date:</b>	8 October 2019
<b>Information Request Date:</b>	22 October 2019
<b>Info Response Received Date:</b>	24 March 2020
<b>Public Notification Dates:</b>	3 April 2020 - 29 April 2020
<b>No. of Submissions:</b>	Properly Made: Six (6) Not Properly Made: Eight (8)
<b>Decision Due Date:</b>	19 June 2020
<b>Prelodgement Meeting Held:</b>	No

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 11
<b>Property Address:</b>	33 Young Road, Narangba
<b>RP Description</b>	Lot 2 SP 231089
<b>Land Area:</b>	1100 m2
<b>Property Owner</b>	Mr Stephen J Thrush Tte and Mr Scott N Woodman Tte and Mr Trevor D Millar Tte



ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	General Residential Zone - Suburban Neighbourhood Precinct
<b>Level of Assessment:</b>	Impact and Consistent

This application seeks a Material Change of Use – Development Permit for a Place of Worship at 33 Young Road, Narangba, on land described as Lot 2 SP 231089 (Division 11). It is proposed to establish a new church for the purpose of family prayer meetings occurring twice per week for 10 – 12 families. The church will not be used for the holding of weddings, christenings, or funerals, nor rented to any third parties.

The application was publicly advertised with fourteen (14) 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 part and further assessment against the Overall Outcomes which is taken to be satisfied in full.

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

## RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Cath Tonks

CARRIED 12/0

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

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (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 Place of Worship at 33 Young Road, Narangba, described as Lot 2 SP 231089, 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>
Site Plan	A101 Rev E	Alphaline Homes	04/03/2020
Floor Plan Ground Floor	A102 Rev E	Alphaline Homes	04/03/2020
Elevations	A102 Rev E	Alphaline Homes	04/03/2020
Landscaping Plan	19.186 Rev B	Andrew Gold Landscape Architecture	17/03/2020
Planting Schedule and Images	19.186 Rev B	Andrew Gold Landscape Architecture	17/03/2020
Landscaping Notes and Details	19.186 Rev B	Andrew Gold Landscape Architecture	17/03/2020
Environmental Noise Impact Report	2003354	Decibell Consulting Pty Ltd	11/03/2020
Waste Management Plan. Place of Worship	-	ARC Surveys Pty Ltd	24/3/20209 (Received)
Site Based Stormwater Management Plan	CW19074	Civil Works Engineers	March 2020
33 Young Road, Narangba 6.4m SRV	1273_AKR01 SK.01 Rev. A	QTraffic	09/03/2020

**Conditions**

<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>Use Limitations</b>
	<ul style="list-style-type: none"> <li>• The approved use must not include the holding of weddings, christenings, funerals or similar events.</li> <li>• The approved use is limited to church services and administrative meetings only.</li> <li>• Services are to be held at the following times only:                             <ul style="list-style-type: none"> <li>- Sundays 6am to 7.30am; and</li> <li>- Mondays 6.30pm to 8pm.</li> </ul> </li> </ul>
	To be maintained at all times.

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	<ul style="list-style-type: none"> <li>Administrative meetings may occur between 6.00am and 9pm Monday to Sunday.</li> </ul>	
<b>3</b>	<b>On-Site Car Spaces</b>	
A	Provide on-site car parking generally in accordance with the approved plans.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	Prior to commencement of use and to be maintained at all times.
<b>4</b>	<b>Bicycle Parking Facilities</b>	
	Install secure bicycle parking facilities for a minimum of one (1) bicycle.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to commencement of use and to be maintained.
<b>5</b>	<b>Street Numbering and Building Names</b>	
	Install street numbering clearly visible from the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
<b>6</b>	<b>Front Fencing</b>	
	No front fencing is provided forward of the main building line.	Prior to commencement of the use and to be maintained at all times.
<b>7</b>	<b>Landscaping Plan</b>	
A	Provide landscaping on site generally in accordance with the approved plans and Planning scheme policy - Integrated design (Appendix D).	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to the commencement of use.
C	Maintain the landscaping.	At all times.
<b>8</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 commencement of use.
<b>9</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.

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</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>	
<b>10</b>	<b>Fibre Ready Telecommunications – Single</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: <ol style="list-style-type: none"> <li>1. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and</li> <li>2. Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO.</li> </ol>	Prior to commencement of use.
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (a) above has been done.  Note: A template for certification is available from council for the purpose of this condition.	Prior to commencement of use.
<b>11</b>	<b>Telecommunications Internal Wiring</b>	
A	Install internal wiring (Category 6 or better) within the building from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the building that would have been or have been installed for telephone and television connections.	Prior to commencement of use.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.  Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to commencement of use.
<b>12</b>	<b>Electricity</b>	
	Provide an underground electricity supply connection to the development.	Prior to commencement of use.
<b>13</b>	<b>Management of Wildlife</b>	

## Moreton Bay Regional Council

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ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

CONDITION	TIMING	
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	Carry out approved vegetation clearing under the supervision of a Fauna Spotter Catcher holding a valid Rehabilitation Permit from the relevant State Government Agency.	Prior to and during site works.
<b>14</b>	<b>Disposal of Cleared Vegetation</b>	
	Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility.  Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property.	At all times.
<b>15</b>	<b>Stockpiles of Construction and Landscaping Materials</b>	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, roadway or into any drain, wetland or watercourse.	During site works.
<b>ENVIRONMENTAL HEALTH</b>		
<b>16</b>	<b>External Lighting</b>	
A	Install any external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
<b>17</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 commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
<b>18</b>	<b>Waste Management Program</b>	
A	Implement the approved waste management program;  Note: This development will use wheelie bins serviced at the kerbside of Young Road.	Prior to commencement of use.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>19</b>	<b>Acoustic Attenuation Measures</b>	
A	Provide the acoustic attenuation measures specified in the Environmental Noise Impact Report prepared by Decibell Consulting Pty Ltd with the addition of the following: <ul style="list-style-type: none"> <li>i. That part of any acoustic barrier that is above 2.0m is to be constructed of a transparent material to minimise visual impacts and overshadowing.</li> </ul>	Prior to the commencement of the use and to be maintained at all times.
B	Provide certification from a suitably qualified person that the above attenuation measures have been installed/implemented in accordance with the specifications of the Environmental Noise Impact Report prepared by Decibell Consulting Pty Ltd and subsection A(i) above.	Prior to the commencement of the use.
<b>DEVELOPMENT ENGINEERING</b>		
<b>20</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 commencement of use.
<b>21</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 commencement of use.
<b>22</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>23</b>	<b>Stormwater Management</b>	
A	Submit and have approved by Council, a development application for operational works for stormwater infrastructure to service the development.  Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.	Prior to commencement of works associated with this condition.

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
B	Construct stormwater infrastructure to service the development at no cost to Council and in accordance with the approved plans and documents of development.  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use.
<b>24</b>	<b>Construction Management Plan</b>	
A	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: <ul 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> </ul> <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> <ul 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> </ul>	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>25</b>	<b>Erosion and Sediment Control</b>	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment	Prior to commencement of works and to be

# Moreton Bay Regional Council

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	maintained current at all times during construction.
<b>26</b>	<b>Earth Retaining Structures</b>	
A	Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the building works application and the following: <ol style="list-style-type: none"> <li>1. The minimum design life (the period assumed in design for which a structure or structural element is required to perform its intended purpose without replacement or major structural repairs) for the earth retaining structure that is specified in Table 3.1 of Australian Standard AS4678;</li> <li>2. Earth retaining structures within the land and around areas of cut on or near the boundaries of the site must be designed to allow for live and dead loads associated with the land/premise's current occupancy use.</li> </ol>	Prior to commencement of works associated with this condition.
B	Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.	Prior to commencement of use.
C	Provide written certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the design, construction and materials comply with this condition.	Prior to commencement of use.
<b>27</b>	<b>Driveway Crossover</b>	
A	Construct a driveway crossover to the site in accordance with the approved plans and documents of development and MBRC Standard Drawing RS-049.	Prior to commencement of use.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
<b>28</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 and to be maintained at all times.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.



ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

<b>ADVICES</b>	
<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 Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
<b>3</b>	<b>Signage</b>
	<p>Ensure all signage on the site is established either:</p> <ol style="list-style-type: none"> <li>1. In accordance with the Requirements for Accepted Development of the Advertising Devices Code; or</li> <li>2. In accordance with any Operational Works - Development Permit for an Advertising Device.</li> </ol>

- B. That an Infrastructure Charges Notice for the development application be provided to the applicant and included as part of the Decision Package.
- C. That all submitters of properly made submissions for the development application be provided with a copy of the Council's Decision Notice in accordance with Section 63(1)(e) of the *Planning Act 2016*.

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

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

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use - Development Permit for Place of Worship
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Operational Works – Development Permit</li> <li>• Building Works - Development Permit (Building Act)</li> </ul>
<b>Currency Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Variation Approval</b>	Not applicable
<b>Local Categorising Instrument</b>	<p><b>Local Categorising Instrument - Moreton Bay Regional Council Planning Scheme</b></p> <ul style="list-style-type: none"> <li>• 6.2.6.2 General residential zone code - Suburban neighbourhood precinct</li> <li>• Strategic Framework</li> </ul> <p><b>Local Categorising Instrument (Variation Approval)</b> Not applicable</p> <p><b>Local Categorising Instrument (Temporary Local Planning Instrument)</b> Not applicable</p>
<b>Other Relevant Assessment Matters</b>	Not applicable.
<b>Reasons for the Decision</b>	Assessment Report

**REPORT DETAIL**

**1. Proposal**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Caboolture Gospel Trust C/- ARC Surveys Pty Ltd
<b>Lodgement Date:</b>	23 September 2019
<b>Properly Made Date:</b>	26 September 2019
<b>Confirmation Notice Date:</b>	8 October 2019
<b>Information Request Date:</b>	22 October 2019
<b>Info Response Received Date:</b>	24 March 2020

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

<b>APPLICATION DETAILS</b>	
<b>Public Notification Dates:</b>	3 April 2020 - 29 April 2020
<b>No. of Submissions:</b>	Properly Made: Six (6) Not Properly Made: Eight (8)
<b>Decision Due Date:</b>	19 June 2020
<b>Prelodgement Meeting Held:</b>	No

This application seeks a Material Change of Use – Development Permit for a Place of Worship at 33 Young Road, Narangba, on land described as Lot 2 SP 231089 (Division 11). It is proposed to establish a new church for the purpose of family prayer meetings occurring twice per week for 10 – 12 families. The church will not be used for the holding of weddings, christenings, or funerals, nor rented to any third parties.

The proposed development includes the construction of a single building with a Gross Floor Area of 127.52m<sup>2</sup> and a site cover of 11.59%. The building consists of a meeting room, foyer, store room, and restrooms.

The proposed design seeks to emulate a dwelling house, by providing a low rise built form with a roof akin to a standard residential dwelling. The proposal delivers an attractive, active frontage with a wide pedestrian entrance courtyard to enhance the streetscape, with active and passive surveillance opportunities.

The development has been designed to ensure that the building and ongoing use do not adversely impact on the adjoining residences or the streetscape, by incorporating acoustic attenuation measures. Specifically, the building is to be acoustically attenuated, with self-closing doors to limit noise. Acoustic barriers are provided around the rear of the site to limit the impact of vehicular noise on surrounding properties. These walls have a total height of 3.5 metres on the southern boundary (adjoining the residential care facility), and a height of 2.5 metres on the western and northern boundaries. To ensure that amenity is protected for the surrounding properties, a condition is recommended requiring walls to be made from transparent materials where exceeding 2 metres in height.

The development provides thirteen (13) standard car parking spaces, one (1) accessible car parking space, and a service bay, exceeding the minimum requirement of the planning scheme. The parking is located at the rear of the site with access to the site gained via a crossover on the northern end of the lot to Young Road. The traffic generated from the development onto the external network is not of a volume that would significantly impact the function of the road.

The proposal incorporates landscaping areas at the front of the site, as well as screening landscaping around the site abutting the acoustic fencing.

The application was publicly advertised with fourteen (14) 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 part and further assessment against the Overall Outcomes which is taken to be satisfied in full.

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

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

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

**2. Background**

2.1 Site History

On 30 August 2017, Council's delegate approved a Reconfiguring a Lot - Development Permit for Subdivision (1 into 10 Lots). This approval created the subject lot. Council reference: DA/31299/2016/V3RM.

2.2 Description of the Site and Surrounds

*2.2.1 Current use of the subject land and surrounding land*

The site is a recently created residential allotment, and as such is currently vacant. The site and all surrounding lots are contained within the General Residential Zone - Suburban Neighbourhood Precinct, which anticipates development of dwelling houses, other low rise, low density residential uses as well as community activities, such as a Place of Worship.

The lot to the north and west were created as part of the same recent subdivision as the subject lot and are anticipated to be developed as Dwelling houses. Immediately south of the site is a 93 bed Residential Care Facility accommodating high care patients. Approximately 250 metres south of the site is a doctor's surgery, on the corner of Young and Marshman Roads. All other nearby lots are used as dwelling houses.

*2.2.2 Topography*

The site is generally flat, with a gradual slope to the northeast corner. It is noted that this side of Young Road is situated higher than the eastern side of Young Road.

*2.2.3 Vegetation*

The site has largely been cleared of vegetation as a result of the works undertaken as part of the subdivision. The site does not appear on Overlay map - Environmental areas nor any mapping associated with the State Planning Policy.

*2.2.4 Access Improvements*

The lot currently does not have a formalised crossover onto Young Road. As a result of the development, a new crossover will be required. This report recommends a condition to ensure that the crossover is built to an appropriate standard and the verge rehabilitated as necessary.

*2.2.5 Constraints on the property*

A bulk water pipeline is located within the road reserve, generally under the eastern verge. As a result, a small portion of the front of the site is located within the bulk water pipeline on Overlay map - Infrastructure buffers. The development is suitably setback from this infrastructure.

**3. Explanation of Item**

3.1 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>
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	<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

### 3.1.1 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 benchmarks - Liveable communities</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - Mining and extractive resources</b>	
Applicable to Development	SPP requirement
No	Non
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - Water quality</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - Natural hazards, risk and resilience</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable. Whist the site is located within the 'local government flood mapping area' on the SPP mapping, it is not within a flood hazard area under Council's Flood hazard overlay.	
<b>Assessment benchmarks - Strategic airports and aviation facilities</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	

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3.1.2 South East Queensland Regional Plan

The site is located in the Urban Footprint and there are no requirements in the *Planning Regulation 2017* applicable to the development proposal.

3.2 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.

3.2.1 *Strategic Framework*

The site is located within the Suburban Neighbourhood place type per the Strategic Framework of the MBRC Planning Scheme. Upon review of the proposed development, it is considered that the proposal achieves the intent of the Suburban Neighbourhood element of the Strategic Framework by providing small scale informal and safe meeting places for residents within the community. Further, the proposal creates a community activity designed to have a low-rise built form on a landscaped site, located on a main through street which is classified as an arterial road.

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

3.2.2 *Assessment of Applicable Codes*

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Suburban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO5

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

3.2.3 *Performance Outcome Assessment*

Performance Outcome	Example
<b>6.2.6.2 General Residential Zone Code - Suburban Neighbourhood Precinct</b>	
<b>P05</b> Front setbacks ensure non-residential buildings address and actively interface with streets and public spaces.	<b>E5.1</b> For the primary street frontage buildings are constructed: <ul style="list-style-type: none"> <li>a. to the property boundary; or</li> <li>b. setback a maximum of 3m from the property boundary, where for the purpose of outdoor dining.</li> </ul>

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Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
<p>The proposal seeks to setback the building 3 metres from the front property boundary. The building has been designed to provide a wide pedestrian entrance way flanked by landscaping to create an active and attractive interface with the streetscape. Additionally, no fencing is proposed within the front setback, ensuring that the building is open to the street.</p> <p>It is considered that the alternative solution complies with the Performance Outcome in this instance.</p>	
<p><b>PO68</b></p> <ul style="list-style-type: none"> <li>a. End of trip facilities are provided for employees or occupants, in the building or on-site within a reasonable walking distance, and include:                             <ul style="list-style-type: none"> <li>i. adequate bicycle parking and storage facilities; and</li> <li>ii. adequate provision for securing belongings; and</li> <li>iii. change rooms that include adequate showers, sanitary compartments, wash basins and mirrors.</li> </ul> </li> <li>b. Notwithstanding a. there is no requirement to provide end of trip facilities if it would be unreasonable to provide these facilities having regard to:                             <ul style="list-style-type: none"> <li>i. the projected population growth and forward planning for road upgrading and development of cycle paths; or</li> <li>ii. whether it would be practical to commute to and from the building on a bicycle, having regard to the likely commute distances and nature of the terrain; or</li> <li>iii. the condition of the road and the nature and amount of traffic potentially affecting the safety of commuters.</li> </ul> </li> </ul> <p>Editor's note - The intent of b above is to ensure the requirements for bicycle parking and end of trip facilities are not applied in unreasonable circumstances. For example these requirements should not, and do not apply in the Rural zone or the Rural residential zone etc.</p> <p>Editor's note - This performance outcome is the same as the Performance Requirement prescribed for end of trip facilities under the Queensland Development Code. For development incorporating building work, that Queensland Development Code performance requirement cannot be altered by a local planning instrument and has been reproduced here solely for information purposes. Council's assessment in its building work concurrence agency</p>	<p><b>E68.3</b></p> <p>For non-residential uses, storage lockers:</p> <ul style="list-style-type: none"> <li>a. are provide at a rate of 1.6 per bicycle parking space (rounded up to the nearest whole number);</li> <li>b. have minimum dimensions of 900mm (height) x 300mm (width) x 450mm (depth).</li> </ul> <p>Note - Storage lockers may be pooled across multiple sites and activities when within 100 metres of the entrance to the building and within 50 metres of bicycle parking and storage facilities.</p> <p>Editor's note - The examples for end of trip facilities prescribed under the Queensland Development Code permit a local planning instrument to prescribe facility levels higher than the default levels identified in those acceptable solutions. This example is an amalgamation of the default levels set for end of trip facilities in the Queensland Development Code and the additional facilities required by Council.</p>

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Performance Outcome	Example
role for end of trip facilities will be against the performance requirement in the Queensland Development Code. As it is subject to change at any time, applicants for development incorporating building work should ensure that proposals that do not comply with the examples under this heading meet the current performance requirement prescribed in the Queensland Development Code.	
<i>Performance Outcome Assessment</i>	
<p>The Example suggests that two (2) storage lockers be provided (as one (1) bicycle space is required). The applicant has requested that Council does not require the development to provide storage lockers. It is likely that persons visiting the place of worship will be able to safely secure their belongings without the need to require lockers.</p> <p>It is considered that the alternative solution complies with the Performance Outcome in this instance.</p>	

3.2.4 Overall Outcome Assessment

The development proposal complies with all Performance Outcomes of the General Residential Zone Code - Suburban Neighbourhood Precinct. However, when assessing an application subject to Impact Assessment it remains relevant to consider the Overall Outcomes of the code in determining if the proposal achieves the assessment benchmark.

6.2.6.2 General Residential Zone Code - Suburban Neighbourhood Precinct	
Overall Outcomes	Complies Y/N
a. The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density of 75 dwellings per hectare if complying with b. v. below.	Y
<b>Comments</b>	
The proposal does not seek to include a residential component. However, the suburban precinct envisages community activities to occur within the precinct.	
b. Residential activities consist of: <ul style="list-style-type: none"> <li>i. Detached dwelling houses, predominantly on traditional lots;</li> <li>ii. Detached dwelling houses on narrow lots and Dual Occupancies where they are dispersed within the streetscape or are located within easy walking distance to services (centre, public transport node, community facilities) or park;</li> <li>iii. Domestic outbuildings are subordinate in appearance and function to the dwelling;</li> <li>iv. Retirement facilities, Residential care facilities, and Relocatable home parks are located within easy walking distance of a centre;</li> <li>v. Multiple dwellings, Rooming accommodation, short-term accommodation and tourist park only establish where they will support a higher order or district centre or a train station by being adjacent (within 400m walking distance) to that higher order or district centre or train station.</li> <li>vi. The built form of concentrated residential uses and managed communities (e.g. townhouse developments, retirement facility,</li> </ul>	NA



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<b>6.2.6.2 General Residential Zone Code - Suburban Neighbourhood Precinct</b>	
residential care facility, relocatable home parks) are designed to integrate with the surrounding neighbourhood.	
<b>Comments</b>	
The proposal does not seek to include to include a residential component.	
c. 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. result in privacy and residential amenity consistent with the low density residential character of the area;</li> <li>iv. provide a diverse and attractive built form;</li> <li>v. provide a low rise built form compatible with its surrounds;</li> <li>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on site;</li> <li>x. be of a scale and density consistent with the low density residential character of the area;</li> <li>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure.</li> </ul>	NA
<b>Comments</b>	
The proposal does not seek to include to include a residential component.	
d. Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.	Yes
<b>Comments</b>	
The MBRC Planning Scheme includes Place of Worship within the community activities defined activity group. As such, the proposal is considered to be a community activity and is therefore anticipated in this precinct.	
e. Community activities: <ul style="list-style-type: none"> <li>i. establish in a location that may be serviced by public transport;</li> <li>ii. do not negatively impact adjoining residents or the streetscape;</li> <li>iii. do not undermine the viability of existing or future centres.</li> </ul>	Yes
<b>Comments</b>	
<p>The development has been designed to ensure that the building and ongoing use do not adversely impact on the adjoining residences or the streetscape, through providing a low rise built form, akin to a dwelling house, and providing acoustic attenuation appropriate to manage the anticipated impacts. The proposal also provides on-site parking above the minimum rate expected by the planning scheme to further minimise impacts on the road.</p> <p>Further, the subject site is within 300 metres walking distance of the nearest existing bus stop and will not undermine the viability of any existing or planned centres.</p> <p>It is considered that the proposal complies with this Overall Outcome.</p>	
f. Corner stores may establish as standalone uses (not part of a neighbourhood hub) where: <ul style="list-style-type: none"> <li>i. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region;</li> </ul>	NA

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<b>6.2.6.2 General Residential Zone Code - Suburban Neighbourhood Precinct</b>	
<ul style="list-style-type: none"> <li>ii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre;</li> <li>iii. they are appropriately designed and located to include active frontages.</li> </ul>	
<b>Comments</b>	
The proposal does not seek to include a corner store.	
<ul style="list-style-type: none"> <li>g. Retail and commercial activities (forming part of a neighbourhood hub):                             <ul style="list-style-type: none"> <li>i. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</li> <li>ii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</li> <li>iii. are of a small scale, appropriate for a neighbourhood hub;</li> <li>iv. do not negatively impact adjoining residents or the streetscape;</li> <li>v. are subordinate in function and scale to all centres within the region.</li> </ul> </li> </ul>	NA
<b>Comments</b>	
The proposal does not seek to include a retail or commercial activity.	
<ul style="list-style-type: none"> <li>h. The design, siting and construction of non-residential uses:                             <ul style="list-style-type: none"> <li>i. maintains a human scale, through appropriate building heights and form;</li> <li>ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces;</li> <li>iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</li> <li>iv. promotes active transport options and ensures an oversupply of car parking is not provided;</li> <li>v. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.</li> </ul> </li> </ul>	Yes
<b>Comments</b>	
<p>The proposed design seeks to emulate a dwelling house, by providing a low rise built form with a roof akin to a standard residential dwelling. The proposal delivers an attractive, active frontage with a wide pedestrian entrance courtyard to enhance the streetscape, with active and passive surveillance opportunities.</p> <p>It is considered that the proposal complies with this Overall Outcome.</p>	
<ul style="list-style-type: none"> <li>i. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:                             <ul style="list-style-type: none"> <li>i. it is of a scale that remains subordinate to all centres within the region;</li> <li>ii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</li> <li>iii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently unserved catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</li> <li>iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;</li> </ul> </li> </ul>	NA

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<b>6.2.6.2 General Residential Zone Code - Suburban Neighbourhood Precinct</b>	
v. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development.	
<b>Comments</b>	
The proposal seeks to create a standalone community activity, and therefore is not considered to constitute the creation of a new neighbourhood hub.	
<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 streetscape or the environment.</li> </ul>	Yes
<b>Comments</b>	
<p>The proposal has demonstrated compliance with all Performance Outcomes and Examples for works within the General Residential Zone Code - Suburban Neighbourhood Precinct as relevant to the subject site.</p> <p>Accordingly, the proposal is considered to comply with the Overall Outcome.</p>	
k. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	Yes
<b>Comments</b>	
<p>An acoustic report was provided as part of the information request response that sufficiently addresses the noise requirements of Planning scheme policy - Noise and includes recommendations to ensure that the use operates in a manner that does not create an environmental nuisance. Specifically, the recommendations include acoustic barriers and treatment of the building to ameliorate any potential noise impacts from both the carparking area and activities occurring within the building.</p> <p>Recommended conditions of approval include requiring compliance with the acoustic report recommendations and installation of lighting in accordance with the relevant Australian Standards. There are no anticipated impacts from aerosols, fumes, odour, particles, or smoke.</p> <p>Accordingly, the proposal is considered to comply with the Overall Outcome.</p>	
l. 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.	Yes

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<b>6.2.6.2 General Residential Zone Code - Suburban Neighbourhood Precinct</b>	
<b>Comments</b>	
As identified above, an acoustic report was provided as part of the information request response. This report addressed the requirements of the Planning scheme policy - Noise. The risks of environmental harm or nuisance have been addressed through the recommendations of the report.	
The proposal is considered to comply with the Overall Outcome.	
m. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	NA
<b>Comments</b>	
The proposal is not considered to be a noise sensitive use.	
n. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	NA
<b>Comments</b>	
The development is not located within a water supply buffer.	
o. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by [through specified approaches].	Yes
<b>Comments</b>	
The proposal has demonstrated compliance with all Performance Outcomes and Examples for areas of Value or Constraint within the General Residential Zone Code - Suburban Neighbourhood Precinct as relevant to the subject site.	
Accordingly, the proposal is considered to comply with the Overall Outcome.	
p. Development in the Suburban neighbourhood precinct includes 1 or more of the following: [...], Place of Worship, [...].	Yes
<b>Comments</b>	
Place of worship is listed within the table accompanying this overall outcome and as such is considered consistent in the Suburban Neighbourhood Precinct.	
q. Development in the Suburban neighbourhood precinct does not include any of the following: [none applicable to this application].	Yes
<b>Comments</b>	
The application does not seek approval for any uses listed within the table accompanying this overall outcome.	
r. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone.	NA
<b>Comments</b>	
There are no uses proposed that do not appear in the table accompanying overall outcome 'p'. Place of worship is considered a consistent use, and no assessment against this overall outcome is required.	

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).

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3.3 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).

3.3.1 Levied Charge

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

3.3.2 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

In accordance with section 14 of the CR, a credit in the amount of \$17,603.73 exists and has been calculated based on the infrastructure charges received for the subdivision creating the lot and 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 credit available under this option is \$17,603.73 based on the proportional split stated in Table 3 of the CR.

3.3.3 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.

3.3.4 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.

3.4 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

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3.5 Referrals

3.5.1 Council Referrals

**3.5.1.1 Development Engineering**

*Managing Construction Impacts*

The development proposes to undertake works over the majority of the site. To ensure that the works can be contained wholly within the boundaries, a condition is recommended to submit a Construction Management Plan (CMP).

*Earthworks*

The development includes retaining walls wholly contained within the development surrounding the internal boundaries. It is recommended that a condition be included for the construction of the retaining walls to be undertaken in accordance with the relevant standards and certified by a Registered Professional Engineer (RPEQ).

*Traffic, Access and Parking*

The development fronts onto Young Road, a Council sub-arterial road which is the lot's only location of access. The traffic generated from the development onto the external network is not of a volume that would cause an actionable nuisance to the function of the road.

It is recommended that conditions requiring construction of sealed internal driveway and parking in accordance with the approved plans and that the driveway crossover be constructed in accordance with accepted driveway standards. It is also a recommended condition that the works be certified by a Registered Professional Engineer Queensland (RPEQ).

*Stormwater*

The application seeks to relocate an existing gully pit currently situated in the alignment of the proposed driveway crossover. It is recommended to include a condition requiring the submission of an Operational Works application for the relocation of the gully pit.

**3.5.1.2 Environmental Health**

*Noise*

An Environmental Noise Impact Report was submitted in support of the application and recommends 2.5m and 3.5m high acoustic barriers around the carpark and driveway entrance, and acoustic treatments to the building with the addition of self-closing doors to minimise noise leakage from within the building. The recommendations of this report include a condition that the development be undertaken in accordance with the acoustic report. The recommendations will also include a requirement that any acoustic barrier over 2.0m be transparent to minimise visual impacts.

*Lighting*

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

*Waste Management*

A waste management program has been provided and is acceptable for the proposed use. This development will use wheelie bins. The recommendations of this report include a condition that the development be undertaken in accordance with the waste management program.

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3.5.2 Referral Agencies

**3.5.2.1 Concurrence Agencies**

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

**3.5.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**3.5.2.3 Third Party Agencies**

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

3.6 Public Consultation

3.6.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 1 April 2020.
- (b) The development application was advertised in the Caboolture Herald on 2 April 2020.
- (c) A notice in the prescribed form was posted on the relevant land on 2 April 2020 and maintained for a period of 15 business days until 29 April 2020.

3.6.2 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		6
	Petition	-	0
Not Properly Made	Letter, Email, Fax		8
	Petition	-	-
<b>Total</b>			14

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p><b>Issue</b> Planning intent / Introduction of non-residential use in the residential area</p>
<p><b>Discussion</b> A common theme of the submissions was that the introduction of non-residential development within the residential area is an inappropriate development outcome and should not be supported. Further comments included that the area was only intended for residential development. The submissions specify that the site is located within proximity to other non-residential uses, such as the doctor's surgery on the corner of Young Road and Marshman Road, as well as residential care facility located immediately south of the subject site. Several submissions raised concern that the area was being converted to a commercial area, contrary to the planning intent or community expectations for the area.</p> <p>The planning scheme supports the introduction of non-residential uses identified as being community activities, such as places of worship, where they are well located on main roads, provide a low density built form outcomes and do no result in adverse impacts to the streetscape or adjoining properties. The development has been designed to present a low rise building with design outcomes akin to a dwelling house. Additionally, the development incorporates acoustic attenuation measures to mitigate impacts to adjoining residences.</p>

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**Assessment of Submissions**

Further, a place of worship is a consistent land use in the Suburban Neighbourhood Precinct, in accordance with the overall outcomes of the zone code.

It should be noted that other commercial developments, such as retail, offices or shops are not consistent uses in the Suburban Neighbourhood unless forming part of a neighbourhood hub. For additional uses of this nature to occur in this area, further planning approvals would be required, and assessment of the existing centre and neighbourhood hub network would be required. The approval of this application does not suggest that a new neighbourhood would be supported at this location.

Additionally, the introduction of this use does not alter any of the zoning in the area.

This is not a reason for refusal of the application.

**Issue**

Capacity of Young Road and proximity to Yarran Street

**Discussion**

Multiple submissions raised concerns that the development would result in an undue traffic impact on Young Road and compromise the safety and efficiency of the road, as well as existing traffic speeds on Young Road.

Young Road is classified as Council sub-arterial. The road provides a connection from New Settlement Road to Oakey Flat Road and maintains the existing pedestrian and cycling movements of this through traffic.

The layout of the lot restricts access to be directly from Young Road as part of the preceding subdivision. The location of the access is situated as far as practicable from the Yarran Street intersection to ensure the safety and function of the intersection and the safety of the development's access location. This designated sub-arterial road will not be unduly compromised by the additional traffic movements.

Young Road is sign posted speed of 60km/hr. These traffic signs have been installed at each end of Young Road facing Oakey Flat Road and New Settlement Road. The existing on street parking, access locations and sight lines remain unchanged as part of this development. The existing sign posted speed is appropriate for the road environment.

The development has not proposed to alter the traffic environment to Young Road or any connecting streets, and as a result the function of the road will not be unduly altered. The development is unable to change the existing speed environment of Young Road.

This is not a reason for refusal of the application.

**Issue**

Noise

**Discussion**

A common thread among multiple submissions was related to noise being generated from the carpark and from within the place of worship, including the times of day when the noise would be occurring. One submitter also expressed concern for the visual impacts of the acoustic barriers.

The Environmental Noise Impact Report considered each aspect of the potential noise sources and recommended acoustic treatments to ameliorate noise levels to ensure compliance with the relevant criteria for daytime, evening, and night time periods. This



ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

<p><b>Assessment of Submissions</b></p>
<p>covers all aspects of the proposed operational hours and ensures that potential impacts are appropriately mitigated.</p> <p>As well as conditioning the recommendations of the acoustic report, an additional condition forms part of the recommendations requiring that part of any acoustic barrier that is above 2.0m is to be constructed of a transparent material to minimise visual impacts and overshadowing.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b> Onsite car parking</p>
<p><b>Discussion</b></p> <p>Multiple submissions raised concerns that the development would provide an insufficient amount of car parking for the intended use. One submission raised concern about the location of parking at the rear of the site.</p> <p>Schedule 7 of the planning scheme provides that parking is to be provided at a rate of 7 spaces per 100m<sup>2</sup>, which results in a requirement of 9 spaces for this development, not including any accessible spaces required. As a result of concerns raised by Council officers, the applicant has increased the original 10 spaces proposed to a total of 14 parking spaces, including 1 accessible space, and therefore complies with the planning scheme requirements. Further, while the proposed church is anticipated to hold services of up to fifty (50) people, it is common for families to attend the church with multiple members arriving in a single vehicle.</p> <p>It is a requirement of the planning scheme that parking be located at the rear of the site for non-residential development.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b> Availability and standard of street parking</p>
<p><b>Discussion</b></p> <p>The existing availability of on-street parking was raised by multiple submissions, with concerns that already limited on-street parking would be further exasperated by the introduction of this development. Further, submissions also raised concerns with the existing dimensions of the parking area/bicycle lane and conflicts between parking and bicycle lanes in this area.</p> <p>The current layout of the on-street parking is not line marked for parking spaces, rather it only delineates the bicycle lanes from the general traffic lanes. Appropriate dimensions are available for parking on both sides of the Young Road. Importantly, parking is currently unrestricted on both sides of the street, meaning there is no restriction on parking in the bicycle lanes.</p> <p>As the proposal provides parking greater than the minimum amount of parking anticipated by the planning scheme, it is considered that parking supply is appropriately achieved on-site.</p> <p>Additionally, the proposal will not result in the alteration of the existing bicycle lanes nor impose additional restrictions for parking in this area.</p>

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

<p><b>Assessment of Submissions</b></p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b> Sight distances</p>
<p><b>Discussion</b> Several submitters raised concerns about sight distances due to the car parking on the road, including the reduced visibility from the driveways as a result of on street parking.</p> <p>The dwelling houses on Young Road driveways maintain their existing sight distances. The parking areas provided on the street frontage that may be used by the development and the existing properties would not have an impact on the manoeuvrability of vehicles from property driveway crossovers pre-existing on Young Road. Furthermore, there is no impact on pedestrian activity on Young Road as the sight lines will remain unchanged.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b> Setbacks</p>
<p><b>Discussion</b> One submission raised concern with the proposed front setback of 3 metres, rather than providing a 6 metre setback consistent with established buildings.</p> <p>Council's planning scheme seeks to ensure that non-residential development is located at the front of the site, by being within 3 metres of the front property boundary. The development complies with this outcome. This is required as it results in a pedestrian orientated design outcome and locates parking at the rear of the site.</p> <p>At the time the established dwelling houses were constructed, a larger setback was imposed largely to ensure that a second vehicle can be parked between the dwelling and the street boundary. For reference, under the current planning scheme, dwellings can be constructed with front setbacks of 3 metres to Outer Most Projection (OMP), 4.5 metres to closest wall, and 5.4 metres to garages.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b> Need for the development</p>
<p><b>Discussion</b> Several submissions questioned the need for the development to occur, given that the applicant has multiple other churches and facilities within the region.</p> <p>The consideration of need for a development only forms part of an assessment when the development approval being support is inconsistent or otherwise in conflict with an assessment benchmark. As the proposal is considered to comply with the assessment benchmarks, the consideration of need does not form part of the assessment.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b> Waste</p>
<p><b>Discussion</b></p>

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

<p><b>Assessment of Submissions</b></p>
<p>A submitter has raised concern that the development would cause an increase in the amount of rubbish blowing onto the street.</p> <p>A Waste Management Program was provided to demonstrate that an adequate number of wheelie bins will be provided to store general waste and recyclable waste generated from this use. The bins will be serviced at the kerbside of Young Road similar to a residential development.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b> Preference for this development to occur on other sites</p>
<p><b>Discussion</b> A number of submissions raised that the development could be built on other sites without impacting the residential area, with reference made to sites that may be in other zones or of larger sized lots.</p> <p>The decision framework under the <i>Planning Act 2016</i> does not enable Council to direct the applicant to develop at an alternative site, rather it only allows for Council to make a decision based on the application as presented. As such, it is not possible for Council to consider if the development would be more suited to another site.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b> Objection to access from Possum Drive.</p>
<p><b>Discussion</b> One submission raised a concern that the proposal plans did not show an established access to Possum Drive and objected to the development gaining access from Possum Drive.</p> <p>Currently, the site is bordered to the north and west by vacant land, with the lot to the west gaining access from an access handle to Possum Drive. The subject site does not obtain any access from Possum Drive, with all access provided from Young Road.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue</b> Signage</p>
<p><b>Discussion</b> One submission raised a concern that the application did not include any signage details. As the application involves only a Material Change of Use, signage does not form part of the assessment or approval. Signage is Accepted Development Subject to Requirements (formerly Self-assessable), meaning that the development may be able to provide signage without a development approval.</p> <p>An advice statement accompanies the recommended conditions of approval to ensure the applicant is aware of this requirement.</p> <p>This is not a reason for refusal of the application.</p>

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

<b>Assessment of Submissions</b>
<b>Issue</b> Disclosure of potential uses when purchasing land
<p><b>Discussion</b> Several submitters raised concerns that when purchasing in the area they were advised that the area was residential and were not advised that commercial development could occur. One submitter questioned why they weren't consulted about the application when purchasing their land.</p> <p>The subject site is located within the Suburban Neighbourhood Precinct and the application does not seek to alter the zoning for their land or any surrounding land. The planning scheme anticipates community activities and multiple forms of residential development within this precinct, not just dwelling houses, within this precinct. As identified above, the proposal is considered to comply with the planning scheme requirements.</p> <p>Council cannot control the information provided by external parties during property transactions. Additionally, Council cannot require an applicant to undertake consultation, other than as required by the <i>Planning Act 2016</i> for an impact assessable application.</p> <p>This is not a reason for refusal of the application.</p>
<b>Issue</b> Property Valuations
<p><b>Discussion</b> One submission raised a concern with the impact on property values.</p> <p>Whilst the <i>Planning Act 2016</i> does afford Council a broad discretion in deciding Impact Assessable applications, the decision has to be made based on the assessment of the application. When assessing Impact Assessable applications, Council may have regard to any relevant matters. However, the Act specifically provides that a relevant matter cannot include a person's personal circumstances, financial or otherwise. As such, Council cannot consider the land valuation (or any potential change) as a relevant matter, and thus this cannot form part of Council's assessment, nor be included as a factor in Council's decision.</p> <p>This is not a reason for refusal of the application.</p>
<b>Issue</b> Alternative use of land
<p><b>Discussion</b> One submission requested the land be turned into a park.</p> <p>Council is unable to consider alternative development outcomes for the site as part of a development application. Additionally, Council's Local Government Infrastructure Plan (LGIP) identifies Council's plan for delivering infrastructure, including acquisition of land for parks. There are currently no additional park requirements for this area that requires Council to acquire this site for park purposes.</p> <p>This is not a reason for refusal of the application.</p>

ITEM 4.1 DA/39426/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR PLACE OF WORSHIP AT 33 YOUNG ROAD, NARANGBA - A20053074 (Cont.)

3.6.3 Notice of Compliance

The Notice of Compliance was received by Council on 30 April 2020. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4 of the Development Assessment Rules.

3.7 Other Matters  
None identified.

**4. Strategic Implications**

4.1 Legislative/Legal Implications

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

4.2 Corporate Plan / Operational Plan

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

4.3 Policy Implications

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

4.4 Risk Management Implications

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

4.5 Delegated Authority Implications

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

4.6 Financial Implications

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

4.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay Region.

4.8 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.

4.9 Social Implications

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

4.10 Human Rights Implications

Under the *Human Rights Act 2019*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that Council's decision in this circumstance (if it reflects the officer's recommendation) is compatible with (and does not limit) a person's rights because there are sound and lawful reasons for the recommendation as set out in this report.

4.11 Consultation / Communication

Refer to clause 3.6.

**ITEM 4.2**

**DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE  
- DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS  
DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328  
OAKY FLAT ROAD, MORAYFIELD (LOT 4 RP 859641)**

**APPLICANT: BUDGET POOLS BRISBANE**  
**OWNER: MR MICHAEL P CHAPMAN**

Meeting / Session: 4 PLANNING  
Reference: A20002215 : 10 June 2020 – Refer Supporting Information A20003391,  
A20003058, A20003056 & A20003159  
Responsible Officer: BM, Principal Planner (PL Development Services)

**Executive Summary**

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

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Budget Pools Brisbane
<b>Lodgement Date:</b>	6 June 2019
<b>Properly Made Date:</b>	7 June 2019
<b>Confirmation Notice Date:</b>	19 July 2019
<b>Information Request Date:</b>	31 July 2019
<b>Info Response Received Date:</b>	8 January 2020
<b>Public Notification Dates:</b>	Started: 9 January 2020 Finished: 31 January 2020
<b>No. of Submissions:</b>	Properly Made: One (1) Not Properly Made: None
<b>Decision Due Date:</b>	19 June 2020
<b>Prelodgement Meeting Held:</b>	Yes

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 12
<b>Property Address:</b>	324-328 Oakey Flat Road, Morayfield Qld 4506
<b>RP Description</b>	Lot 4 RP 859641
<b>Land Area:</b>	1.055ha
<b>Property Owner</b>	Mr Michael P Chapman

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	Emerging community zone, Transition precinct
<b>Level of Assessment:</b>	Impact Assessable

This development application seeks a Material Change of Use - Development Permit for Outdoor Sales and Operational Works - Development Permit for Advertising Device situated at 324-328 Oakey Flat Road, Morayfield (Division 12) on land described as Lot 4 RP859641.

*ITEM 4.2 DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328 OAKEY FLAT ROAD, MORAYFIELD (LOT 4 RP 859641) - A20002215 (Cont.)*

The development proposal involves the display and sale of swimming pool shells. In addition to the sale of swimming pool shells, the proposal includes the ancillary sale of pool accessories (e.g. pool pumps and pool cleaning products).

The development proposal will occupy a display area of 744m<sup>2</sup> for the outdoor storage of the pool shells. The display area is located at the front of the property, forward of the existing dwelling. Specifically, the display area is setback 10m from the Oakey Flat Road frontage, 25m from the northern property boundary and 10m from the southern property boundary.

The sale of pool accessories will be accommodated within an existing outbuilding on site, the outbuilding is single storey in height and contains a total GFA of 39.58m<sup>2</sup>.

The development proposal incorporates landscape buffers, including a 10m wide landscape buffer for the length of the site's frontage to Oakey Flat Road, as well as 2m wide landscape buffers along both the northern and southern property boundaries for the extent of the display area.

The premises will operate during the daytime hours only, Monday to Friday 8am – 5pm and Saturday 8am – 12pm.

Access to the site will be gained from the existing access to Oakey Flat Road at the northwest corner of the site. The proposal involves a looped driveway arrangement which facilitates safe and efficient access to and from Oakey Flat Road allowing vehicles to enter and exit in a forward motion. A total of six (6) car parking spaces are proposed onsite.

The proposed development also includes an advertising device in the form of fence signage affixed to the front fence. The proposed sign measures 2370mm x 1180mm, with a total sign face area of 2.8m<sup>2</sup>.

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

The proposed development is considered to accord with the intent of the MBRC Planning Scheme, subject to conditions, including a condition limiting the period of time the use may operate, and is recommended to be approved, subject to conditions.

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## RESOLUTION

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**Moved by Cr Tony Latter**

**Seconded by Cr Mick Gillam**

**CARRIED 12/0**

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

ITEM 4.2 DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328 Oakey Flat Road, Morayfield (Lot 4 RP 859641) - A20002215 (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 Outdoor Sales and Operational Works - Development Permit for Advertising Device situated at 324-328 Oakey Flat Road, Morayfield on land described as Lot 4 RP859641, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Site Plan	19029 Rev H	Cyber Drafting & Design	19/02/2020
Proposed Signage plan	A3 5975 Rev A	DTS urban planning, surveying & development	18/02/2020

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Traffic Impact Statement	P4315 Ver 1	Bitzios Consulting	13/12/2019

**Conditions**

DEVELOPMENT PERMIT - OUTDOOR SALES		TIMING
<b>DEVELOPMENT PLANNING</b>		
<b>1.</b>	<b>Approved Plans and documents</b>	
	Undertake development generally in accordance with the approved plans/documents. These plans will form part of the approval, unless otherwise amended by conditions of this approval.	At all times.
<b>2.</b>	<b>Amended Report Required</b>	
A	Submit an amended Traffic Impact Statement incorporating the following: (i) Remove all references to Temporary Traffic Separators.	Prior to commencement of use.
B	Obtain approval from Council for the amended Traffic Impact Statement in accordance with (A) above.	Prior to commencement of use.
C	Implement the requirements and recommendations of the approved report. The approved report will form part of the approval.	Prior to commencement of use.
<b>3.</b>	<b>Cessation of Use</b>	
	The use of the premises for Outdoor Sales is limited to five (5) years, from the date of the approval unless written approval has been obtained from Council for an extension of this period.  <i>Note: This condition has been imposed under Section 65(2)(a)(i) of the Planning Act 2016.</i>	To be maintained at all times.



ITEM 4.2 DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328 OAKEY FLAT ROAD, MORAYFIELD (LOT 4 RP 859641) - A20002215 (Cont.)

DEVELOPMENT PERMIT - OUTDOOR SALES		TIMING
<b>DEVELOPMENT PLANNING</b>		
<b>4.</b>	<b>Approved Use – Outdoor Sales</b>	
	<p>Ensure the Outdoor sales use is limited to:</p> <ul style="list-style-type: none"> <li>• The area shown on the approved plans; and</li> <li>• All pool shells are displayed horizontally on the ground.</li> </ul> <p>Note: with the exception of the pool pump storage building (existing building), this Development Permit does not authorise any permanent structures (GFA (m<sup>2</sup>)).</p>	Prior to commencement of use and to be maintained at all times.
<b>5.</b>	<b>Premises Hours of Operation</b>	
	Limit the hours of operation to between 8am to 5pm Monday to Friday and 8am to 12pm Saturday.	At all times.
<b>6.</b>	<b>Delivery/Removal of Pool Shells</b>	
	The delivery and removal of pool shells to and from the site is limited to one heavy vehicle attending the site per week.	At all times.
<b>7.</b>	<b>On-Site Car Spaces - Outdoor Sales</b>	
	Provide a minimum of six (6) vehicle spaces on site as shown on the approved Site Plan.	Prior to commencement of use and to be maintained at all times.
<b>8.</b>	<b>Screen Fencing</b>	
	Construct a screen fence along the southern side boundary of the site for a length of 56m from the Oakey Flat Road frontage where none already exists. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.80 metres in height.	Prior to commencement of use and to be maintained at all times.
<b>9.</b>	<b>External Lighting</b>	
A	Any external lighting is to be in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
<b>10.</b>	<b>Waste Management Program</b>	

ITEM 4.2 DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328 OAKY FLAT ROAD, MORAYFIELD (LOT 4 RP 859641) - A20002215 (Cont.)

DEVELOPMENT PERMIT - OUTDOOR SALES		TIMING
<b>DEVELOPMENT PLANNING</b>		
	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>11.</b>	<b>Landscaping</b>	
A	Provide landscaping on site generally in accordance with the approved Site Plan and Planning Scheme Policy - Integrated Design Appendix D - Landscaping.	Prior to commencement of use.
B	Submit certification from a landscape designer or other suitably qualified person that the landscaping works have been installed on site in accordance with (a) above.	Prior to commencement of use and to be maintained at all times.
<b>12.</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 commencement of use and to be maintained at all times.
<b>13.</b>	<b>Water</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to commencement of use.
<b>DEVELOPMENT ENGINEERING</b>		
<b>14.</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 commencement of use.
<b>15.</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 commencement of use.
<b>16.</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>17.</b>	<b>Driveway Crossover</b>	

ITEM 4.2 DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328 OAKLEY FLAT ROAD, MORAYFIELD (LOT 4 RP 859641) - A20002215 (Cont.)

DEVELOPMENT PERMIT - OUTDOOR SALES		TIMING
<b>DEVELOPMENT PLANNING</b>		
A	Construct a driveway crossover to the development in accordance with the approved plans and documents of development and MBRC Standard Drawing/s RS-051.  Provide signage and line marking in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD) that clearly denotes separate entry and exit driveways for development to advise drivers that access is <b>left in and left out only</b> .	Prior to commencement of use.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
<b>18.</b>	<b>Unsealed Car Parking</b>	
	Provide an all-weather accessible pavement to the unsealed car parking area in accordance with the approved plans and documents of development. The car parking area is to be constructed and maintained to avoid dust and noise impacts and include suitable drainage and water quality treatment.	Prior to commencement of use and to be maintained at all times.

OPERATIONAL WORKS - ADVERTISING DEVICE		
<b>DEVELOPMENT PLANNING</b>		
<b>CONDITION</b>		<b>TIMING</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.	At all times.
<b>2.</b>	<b>Advertising Material</b>	
	Ensure advertising on the fence sign is restricted to the display of information specific to the operation of the site uses and must not be used for other purposes	At all times.
<b>3.</b>	<b>Lighting</b>	
	Lighting of the advertising device is not permitted.	At all times.
<b>4.</b>	<b>Removal of Signage</b>	
	Signage must be removed at the cessation of the approved use for Outdoor Sales.	At the cessation of use.

ITEM 4.2 DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328 OAKLEY FLAT ROAD, MORAYFIELD (LOT 4 RP 859641) - A20002215 (Cont.)

<b>ADVICES</b>	
<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 Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

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

ITEM 4.2 DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328 OAKLEY FLAT ROAD, MORAYFIELD (LOT 4 RP 859641) - A20002215 (Cont.)

E. That the following information be included in the Decision Notice.

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	(a) Material Change of Use Development Permit for Outdoor Sales; and  (b) Operational Works Development Permit for Advertising Device.
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years Operational Works - 2 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>	Not applicable
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There was one (1) properly made submission about this application.

**REPORT DETAIL**

**1. Proposal**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Budget Pools Brisbane
<b>Lodgement Date:</b>	6 June 2019
<b>Properly Made Date:</b>	7 June 2019
<b>Confirmation Notice Date:</b>	19 July 2019
<b>Information Request Date:</b>	31 July 2019
<b>Info Response Received Date:</b>	8 January 2020
<b>Public Notification Dates:</b>	Started: 9 January 2020 Finished: 31 January 2020
<b>No. of Submissions:</b>	Properly Made: One (1) Not Properly Made: None
<b>Decision Due Date:</b>	19 June 2020
<b>Prelodgement Meeting Held:</b>	Yes

*ITEM 4.2 DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328 Oakey Flat Road, Morayfield (Lot 4 RP 859641) - A20002215 (Cont.)*

This development application seeks a Material Change of Use - Development Permit for Outdoor Sales and Operational Works - Development Permit for Advertising Device situated at 324-328 Oakey Flat Road, Morayfield on land described as Lot 4 RP859641.

The development proposal involves the display and sale of swimming pool shells. In addition to the sale of swimming pool shells, the proposal includes the ancillary sale of pool accessories (e.g. pool pumps and pool cleaning products).

The development proposal will occupy a display area of 744m<sup>2</sup> for the outdoor storage of the pool shells. The display area is located at the front of the property, forward of the existing building. Specifically, the display area is setback 10m from the Oakey Flat Road frontage, 25m from the northern property boundary and 10m from the southern property boundary.

The sale of pool accessories will be accommodated within an existing outbuilding on site, the outbuilding is single storey in height and contains a total GFA of 39.58m<sup>2</sup>.

The development proposal incorporates landscape buffers, including a 10m wide landscape buffer for the full length of the site's frontage to Oakey Flat Road, as well as 2m wide landscape buffers along both the northern and southern property boundaries for the extent of the display area.

The premises will operate during the daytime hours only, Monday to Friday 8am – 5pm and Saturday 8am – 12pm.

Access to the site will be gained from the existing access to Oakey Flat Road (modified to a Type B crossing). The proposal involves a looped driveway arrangement which facilitates efficient access to and from Oakey Flat Road allowing vehicles to enter and exit in a forward motion. A total of six (6) car parking spaces are proposed onsite.

The proposed development also includes an advertising device in the form of fence signage affixed to the front fence. The proposed sign measures 2370mm x 1180mm, with a total sign face area of 2.8m<sup>2</sup>.

## **2. Background**

On 10 January 2019, Council issued a 'Show Cause Notice' to the land owner. The 'Show Cause Notice' outlined that assessable development was being carried out onsite without a development permit. In the notice, Council identified that the business appeared to involve Outdoor Sales and/or Showroom of swimming pool shells.

On 18 February 2019, a prelodgement meeting (PRE/4956) was held with Council Officers, in relation to the proposed development. The current proposal is generally consistent with the proposed development discussed during the prelodgement meeting.

## **3. Description of the Site and Surrounds**

### **3.1 Current use of the land**

The subject site contains an existing dwelling house, home based business (lawful hair salon), a small pool pump storage building and pool shell storage within the yard (the subject of this application).

### **3.2 Current use of the surrounding land**

The subject site is adjoined by rural residential properties on the northern, eastern and southern boundaries. The site adjoins Oakey Flat Road to the west. To the west of Oakey Flat Road is Excelsior Park, which is a small convenience centre.

The subject site and the adjoining residential uses to the north, east, and south are located within the Emerging community zone - Transition precinct, while the property to the west is located within the Rural residential zone.

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3.3 Topography

The subject site has a gentle slope from the northern corner to the south-east corner, ranging from 40 AHD down to 38 AHD.

3.4 Vegetation

The subject site contains domestic gardens and scattered mature vegetation, predominately along the site frontage and in the eastern portion of the site. The development proposal does not propose to clear any existing vegetation.

3.5 Access improvements

The subject site is currently accessed via a crossover to Oakey Flat Road at the northwest corner of the site.

3.6 Constraints on the property

The north eastern corner of the site is mapped as containing Matters of State Environmental Significance (refer to Figure 1 below). The proposal does not seek to impact upon the vegetation at the rear of the site.



Figure 1: The extent of the mapped Environmental Areas Overlay

The site is also mapped as containing medium potential bushfire intensity and potential impact buffer (refer to Figure 2 below).



Figure 2: The extent of the mapped Bushfire Hazard Overlay

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**4. 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>	<ul style="list-style-type: none"> <li>• Nil</li> </ul>

**4.1.1 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 benchmarks - livable communities</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - mining and extractive resources</b>	
Applicable to Development	SPP requirement
No	None
<u>Comment</u> Not applicable.	
<b>Assessment benchmarks - water quality</b>	
Applicable to Development	SPP requirement
Yes	(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from: (a) altered stormwater quality and hydrology; (b) waste water; (c) the creation or expansion of non-tidal artificial waterways; (d) the release and mobilization of nutrients and sediments.



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	<ul style="list-style-type: none"> <li>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2).</li> <li>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</li> </ul>
<p><u>Comment</u> An assessment of the proposed development has been undertaken, and the proposal has been determined to comply.</p>	
<p><b>Assessment benchmarks - natural hazards, risk and resilience</b></p>	
Applicable to Development	SPP requirement
Yes	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <ul style="list-style-type: none"> <li>(1) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</li> </ul> <p>All natural hazard areas:</p> <ul style="list-style-type: none"> <li>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</li> <li>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</li> <li>(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</li> <li>(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</li> </ul>
<p><u>Comment</u> The site is mapped as containing Medium potential bushfire intensity and potential impact buffer.</p> <p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p>	
<p><b>Assessment benchmarks - strategic airports and aviation facilities</b></p>	
Applicable to Development	SPP requirement
No	None
<p><u>Comment</u> Not applicable.</p>	

4.1.2 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.

4.2 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.

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4.2.1 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 application has been assessed against the applicable themes and found to be generally consistent.

The Strategic Outcomes under the applicable themes for the planning scheme are discussed as follows:

<b>3.13.2 Element - Caboolture planning area, 3.13.2.1 Specific Outcomes</b>	
<b>Strategic Outcomes</b>	<b>Complies Y/N</b>
<p><b>3.13.2.4 (8) Specific Outcomes – Settlement Pattern</b></p> <p>The rural residential area at Morayfield South has been identified as a potential future urban growth front. The key strength of this area lies in its location proximate to the higher order activity centres at Caboolture and Morayfield and regional transport connections including the Bruce Highway and North Coast Rail Line.</p> <p>Despite this, the lack of urban infrastructure, presence of potentially significant environmental values and fragmented land pattern will constrain the ability to provide serviced urban land, other than for a small area, in the northern portion of the area.</p> <p>Given the existing constraints, other development fronts in the Region and the large size of the growth area, all of the area is not anticipated to be required for urban development prior to 2031.</p> <p>The majority of the area is likely to remain largely rural residential in nature until the area can be developed in an efficient and cohesive manner.</p> <p><u>3.13.2.4.5 Land use strategy</u></p> <p>a. The emerging community of Morayfield South will provide for land to be available for urban development during the life of the planning scheme. Limited infrastructure network planning has been done for the identified area and it will not be included within the priority infrastructure area. It is not serviced by all local government networks including water and sewerage.</p> <p>b. Development of the identified area will be subject to bring forward costs and will not be subject to any infrastructure offsets.</p> <p>c. Interim development in this area does not fragment, pre-empt or compromise the potential development of rural residential areas for urban purposes beyond the life of the planning scheme.</p> <p>d. Further integrated land use and infrastructure planning will be undertaken in the Morayfield South area. This further planning work will determine how the area can be developed efficiently to create a cohesive and sustainable urban community.</p>	<p>Yes</p>
<b>Comments</b>	
<p>The proposed development application seeks approval for Outdoor Sales on the subject site as an interim land use (maximum operation period of 5 years, unless otherwise agreed by Council). The development proposal involves the display and sale of swimming pool shells. In addition to the sale of swimming pool shells, the proposal includes the ancillary sale of pool accessories (e.g. pool pumps and pool cleaning products) which will be stored in an existing building on site.</p>	

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3.13.2 Element - Caboolture planning area, 3.13.2.1 Specific Outcomes	
Strategic Outcomes	Complies Y/N
<p>Given the nature of the development proposal, the planning instruments and land use and infrastructure planning necessary to promote and implement green field development is not required to have been completed or adopted by Council to for the development proposal to proceed.</p> <p>The development proposal does not require the site to be serviced with all local government networks to a standard or capacity which is suitable for urban development. Furthermore, the existing infrastructure networks available to the subject site are of an appropriate standard and capacity to support the development proposal.</p> <p>The proposal will not prevent or discourage long term urban land uses. The proposed Outdoor Sales is an interim land use with minimal investment and infrastructure required to facilitate the development proposal. Furthermore, the development proposal will not fragment, preempt or compromise the potential development of rural residential areas for urban purposes beyond the life of the planning scheme.</p> <p>It is therefore considered that the development proposal does not conflict with the strategic outcome.</p>	

4.2.2 Assessment of Applicable Codes

Code Compliance Summary

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

- (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>		
Emerging Community Zone Code - Transition precinct (developable Lot)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO2, PO3 and PO18
<b>Development Codes</b>		
Advertising Devices Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO1

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 4.2.3.

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4.2.3 Performance Outcome Assessment

Performance Outcome	Example
<b>Emerging community zone code, Transition precinct - Developable lot</b>	
<p><b>PO2</b></p> <p>Interim uses:</p> <ul style="list-style-type: none"> <li>a. do not fragment or alienate the land or result in the loss of land for future urban purposes;</li> <li>b. result in minimal investment;</li> <li>c. do not prejudice or delay the use of the land for urban purposes.</li> </ul>	<p>No example provided</p>
<i>Performance Outcome Assessment</i>	
<p>It is noted that the MBRC Planning Scheme does not include an administrative definition for interim. The Macquarie dictionary defines 'interim' as a temporary or provisional arrangement.</p> <p>The MBRC Planning Scheme does include an administrative definition for Temporary use which is defined as "a use that is impermanent and may be irregular or infrequent that does not require the construction of a permanent building or the installation of permanent infrastructure or services".</p> <p>To ensure the development proposal remains an interim use, a condition will be included in the recommendations of this report limiting the use of the site for Outdoor Sales to a maximum period of five (5) years, unless otherwise agreed by Council.</p> <p>The proposed Outdoor Sales is an interim land use with minimal investment and infrastructure required to facilitate the development proposal. Specifically, the development proposal does not require the construction of any new buildings/structures onsite. As such, the development proposal does not prejudice or delay the uses of the land for urban purposes. Thus, satisfying the requirements of Performance Outcome PO2.</p>	
<p><b>PO3</b></p> <p>Interim uses:</p> <ul style="list-style-type: none"> <li>a. are adequately serviced with necessary infrastructure to meet on-site needs and requirements;</li> <li>b. are of a size and scale that maintains the low density, low intensity and open area landscape character anticipated in the interim precinct;</li> <li>c. are designed, located and operated in a manner that avoids</li> </ul>	<p>No example provided.</p>

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Performance Outcome	Example
<p>nuisance impacts on adjoining properties;</p> <p>d. requires minimal filling or excavation. Where this occurs, visual impacts are reduced through screening;</p> <p>e. are not visually dominant from the streetscape or adjoining properties;</p> <p>f. utilise materials, finishes and colours that are consistent with existing semi-rural environment.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The development proposal involves the display and sale of swimming pool shells. In addition to the sale of swimming pool shells, the proposal includes the sale of ancillary pool accessories (e.g. pool pumps and cleaning products) within an existing outbuilding.</p> <p>The development proposal will occupy a display area of 744m<sup>2</sup> for the outdoor storage of the pool shells. The display area is located at the front of the property, forward of the existing building. Specifically, the display area is setback 10m from the Oakey Flat Road frontage, 25m from the northern property boundary and 10m from the southern property boundary.</p> <p>The proposed land use is small in scale and is low intensity to ensure that the character of the area is maintained.</p> <p>The premises will operate during the daytime hours only, Monday to Friday 8am – 5pm and Saturday 8am – 12pm. There will be the occasional delivery, which will be scheduled to occur during these hours only. The applicant has demonstrated that all vehicle movements, including the delivery and pick up of pools can occur within the designated driveway area and will not impact on the amenity of the adjoining properties.</p> <p>An Environmental Noise Impact Report was submitted in support of the development proposal. The report demonstrates there are no noise impacts to sensitive uses during the daytime period which covers the 8:00am to 5:00pm trading hours.</p> <p>To minimise adverse amenity impacts, the development proposal incorporates landscape buffers, including a 10m wide landscape buffer for the full length of the site’s frontage to Oakey Flat Road, as well as 2m wide landscape buffers along both the northern and southern property boundaries.</p> <p>It is noted that an existing colourbond fence is currently located along the southern property boundary and extends for a length of approximately 30m from the front of the property. However, it is identified that the existing fence does not adequately screen the display area from the adjoining neighbours to the south (Lot 1 RP190755).</p> <p>As a consequence, a condition will be included in the recommendations of this report requiring the applicant to erect additional fencing along the southern side boundary to screen the development proposal (i.e. display area) from the adjoining neighbour.</p>	

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Performance Outcome	Example
Having regard to the above, it is considered that the development proposal achieves the requirements of Performance Outcome PO3.	
<b>PO18</b> Noise generating uses do not adversely affect existing or potential noise sensitive uses. Noise is to be mitigated in accordance with Planning scheme policy - Noise.	No example provided.
<i>Performance Outcome Assessment</i>	
An Environmental Noise Impact Report prepared by Decibell Consulting was submitted in support of the development application. The report demonstrates there are no noise impacts to sensitive uses during the daytime period which covers the 8:00am to 5:00pm trading hours. Thus, satisfying the requirements of Performance Outcome PO18.	

Performance Outcome	Example				
<b>Advertising Devices Code</b>					
<b>PO1</b> Advertising devices are of an appropriate number, type, design, scale, height and location to: <ul style="list-style-type: none"> <li>a. not contribute to visual clutter or be overbearing or visually dominant;</li> <li>b. complement the existing and future planned character and amenity of the area in which it is located;</li> <li>c. maintain a human scale and not detract from or interfere with the form and function of a pedestrian friendly environment;</li> <li>d. be compatible with the surrounding streetscape and landscape. Advertising devices should be considered as another design element, which integrate with the architecture, scale, proportions and style of buildings, landscaping, structures and other Advertising devices located both within and surrounding the site;</li> </ul>	<b>E1.3</b> The total combined signface area of all Advertising devices on the site complies with the following table: <table border="1" style="margin-left: 20px;"> <thead> <tr> <th>Zone</th> <th>Total combined signface area</th> </tr> </thead> <tbody> <tr> <td>Emerging community, general residential - if not on a lot identified on Overlay map - Community activities and neighbourhood hubs</td> <td>0.3m<sup>2</sup> per site.</td> </tr> </tbody> </table>	Zone	Total combined signface area	Emerging community, general residential - if not on a lot identified on Overlay map - Community activities and neighbourhood hubs	0.3m <sup>2</sup> per site.
Zone	Total combined signface area				
Emerging community, general residential - if not on a lot identified on Overlay map - Community activities and neighbourhood hubs	0.3m <sup>2</sup> per site.				

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Performance Outcome	Example
<p>e. minimise any potential adverse impacts on adjoining sites, such as overshadowing or the loss of key views and view corridors;</p> <p>f. not diminish or cause irreversible damage to any cultural heritage values present on the site or those associated with a heritage site, item or object.</p>	
<i>Performance Outcome Assessment</i>	
<p>Example E1.3 nominates that the advertising devices have a combined total surface area of 0.3m<sup>2</sup>. The development proposal seeks to erect an advertising device in the form of a fence sign on the front property fence. The proposed sign measures 2370mm x 1180mm, with a total sign face area of 2.8m<sup>2</sup>, exceeding the nominated maximum combined signface area of 0.3m<sup>2</sup>.</p> <p>The subject site has a frontage of approximately 73m to Oakey Flat Road, which is identified as an arterial road on the Road hierarchy overlay of the MBRC Planning Scheme. It is considered that the size and scale of the proposed advertising device will not appear to visually dominate the Oakey Flat Road streetscape or contribute to visual clutter.</p> <p>The proposed advertising device is low in height and will not be illuminated. The proposed advertising devices also avoid overshadowing or the blocking of key view corridors and will not unreasonably impact upon the amenity of adjoining sites.</p> <p>Furthermore, the proposed advertising devices will not diminish or cause irreversible damage to the cultural heritage values present in the local area.</p> <p>Having regard to the above, the proposed advertising device is considered to be appropriate in scale and size for the location. Accordingly, it is recommended that the alternative solution be accepted in this instance.</p>	

4.2.4 Overall Outcome Assessment

The development proposal is subject to impact assessment. Impact assessable applications are assessed against all the provisions of the MBRC Planning Scheme. Accordingly, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot	
Overall Outcomes	Complies Y/N
a. For interim uses development only occurs on a developable lot that is not serviced by all local government networks including water and sewer.	Yes
Comments	
The proposed development application seeks approval for Outdoor Sales as an interim land use on a lot that is not serviced by reticulated sewer infrastructure.	

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<b>6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot</b>	
<b>Overall Outcomes</b>	<b>Complies Y/N</b>
The development proposal achieves the requirements of Overall Outcome A.	
b. Development is to maintain a semi-rural character until such time as availability and provision of infrastructure is delivered and relevant site specific constraints are resolved.	Yes
<b>Comments</b>	
<p>The development proposal will occupy a display area of 744m<sup>2</sup> for the outdoor storage of the pool shells. The display area is located at the front of the property, forward of the existing building. Specifically, the display area is setback 10m from the Oakey Flat Road frontage, 25m from the northern property boundary and 10m from the southern property boundary.</p> <p>Furthermore, a condition has been included in the recommendations of this report, requiring that the pool shells be displayed horizontally, thus ensuring that the structures will not be visually dominant from the adjoining properties. Furthermore, the development proposal incorporates landscape buffers, including a 10m wide landscape buffer for the full length of the site's frontage to Oakey Flat Road, as well as 2m wide landscape buffers along both the northern and southern property boundaries.</p> <p>Having regard to the above, it is considered that the proposed development is low intensity and small scale, such that it will maintain the semi-rural character of the site.</p> <p>The development proposal achieves the requirements of Overall Outcome B.</p>	
c. Interim uses are appropriate in this precinct where they: <ul style="list-style-type: none"> <li>i. would be compatible with the existing semi-rural character and urban uses;</li> <li>ii. would not prejudice or delay the development of the site and adjoining areas;</li> <li>iii. are low intensity in nature and characterised by low investment in buildings and infrastructure relative to the value of the site.</li> </ul>	Yes
<b>Comments</b>	
<p>The proposed development application seeks approval for Outdoor Sales on the subject site as an interim land use.</p> <p>The proposed Outdoor Sales is low intensity and small in scale, thus maintaining the existing semi-rural character of the area. Further, the applicant has demonstrated that the development proposal can operate alongside the surrounding residential uses without impacting the amenity or character.</p> <p>The development proposal involves very low investment in buildings and infrastructure, with the outdoor sales area operating in the open yard and the pool pumps being stored in an existing outbuilding.</p> <p>The proposal will utilize the existing vehicle access point and informal driveway and car parking area, which will be formalized.</p>	



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<b>6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot</b>	
<b>Overall Outcomes</b>	<b>Complies Y/N</b>
The land use is low-intensity in nature with very little site investment required ensuring that it will not prejudice or delay the future development of the site or adjoining sites for urban purposes.	
The development proposal achieves the requirements of Overall Outcome C.	
d. Residential activities consist of detached dwelling houses or caretaker's accommodation, predominantly on large lots	N/A
<b>Comments</b>	
The proposed development is for an Outdoor Sales and Advertising Device.	
The residential activities on the site do not form part of this development application.	
e. The character and scale of dwelling houses are compatible with the intended character for the precinct.	N/A
<b>Comments</b>	
The proposed development is for an Outdoor Sales and Advertising Device.	
The residential activities on the site do not form part of this development application.	
f. Secondary dwellings associated with a principal dwelling, remaining subordinate and ancillary to the principal dwelling to retain the low density, low intensity, residential form of a dwelling house	N/A
<b>Comments</b>	
The proposed development is for an Outdoor Sales and Advertising Device.	
The residential activities on the site do not form part of this development application.	
g. Garages, car ports and domestic outbuildings remain subordinate and ancillary to the principal dwelling and are located and designed to reduce amenity impacts on the streetscape and adjoining properties.	N/A
<b>Comments</b>	
The proposed development is for an Outdoor Sales and Advertising Device.	
The residential activities on the site do not form part of this development application.	
h. Dwelling houses are designed to add visual interest and contribute to an attractive streetscape and public realm.	N/A
<b>Comments</b>	
The proposed development is for an Outdoor Sales use.	
The residential activities on the site do not form part of this development application.	
i. Dwelling houses are provided with infrastructure and services at a level suitable for the area as a transition precinct.	N/A
<b>Comments</b>	
The proposed development is for an Outdoor Sales and Advertising Device.	
The residential activities on the site do not form part of this development application.	

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<b>6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot</b>	
<b>Overall Outcomes</b>	<b>Complies Y/N</b>
j. Dwelling houses are responsive to the lot shape, dimensions and topographic features.	N/A
<b>Comments</b>	
<p>The proposed development is for an Outdoor Sales and Advertising Device.</p> <p>The residential activities on the site do not form part of this development application.</p>	
k. Non-residential uses do not result in adverse or nuisance impacts on adjoining properties or the wider environment. Any adverse or nuisance impacts are contained and internalised to the site through location, design, operation and on-site management practices.	Yes
<b>Comments</b>	
<p>The applicant has demonstrated that the proposal will not create adverse or nuisance impacts on adjoining properties.</p> <p>Activities associated with the development will be controlled in accordance with the conditions of the development approval which include:</p> <ul style="list-style-type: none"> <li>- the limitation of the hours of operations;</li> <li>- the limitation of the delivery and removal of pool shells to and from the site;</li> <li>- lighting; and</li> <li>- a waste management program.</li> </ul> <p>The interface with adjoining properties is appropriately managed through fencing and landscaping conditions.</p> <p>The site includes extensive landscaping along the Oakey Flat Road frontage (approximately 10m wide) and along the side boundaries to screen the visual dominance of the manoeuvring and display area.</p> <p>A condition will be included in the recommendations of this report requiring the applicant to undertake on site landscaping in accordance with Planning Scheme Policy - Integrated Design Appendix D - Landscaping. Further, a condition will be included in the recommendations of this report requiring the applicant to erect additional fencing along the southern side boundary to screen the development proposal (i.e. display area) from the adjoining neighbour.</p> <p>The development proposal achieves the requirements of Overall Outcome K.</p>	
l. General works associated with the development achieves the following: <ul style="list-style-type: none"> <li>i. a high standard of electricity, telecommunications, roads, sewerage, water supply and street lighting services is provided to new developments to meet the current and future needs of users of the site;</li> <li>ii. the development manages stormwater to: <ul style="list-style-type: none"> <li>1. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</li> </ul> </li> </ul>	Yes

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<b>6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot</b>	
<b>Overall Outcomes</b>	<b>Complies Y/N</b>
<ul style="list-style-type: none"> <li>2. prevent stormwater contamination and the release of pollutants;</li> <li>3. maintain or improve the structure and condition of drainage lines and riparian areas;</li> <li>4. avoid off-site adverse impacts from stormwater.</li> <li>iii. the development does not result in unacceptable impacts on the capacity 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 streetscape or the environment.</li> </ul>	
<b>Comments</b>	
The site has existing infrastructure available to support the development and does not rely on the supply of new infrastructure. The development proposal will not result in any unacceptable impacts or capacity issues on the external road network.	
The development proposal achieves the requirements of Overall Outcome I.	
m. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke	Yes
<b>Comments</b>	
Activities associated with the development will be controlled in accordance with the conditions of the development approval which include: - the limitation of the hours of operations; - the limitation of the delivery and removal of pool shells to and from the site; - lighting; and - a waste management program.	
The development proposal achieves the requirements of Overall Outcome M.	
n. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by: <ul style="list-style-type: none"> <li>i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</li> <li>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</li> <li>iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:</li> </ul>	Yes

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6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot	
Overall Outcomes	Complies Y/N
<ol style="list-style-type: none"> <li>1. the provision of replacement, restoration, rehabilitation planting and landscaping;</li> <li>2. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</li> <li>3. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.</li> <li>v. protecting native species and protecting and enhancing species habitat;</li> <li>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</li> <li>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</li> <li>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</li> <li>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</li> <li>x. ensuring effective and efficient disaster management response and recovery capabilities;</li> <li>xi. where located in an overland flow path:               <ol style="list-style-type: none"> <li>1. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</li> <li>2. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</li> <li>3. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</li> <li>4. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</li> </ol> </li> </ol>	
Comments	
<p>The proposal can comply with the overall outcome as:</p> <ul style="list-style-type: none"> <li>• The site is not mapped as being subject to flood hazard;</li> <li>• The site is not mapped as being subject to an erosion prone area;</li> <li>• The site is not mapped as being within a water supply buffer area; and</li> <li>• The site is not mapped as being subject to an overland flow path.</li> </ul>	

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<b>6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot</b>	
<b>Overall Outcomes</b>	<b>Complies Y/N</b>
<ul style="list-style-type: none"> <li>The north-eastern corner of the site is mapped as containing Matter of Environmental Significance. However, the development proposal seeks to utilise the front portion of the site. Moreover, the development proposal does not require the removal of any existing vegetation.</li> </ul> <p>The development proposal achieves the requirements of Overall Outcome N.</p>	
o. Development in the Transition precinct, on a developable lot includes one or more of the following:	N/A
<b>Comments</b>	
<p>The application is seeking to establish an Outdoor Sales on site.</p> <p>An Outdoor Sales is not identified as permitted land uses in the Emerging community zone, Transition precinct.</p>	
p. Development in the Transition precinct, on a developable lot does not include any of the following:	No
<b>Comments</b>	
<p>An Outdoor Sales is identified as a land use not permitted in the Emerging community zone, Transition precinct.</p> <p>The development proposal does not achieve the requirements of Overall Outcome P.</p>	
q. Development not listed in the tables above may be considered on its merits and where it reflects and support the outcomes of the zone.	N/A
<b>Comments</b>	
An Outdoor Sales is not considered as a 'policy neutral' use to be considered on its merits.	

Overall Outcome 1 of the Emerging community zone code, Transition precinct states that the purpose of the Emerging community zone - Transition precinct will be achieved through the above listed overall outcomes.

Accordingly, an assessment against the purpose and intent of the Emerging community zone code is as follows:

<b>6.2.3.2 Purpose – Emerging community zone</b>	
<b>Overall Outcomes</b>	<b>Complies Y/N</b>
<p>1. The purpose of the Emerging community zone code is to:</p> <ul style="list-style-type: none"> <li>a. identify land that is suitable for urban purposes and conserve land that may be suitable for urban development in the future;</li> <li>b. manage the timely conversion of non-urban land to urban purposes;</li> <li>c. prevent or discourage development that is likely to compromise appropriate longer term land use.</li> </ul>	Yes
<b>Comments</b>	

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<b>6.2.3.2 Purpose – Emerging community zone</b>	
<p>The proposed development application seeks approval for Outdoor Sales on the subject site as an interim land use.</p> <p>The proposal will not prevent or discourage long term urban land uses. The proposed Outdoor Sales is an interim land use with minimal investment and infrastructure required to facilitate the development proposal. Specifically, the development proposal does not require the construction of any new buildings/structures onsite. As such, the development proposal does not prejudice or delay the use of the land for urban purposes in the future.</p> <p>The development proposal achieves the purpose of Overall Outcome 1.</p>	
<p>2. The Emerging community zone has 2 precincts which have the following purpose;</p> <p style="margin-left: 20px;">b The Transition precinct is to:</p> <p style="margin-left: 40px;">i. identify and conserve land that may be suitable for urban development in the future, allowing interim uses that will not compromise the best longer term use of the land;</p> <p style="margin-left: 40px;">ii. provide mechanisms to promote and implement an appropriate mix of dwelling types, consistent with a next generation neighbourhood across the transition precinct once this land is developed and serviced with all local government networks including water and sewer and is suitable for urban development.</p> <p>Once serviced by all local government networks, including water and sewer the Transition precinct is to provide a mix of dwelling types to support densities that are moderately higher than traditional suburban areas. Housing forms include predominantly detached dwellings on a variety of lot sizes with a greater range of attached dwellings and low to medium rise apartment buildings. These areas will have convenient access to centres, community facilities and higher frequency public transport.</p>	<p>Yes</p>
<b>Comments</b>	
<p>The proposed Outdoor Sales is an interim land use with minimal investment and infrastructure required to facilitate the development proposal. As such, the subject site and development proposal are provided with access to adequate urban services from existing networks including roads, telecommunications, electricity and water. Accordingly, the subject site and development proposal do not represent the intrusion of a greenfield urban development into a rural residential area which does not provide serviced urban land.</p> <p>The development proposal achieves the purpose of Overall Outcome 2.</p>	
<p>3. The Emerging Community zone seeks to implement the policy direction set in Part 3, Strategic Framework.</p>	<p>Yes</p>
<b>Comments</b>	
<p>Under the Strategic Framework, the rural residential area at Morayfield South is identified as a potential future urban growth front (see section 3.13.2.4(8) of the Strategic Framework and Strategic Framework Map 3.6.1 – Settlement Pattern).</p>	

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**6.2.3.2 Purpose – Emerging community zone**

However, the Strategic Framework relevantly identifies that Interim development in the Morayfield South area does not fragment, pre-empt or compromise the potential development of rural residential areas for urban purposes beyond the life of the planning scheme (see section 3.13.2.4.5(c) of the Strategic Framework).

The proposed Outdoor Sales is an interim land use with minimal investment and infrastructure required to facilitate the development proposal. As such the subject site and development proposal do not represent the intrusion of a greenfield urban development into a rural residential area which does not provide serviced urban land.

Given that the development proposal is an interim development of a developable lot which requires minimal investment and infrastructure required to facilitate the development proposal and does not prejudice or delay the use of the land for urban purposes, it is considered that the development proposal does not conflict with the strategic outcomes of the Strategic Framework stated in the land use strategy in section 3.13.2.4 (8).

The development proposal achieves the purpose of Overall Outcome 3.

Based on the assessment above, the proposal is inconsistent with item P of the Overall Outcomes of the code(s). Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 4.2.1 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. There are no Other Relevant Matters identified which lend support to the proposal.

**4.3 Trunk Infrastructure**

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

**4.3.1 Levied Charge**

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

**4.3.2 Levied Charge Credit**

In accordance with section 14 of the CR, a credit is not applicable as outlined below:

**(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 \$0.00 exists. The site contains an existing dwelling house that does not form part of this development application. The existing dwelling house is being retained for residential purposes and therefore no credit is available under this option.

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(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 \$0.00. The site contains an existing dwelling house that does not form part of this development application. The existing dwelling house is being retained for residential purposes and therefore no credit is available under this option.

4.3.3 *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.

4.3.4 *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.

4.4 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

4.5 Referrals

4.5.1 *Council Referrals*

**4.5.1.1 Development Engineering**

The application proposes to retain the existing access point to the site. The existing access is located within a "prohibited zone" pursuant to AS2890.1. As a consequence, the recommendations of this report include conditions to mitigate as far as possible the risks associated with an access in this location. These include restricting the development to left in/left out movements as well as upgrading the existing crossover.

**4.5.1.2 Environmental Health**

*Lighting*

If security lighting is to be used it is recommended that a condition is included to ensure suitable lighting is installed.



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*Waste Management*

The applicant has stated that this business generates only a small amount of waste that is included with the domestic waste stream. This is acceptable and a waste management program is not required. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with SC 6.20 Planning scheme policy - Waste.

*Noise*

An Environmental Noise Impact Report prepared by Decibell Consulting dated 2 December 2019, report number 1912230, was submitted in response to an information request. The report demonstrates there are no noise impacts to sensitive uses during the daytime period which covers the 8:00am to 5:00pm trading hours.

No acoustic conditions are recommended however, a condition limiting operating hours is recommended. As a consequence, the recommendations of this report include a condition limiting the hours of operation to 8am – 5pm Monday to Friday and 8am – 12pm Saturday.

4.5.2 Referral Agencies

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

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

**4.5.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**4.5.2.3 Third Party Agencies**

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

4.6 Public Consultation

4.6.1 *Public Notification Requirements under the Development Assessment Rules*

- (a) Public Notification was served on all adjoining landowners on 9 January 2020.
- (b) The development application was advertised in the Caboolture Shire Herald on 9 January 2020.
- (c) A notice in the prescribed form was posted on the relevant land on 9 January 2020 and maintained for a period of 15 business days until 31 January 2020.

4.6.2 *Submissions Received*

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

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

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The matters raised within the submission are outlined below:

<p><b>Assessment of Submissions</b></p>
<p><b>Issue - Amenity</b></p> <ol style="list-style-type: none"> <li>1. The placement of display pools throughout the property and the proposed sign are an eye sore both from the road approaching the property and from our adjoining property (334 Oakey Flat Road).</li> <li>2. We note that the tenants at the property to the south (334 Oakey Flat Road) have provided written correspondence that they have no objection, however, we, as the owners of the property to the south, do not believe that the existing fence adequately screens the display area. However, should the proposal be approved, we would expect that an appropriate fence be built within the neighbour's boundary at their cost.</li> </ol>
<p><b>Discussion</b></p> <p>The submitter has raised concerns regarding the amenity impacts the development proposal will have on their property (334 Oakey Flat Road) and the surrounding area.</p> <p>The development proposal involves the display and sale of swimming pool shells. In addition to the sale of swimming pool shells, the proposal includes the sale of ancillary pool accessories (e.g. pool pumps and pool cleaning products) which will be stored in an existing outbuilding on site.</p> <p>The development proposal will occupy a display area of 740m<sup>2</sup> for the outdoor storage of the pool shells. The display area is located at the front of the property, forward of the existing building. Specifically, the display area is setback 10m from the Oakey Flat Road frontage, 25m from the northern property boundary and 10m from the southern property boundary (the submitter's property).</p> <p>To minimise adverse amenity impacts, the development proposal incorporates landscape buffers, including a 10m wide landscape buffer for the full length of the site's frontage to Oakey Flat Road, as well as 2m wide landscape buffers along both the northern and southern property boundaries.</p> <p>It is noted that an existing colourbond fence is currently located along the southern property boundary and extends for a length of approximately 30m from the front of the property. However, it is identified that the existing fence does not adequately screen the display area, from the adjoining neighbours to the south.</p> <p>A condition will be included in the recommendations of this report requiring the applicant to erect additional fencing along the southern side boundary that assists in screening the development proposal (i.e. display area) from the adjoining neighbour, addressing the submitter's concerns.</p> <p>Furthermore, the premises will operate during the daytime hours only, Monday to Friday 8am – 5pm and Saturday 8am – 12pm. There will be the occasional delivery, which will be scheduled to occur during these hours only. The applicant has demonstrated that all vehicle movements, including the delivery and pick up of pools can occur within the designated driveway area and will not impact on the amenity of the adjoining properties</p> <p>The proposed development also includes an advertising device in the form of fence signage affixed to the front fence. The proposed sign measures 2370mm x 1180mm, with a total sign face area of 2.8m<sup>2</sup>.</p>

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<p><b>Assessment of Submissions</b></p>
<p>The subject site has a frontage of approximately 73m to Oakey Flat Road, which is identified as an arterial road on the Road hierarchy overlay of the Planning Scheme. It is considered that the size and scale of the proposed advertising device will not appear to visually dominate the Oakey Flat Road streetscape or contribute to visual clutter.</p> <p>The proposed advertising device does not allow for illumination and does not directly face or impact upon adjoining properties. Having regard to the location and scale of signage, including the higher order road, the proposed signage is considered acceptable.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue - Safety</b></p>
<ol style="list-style-type: none"> <li>1. We are concerned for the safety of young children with the number of trucks/cranes/visitors entering and exiting the premises.</li> <li>2. The storage of chemical products that a pool shop is required to keep comes with its own hazardous chemical problems, should there be a spill, fire and/or contamination of the environment.</li> </ol>
<p><b>Discussion</b></p>
<p>The submitter has raised concerns regarding the safety of young children and the number of vehicles entering the site.</p> <p>The site has frontage to Oakey Flat Road which is classified as an arterial road, which is a highly trafficable road. The site currently gains access from the north-western end of the site which is slightly offset from the intersection with Nairn Road. It is noted that the eastern side of Oakey Flat Road (including the site's frontage) does not contain a pedestrian pathway.</p> <p>The use predominantly services builders who are coming to the site to inspect the pool shells. The use also involves deliveries by truck. The traffic generation associated with the use will be minimal. A condition will be included in the recommendations of this report limiting the delivery of pool shells to the site to one (1) day a week between the hours of 8am and 5pm.</p> <p>The applicant has submitted a traffic management plan which addresses trucks entering and exiting the site in a safe manner, ensuring the safety of pedestrians is maintained. Specifically, the proposal involves a looped driveway arrangement which facilitates safe and efficient access to and from Oakey Flat Road allowing vehicles to enter and exit in a forward motion.</p> <p>The submitter has also raised concerns regarding the storage of pool chemicals onsite.</p> <p>In addition to the sale of swimming pool shells, the proposal includes the sale of pool accessories including pool cleaning products which will be stored in an existing building on site. The applicant has submitted documentation (hazardous chemical register) that demonstrates that the proposed amount of pool cleaning products to be stored onsite is minimal and meets the limits permitted under Australian Standards in relation to the storage of hazardous chemicals.</p> <p>Furthermore, the <i>Work Health and Safety Regulation 2011</i> includes prescribed quantities in relation to the storage of swimming pool chemicals that the applicant will be required to adhere to.</p> <p>This is not a reason for refusal of the application.</p>
<p><b>Issue - Land use</b></p>

ITEM 4.2 DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328 OAKEY FLAT ROAD, MORAYFIELD (LOT 4 RP 859641) - A20002215 (Cont.)

<p><b>Assessment of Submissions</b></p> <ol style="list-style-type: none"><li>1. A business of this kind should be in an industrial area zoned for this type of business, with pickup and delivery of materials by trucks, both large and small, including the use of cranes to deliver the pools both to and from the premises.</li><li>2. This is a residential area for an emerging community, and we do not feel that this is an appropriate business to run from a residential area.</li></ol>
<p><b>Discussion</b></p> <p>The site is located in the Emerging Community Zone - Transition Precinct. The proposed development application seeks approval for Outdoor Sales on the subject site as an interim land use.</p> <p>Pursuant to the MBRC Planning Scheme, interim development in the Transition Precinct is not to fragment, pre-empt or compromise the potential development of the area for urban purposes beyond the life of the planning scheme. Further, interim land uses are to be low intensity in nature and be compatible with the existing semi-rural character of the area.</p> <p>The development proposal involves the display and sale of swimming pool shells. In addition to the sale of swimming pool shells, the proposal includes the sale of pool accessories (e.g. pool pumps) which will be stored in an existing building on site.</p> <p>The development proposal will occupy a display area of 744m<sup>2</sup> for the outdoor storage of the pool shells. The display area is located at the front of the property, forward of the existing building. Specifically, the display area is setback 10m from the Oakey Flat Road frontage, 25m from the northern property boundary and 10m from the southern property boundary.</p> <p>The premises will operate during the daytime hours only, Monday to Friday 8am – 5pm and Saturday 8am – 12pm. There will be the occasional delivery (once a week), which will be scheduled to occur during these hours only. The applicant has demonstrated that all vehicle movements, including the delivery and pick up of pools can occur within the designated driveway area and will not impact on the amenity of the adjoining properties.</p> <p>The development proposal incorporates landscape buffers, including a 10m wide landscape buffer for the full length of the site's frontage to Oakey Flat Road, as well as 2m wide landscape buffers along both the northern and southern property boundaries.</p> <p>The proposal will not prevent or discourage long term urban land uses. The proposed Outdoor Sales is an interim land use with minimal investment and infrastructure required to facilitate the development proposal. Furthermore, the development proposal does not prejudice or delay the use of the land for urban purposes.</p> <p>A condition will be included in the recommendations of this report requiring limiting the use of the site for Outdoor Sales to a maximum period of 5 years, unless otherwise agreed by Council, to ensure the site is conserved for future urban purposes.</p> <p>Having regard to the above, it is considered that the proposed interim land use for Outdoor Sales does not compromise the potential development of the area for urban purposes and is low intensity in nature, small in scale and is compatible with the existing semi-rural character of the area.</p> <p>This is not sufficient grounds for refusal of the application.</p>

ITEM 4.2 DEVELOPMENT APPLICATION DA/38703/2019/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SALES AND OPERATIONAL WORKS DEVELOPMENT PERMIT FOR ADVERTISING DEVICE, LOCATED OVER 324-328 OAKLEY FLAT ROAD, MORAYFIELD (LOT 4 RP 859641) - A20002215 (Cont.)

#### 4.6.3 Notice of Compliance

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

#### 4.7 Other Matters

None identified.

### 5. Strategic Implications

#### 5.1 Legislative/Legal Implications

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

#### 5.2 Corporate Plan / Operational Plan

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

#### 5.3 Policy Implications

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

#### 5.4 Risk Management Implications

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

#### 5.5 Delegated Authority Implications

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

#### 5.6 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 required.

#### 5.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region

#### 5.8 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

#### 5.9 Social Implications

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

#### 5.10 Consultation / Communication

Refer to clause 4.6

### **ATTENDANCE**

Mr Dan Staley attended the meeting at 10.21am for discussion on Items 4.3 and 4.4.

**ITEM 4.3**

**DA/38389/2019/V23P- MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR MULTIPLE DWELLING AND SHORT-TERM ACCOMMODATION IN ACCORDANCE WITH A STRUCTURE PLAN; RECONFIGURING A LOT - PRELIMINARY APPROVAL IN ACCORDANCE WITH A STRUCTURE PLAN; AND A MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR A VARIATION REQUEST TO THE REQUIREMENTS OF THE GENERAL RESIDENTIAL ZONE - SUBURBAN NEIGHBOURHOOD PRECINCT - 10-24 AND LOT 836 FRESHWATER DRIVE, BANKSIA BEACH**

**APPLICANT:** Vercorp Pty Ltd C/- LandPartners Pty Ltd  
**OWNER:** Vercorp

*Meeting / Session:* 2 PLANNING & DEVELOPMENT  
*Reference:* A19301347 : **Refer Supporting Information A20005094 & A19939811**  
*Responsible Officer:* RC, 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 entity to decide the development application.

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Vercorp Pty Ltd C/o LandPartners Pty Ltd
<b>Lodgement Date:</b>	17 April 2019
<b>Properly Made Date:</b>	30 April 2019
<b>Confirmation Notice Date:</b>	15 May 2019
<b>Information Request Date:</b>	29 May 2019
<b>Info Response Received Date:</b>	30 August 2019
<b>Public Notification Dates:</b>	Started: 13 September 2019 Finished: 28 October 2019
<b>No. of Submissions:</b>	Properly Made: 15 (including 1 petition) Not Properly Made: 3
<b>Decision Due Date:</b>	28 January 2020
<b>Prelodgement Meeting Held:</b>	No

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	1
<b>Property Address:</b>	10-24 and Lot 836 Freshwater Drive, Banksia Beach
<b>RP Description</b>	Part 805 SP172734 and Part Lot 838 SP303678
<b>Land Area:</b>	Lot 838: 201,350m <sup>2</sup> Lot 805: 8,470m <sup>2</sup>
<b>Property Owner</b>	Vercorp Pty Ltd



ITEM 4.3 DA/38389/2019/V23P- MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR MULTIPLE DWELLING AND SHORT-TERM ACCOMMODATION IN ACCORDANCE WITH A STRUCTURE PLAN; RECONFIGURING A LOT - PRELIMINARY APPROVAL IN ACCORDANCE WITH A STRUCTURE PLAN; AND A MATERIAL CHANGE - A19301347 (Cont.)

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	MBRC Planning Scheme - Version 3
Planning Locality / Zone	General Residential zone - Suburban precinct
Level of Assessment:	Impact

This application seeks:

- (a) a Material Change of Use - Preliminary Approval for Multiple dwelling and Short-term accommodation in accordance with a structure plan;
- (b) a Reconfiguring a Lot - Preliminary Approval in accordance with a structure plan; and
- (c) a Material Change of Use - Preliminary Approval for a Variation Request to the requirements of the General residential Zone - Suburban neighbourhood precinct.

at 10-14 Freshwater Drive and Lot 838 Freshwater Drive, Banksia Beach QLD 4507, described as part Lot 805 SP172734 and Part Lot 838 SP303678 (*formally Lot 836 on SP303627*).

The site is located within the General residential Zone - Suburban neighbourhood precinct. The application involves four (4) parcels of underdeveloped land remaining within the Pacific Harbour Golf and Country Club Estate (Golf Course Estate).



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The application was publicly advertised for a period of thirty (30) business days with fifteen (15) properly made submissions (including one (1) petition) and three (3) not properly made submissions received focused on concerns about traffic, access, the proposed land uses and increased population. 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

**Moved by Cr Mick Gillam**

**Seconded by Cr Tony Latter**

1. That Council approves the development application for a Preliminary Approval for a Material Change of Use for a Multiple dwelling and Short-term accommodation and a Reconfiguring a Lt - Preliminary Approval in accordance with a structure plan at 10-14 Freshwater Drive and Lot 838 Freshwater Drive, Banksia Beach QLD 4507, described as part Lot 805 on SP172734 and part Lot 838 on SP303678, subject to the attached plans and the conditions contained in Annexure A to this report.
2. That Council approve the Variation Request to vary the effect of the MBRC Planning Scheme V3 in the manner specified in Annexure B to this report, subject to the attached plans.
3. That Council delegate it's 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 A and B, that is to include the information in the Decision notice contained in Annexure C to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons.
4. That Council delegate it's 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.

## AMENDMENT MOVED

**Cr Matt Constance moved the following amendment:**

That the Chief Executive Officer investigate options for a second access point to the estate.

**Seconded by Cr Brooke Savige**

The amendment was put to the vote and declared **CARRIED 12/0**



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**THE AMENDMENT BECOMES THE MOTION**, and was put:

**RESOLUTION**

Moved by Cr Matt Constance

Seconded by Cr Brooke Savige

**CARRIED 7/6**

on the casting vote of the Deputy Mayor

*Cr Brooke Savige, Cr Mark Booth, Cr Sandra Ruck Cr Adam Hain, Cr Tony Latter and Cr Karl Winchester voted against the motion*

1. That Council approves the development application for a Preliminary Approval for a Material Change of Use for a Multiple dwelling and Short-term accommodation and a Reconfiguring a Lt - Preliminary Approval in accordance with a structure plan at 10-14 Freshwater Drive and Lot 838 Freshwater Drive, Banksia Beach QLD 4507, described as part Lot 805 on SP172734 and part Lot 838 on SP303678, subject to the attached plans and the conditions contained in Annexure A to this report.
2. That Council approve the Variation Request to vary the effect of the MBRC Planning Scheme V3 in the manner specified in Annexure B to this report, subject to the attached plans.
3. That Council delegate it's 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 A and B, that is to include the information in the Decision notice contained in Annexure C to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons.
4. That Council delegate it's 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.
5. That the Chief Executive Officer investigate options for a second access point to the estate.

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## OFFICER'S RECOMMENDATION

1. That Council approves the development application for a Preliminary Approval for a Material Change of Use for a Multiple dwelling and Short-term accommodation and a Reconfiguring a Lot - Preliminary Approval in accordance with a structure plan at 10-14 Freshwater Drive and Lot 838 Freshwater Drive, Banksia Beach QLD 4507, described as part Lot 805 on SP172734 and part Lot 838 on SP303678, subject to the attached plans and the conditions contained in **Annexure A** to this report.
2. That Council approve the Variation Request to vary the effect of the MBRC Planning Scheme V3 in the manner specified in **Annexure B** to this report, subject to the attached plans.
3. That Council delegate it's 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 A and B, that is to include the information in the Decision notice contained in **Annexure C** to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons.
4. That Council delegate it's 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.

## **REPORT DETAIL**

### **1. Background - History**

On 24 November 1992, a Deed of Agreement (the Deed) was made between Caboolture Shire Council and Vercorp Pty Ltd (Hegira Limited). The Deed, included an agreement that the developer would deliver infrastructure to service the development. This included dedication of open space, stormwater infrastructure and upgrade of the road network. Additionally, the Deed allowed the developer to achieve an overall residential density of 2160 persons (1048 Dwellings) at the completion of the development.

On 6 September 1996, part of the site (*historically Lot 1 RP225055*) was subject to a rezoning approval. The rezoning allowed the site to move from the Rural zone to the Special Facilities zone, to support the development of Detached Housing, Duplex Housing, Condominiums, Golf Course, Club House, Residential Club and Sports Complex (Caboolture Shire Application - Z-89-59). The rezoning also permitted buildings to achieve three storeys in height.

On 17 September 2002, the remainder of the site (*historically Lot 4 SP160108*) was subject to a Preliminary Approval for Residential Development and Golf Course with a maximum of one hundred and ninety-nine (199) lots. This Preliminary Approval sought to preserve the overall residential density of 2160 persons (1048 Dwellings) at the completion of the development, now commonly referred to as the Pacific Harbour Golf and Country Club Estate (Golf Course Estate).

On 12 December 2005, the Caboolture Shire Plan 2005 (Caboolture Shire Plan) commenced, and the land was identified within the Residential A zone. Schedule 10 of the Caboolture Shire Plan preserved the rezoning approval by carrying forward the conditions imposed under the Deed.

On 1 February 2016, the MBRC Planning Scheme took effect, and the site was zoned General Residential Zone - Suburban Neighbourhood Precinct - Suburban neighbourhood place type (GRZ-SNP). The MBRC Planning Scheme did not preserve the rezoning approval over the land and it effectively 'fell away'.

On 25 August 2016, the Golf Course Estate Infrastructure Agreement 2016 was executed between Vercorp Pty Ltd and Moreton Bay Regional Council.



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2.1 Proposed variations to the MBRC Planning Scheme V3.

The Applicant has proposed the following:

- a) Amend the tables of assessment for the General Residential zone - Suburban precinct to permit Multiple Dwelling and Short-term accommodation as Code Assessable;
- b) Amend the tables of assessment for Reconfiguring a Lot to include a unique Pacific Harbour Golf Course Estate Reconfiguring a Lot Code;
- c) Amend the General Residential Zone - Suburban Precinct Code, including removal of values and constraints criteria;
- d) Amend the Reconfiguring a Lot Code for the General Residential Zone - Suburban Precinct to include:
  - i. Lots having a minimum site area of 450m<sup>2</sup> and minimum primary frontage of 10m;
  - ii. A maximum of 4 adjoining lots with a minimum site area of 450m<sup>2</sup> and a minimum primary frontage of 10m fronting the same street;
  - iii. A maximum of 20% of the total lots within the small lot precinct are to be less than 600m<sup>2</sup>
  - iv. Remove the values and constraint criteria.
- e) Removal of the Flood Hazard Overlay mapping from applying to the site;
- f) Include Notes for Development on the approved plan which include:
  - i. Buildings and structures on a Medium Density Residential Site is to have a maximum site cover of 50%.
  - ii. Buildings and structures on a Medium Density Residential Site is to have a maximum building height of 3 storeys or 12 metres whichever is the greater.
  - iii. Buildings and structures on a Medium Density Residential Site in excess of 2 storeys or 8.5m is to be setback a minimum of 6 metres from any boundary with an adjoining residential lot.
  - iv. Reconfiguration in the small lot precinct is to have a minimum lot size of 450m<sup>2</sup> and road frontage of 10m.
  - v. Maximum number of small lots is a total of 20% of total lots within the precinct.

Council Officer Comment:

- a) It is noted that not all of the above requests to vary the planning scheme are supported by Council Officers. In particular, there is concern about introducing a unique Code (Pacific Harbour Golf Course Estate Reconfiguring a Lot Code). Council Officers typically seek for the relevant planning scheme to apply, with the variations being sought clearly outlined in the Development Approval. The introduction of unique codes can lack transparency to the community and be administratively difficult for Council Officers to implement over time.
- b) Council Officers do not support the removal of values and constraints criteria (i.e Bushfire Hazard mapping, overland flow path mapping). Largely because having regard to each of the sites, they are not encumbered by such. As such, it offers no benefit.

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- c) Council Officers do not support the removal of the Flood Hazard Overlay impacting some of the sites. This is because some of the sites do not currently achieve the necessary Flood Planning Level. However, a condition is recommended that future development is taken to comply with such if the land is filled to achieve a Flood Level of 7.2AHD. This is consistent with a previously approved Flood Study Report affecting the land.
- d) Council Officers do not support the proposal to allow for three (3) storey or 12m Building Heights. It is acknowledged that the previous rezoning approval did envisage three (3) storey condominiums within the estate. However, the rezoning approval in 1996 is now over twenty (20) years old. The golf course estate is characterized by one and two storey built form. Many existing residents would not be aware of the old rezoning approval, as evidenced in the submissions received against this application. The rezoning approval has fallen away and the MBRC Scheme has taken effect. Residents buying are likely to be informed by the current 8.5m building height overlay and the existing 1-2 storey built form. In addition, given the additional height is not supported, the setbacks variations to buildings above 8.5m is no longer relevant and is also not supported.

2.2 Description of the Site and Surrounds

The site forms part of the Pacific Harbour Golf and Country Club “Golf Course Estate”. The Golf Course Estate includes residential lots, Golf Course and Club house facilities.

Directions	Planning Scheme Zone	Current Land Use
North	Rural	Bribie Island State Forest
South	General Residential - Suburban Precinct Environmental management and conservation	Dwellings  National Park
East	General residential zone – Suburban neighbourhood precinct Rural	Lot 906 SP257491 (vacant)  Bribie Island State Forest
West	Environmental management and conservation	National Park

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.

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<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 benchmarks - livable communities</b>	
Not applicable to development proposed. Will be assessed as part of future applications seeking a Development Permit.	
<b>Assessment benchmarks - mining and extractive resources</b>	
Not applicable to development proposed.	
<b>Assessment benchmarks - water quality</b>	
Not applicable to development proposed. Will be assessed as part of future applications seeking a Development Permit.	
<b>Assessment benchmarks - natural hazards, risk and resilience</b>	
Applicable to Development	SPP requirement
Yes	<p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(6) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(7) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(8) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p>

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	<p>(9) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(10) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>
<p><b>Comment</b></p> <p>Part of the site is mapped as constrained by Bushfire Hazard under the State Planning Policy mapping. In particular the mapping shows part of the site impacted by Potential Impact Buffer along the eastern and southern boundary of Lot 836.</p> <p>Under the existing Deed of Agreement a bushfire management plan was prepared and approved by Council that included the use of Lot 906 SP257491 (vacant) as bushfire buffer. The applicant will be required to amend the approved <i>Bushfire Management Plan, prepared by Covey Associates Pty Ltd, dated 18 July 2019</i> at the time of lodgement of a subdivision application over the area shown as Small Lot Precinct on an approved plan. It is not necessary to deal with this as part of a preliminary approval.</p> <p>The site is mapped as being within a Flood Hazard Area -Local Government Flood Mapping Area. Further, Council's Planning Scheme identifies parts of the nominated sites as being within the Balance Flood Area, while part of Lot 805 is mapped within the Medium Risk Area. It is noted that there are previous approvals including a Flood report approved over the land. A condition is recommended to ensure that the sites achieve a Flood Level of 7.2 AHD in accordance with the previously approved flood study.</p>	
<p><b>Assessment benchmarks - strategic airports and aviation facilities</b></p>	
<p>Not applicable to development proposed.</p>	

An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.

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*

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework. While a number of themes under the Strategic Framework are relevant, this assessment focus on the key being Settlement Pattern and Urban Form, Planning Areas - Coastal Communities and Bribie Island and the Place Model.

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<p><b>3.6 Settlement Pattern and Urban Form</b></p>
<p>3.6.1 -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.</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>c. requiring new development to <b>be integrated into existing neighbourhoods</b> in a spatially cohesive manner to help create walkable communities with an emphasis being placed on active transport and access by transit; and</li> </ol> </li> <li>2. Ensure that new development and redevelopment in established urban areas reinforces the <b>strengths and individual character</b> of the urban area in which the development occurs;</li> </ol>
<p><u>Comment:</u></p> <p>Consideration has been given to how the proposal will integrate with the existing neighbourhood and how this will reinforce the character of the area. The surrounding area is predominantly low rise and low density with single Dwellings on lot sizes ranging from 450m<sup>2</sup> to approximately 1250m<sup>2</sup>.</p> <p>The location of the proposed Medium Density Residential Sites will assist with integrating them into their surrounds. In particular, each of these sites adjoins large areas of open space associated with the golf course. One of the sites is adjacent to the clubhouse with no adjoining residential properties. Another site is located in an area with no existing residential properties adjoining (yet to be developed future small lot precinct). Two of the sites have one adjoining residential property containing a dwelling house. Council Officers are supportive of two-storey (max 8.5m building height) development outcomes on these sites as they would reflect the existing neighbourhood. The applicant's request for three-storey building height is not supported. Limiting these sites to two-storey will further assist in integrating them into their surrounds.</p>
<p>3.6.5 -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 <b>also adjacent to areas of high scenic amenity eg. waterfront, environmental areas with high standards of amenity and accessible open space</b></p> <p><u>Specific Outcomes:</u></p> <ol style="list-style-type: none"> <li>3. Council will also seek to encourage <b>diversity in housing types</b><sup>(3.18)</sup> throughout the urban area through the development of vacant and underutilised residential land in</li> </ol>



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<p><b>3.6 Settlement Pattern and Urban Form</b></p>
<p>suburban areas (not included in dot points one and two above) to achieve greater housing choice and new suburban residential development within walking distance of local centres or neighbourhood hubs and bus stops;</p>
<p><i>Comment:</i> Increased residential densities are encouraged around activity centres and public transport. It is acknowledged that the proposed Medium Density Residential Sites are not located in proximity to either of these. However, the sites are located in areas with high standards of amenity, being the golf course. Importantly, the proposal will provide a new housing product in the estate which does not currently exist. The diversity of housing product is encouraged by the planning scheme, where suitably integrated.</p>
<p><b>3.13.5 Planning Areas - Coastal Communities and Bribie Island Planning Area</b></p>
<p><i>3.13.5.3 - Strong Communities</i></p>
<p><u>Specific Outcomes:</u></p> <ol style="list-style-type: none"> <li>1. The urban structure provides for a <b>diverse range of housing choice in terms of type, density, layout and affordability</b> to cater for a demographically and socio-economically diverse population within the Rural residential, Suburban and Activity centre place types</li> </ol>
<p><i>Comment:</i> The proposal will add to the range of housing products in the estate while at the same time being sensitively integrated. It is noted that the original Deed of Agreement over the estate always envisaged the estate would accommodate 'Medium Density Condominiums' up to three storeys in height (including up to 207 of these types). Whilst it is agreed that a Multiple Dwelling or Short-term Accommodation land use could be suitably accommodated on these sites, Council Officers do not consider three storey built form to be appropriate having regard to the existing built form character.</p>
<p><b>3.14.8 MBRC Place Model - Suburban neighbourhood place type</b></p>
<p><i>3.14.8.4 - Settlement pattern and urban form</i></p>
<p><u>Specific Outcomes:</u></p> <ol style="list-style-type: none"> <li>1. Suburban neighbourhood places cater for <b>predominately low density detached housing;</b></li> <li>2. New residential development will comprise a mix of detached dwellings on a <b>variety of lot sizes</b>, small lot/zero lot line housing, rear lane housing with the preferred grid like street pattern;</li> <li>3. Development across a Suburban neighbourhood place type is characterised by a net residential density of <b>11 dwellings per hectare or development occurs in a</b></li> </ol>

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**3.6 Settlement Pattern and Urban Form**

**manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties;**

4. Other housing types in the form of dual occupancies will also occur at dispersed locations in the area;
5. **Low rise multiple dwellings** and housing for older persons may also be included adjacent to a local centre or community facilities and bus stops on main through streets and overlooking public open space;
6. Adaptable housing is encouraged in response to changing housing needs;
7. Community activities (schools, pre-schools, child care centres, places of worship, community health services, other community activities) are designed to have a low rise built form on landscaped sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;
8. New development is **sympathetic to the existing character** of the particular Suburban neighbourhood location.

*Comment:*

The proposed Medium Density Residential Sites would not be considered low density detached housing. However, it is noted that the Suburban neighbourhood place is to cater for predominantly this, not exclusively this housing type. It is further noted that the proposal is likely to exceed the maximum net residential density of 11 dwellings/ha. The settlement pattern outlined above does anticipate Low rise multiple dwellings, such as proposed, where adjacent a local centre or a bus stop which is not the case here. The site is not well located to a local centre of public bus stop. The sites do however have a very high level of amenity overlooking open space. As such, there are some aspects that are achieved above, and some that are not. Importantly, on balance, the proposal is considered appropriate in that the sites will be suitably integrated with limited direct residential common boundaries and high quality amenity overlooking a golf course. It is also acknowledged the previous rezoning approval over the site did envisage medium density up to three storey 'condominiums' as part of the estate. However, to ensure the proposal will suitably integrate with the existing character and community expectations, it is recommended that building height is limited to two storeys (8.5m).

*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>		
General residential Zone Code – Suburban neighbourhood precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1 and PO2
<b>Overlay Codes</b>		
Flood hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO10
<b>Development Codes</b>		
Reconfiguring a Lot Code – Suburban neighbourhood precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1

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>General residential Zone Code – Suburban neighbourhood precinct Code</b>	
<p><b>PO1</b> The Suburban neighbourhood precinct has a low residential density of a maximum of 15 dwellings per hectare (site density) except for Dual occupancies.</p> <p>OR</p> <p>Maximum site density of 75 dwellings per ha if:</p> <ul style="list-style-type: none"> <li>a. for Relocatable home park, Residential care facility or Retirement facility, within 800m walking distance of a higher order or district centre; or</li> <li>b. for Multiple dwelling, Rooming accommodation, Short-term accommodation or tourist park within 400m walking distance of a higher order or district centre or a train station.</li> </ul>	No example provided.
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
	<p>The applicant seeks to establish a Multiple dwelling or Short-term accommodation within the Medium Density Residential Sites. The location of the proposed Medium Density Residential Sites are not within 400m walking distance of a of a higher order or district centre or a train station.</p> <p>In this instance, the application cannot achieve the Performance Outcome (PO1) and an assessment against the Overall Outcomes is required.</p>

Performance Outcome	Example
<b>General residential Zone Code – Suburban neighbourhood precinct Code</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 rise character of the Suburban neighbourhood precinct;</li> <li>b. responds to the topographic features of the site, exceeding 3.5m. 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 Suburban neighbourhood precinct; or</li> <li>b. for domestic outbuildings, including free standing carports and garages, 4m and a mean height not exceeding 3.5m</li> </ul>

<i>Performance Outcome Assessment</i>
<p>The applicant seeks a preliminary approval that would permit a residential building with a maximum Building height of 12.00 metres as an alternative to maximum Building height of 8.5 metres within the Medium Density Residential Sites.</p> <p>Under the MBRC Planning Scheme building height is regulated by the Overlay map – Building heights. The mapped maximum Building height 8.5 metres covers the entire Golf Course Estate and therefore the proposed Building height cannot achieve the Example (E2) and requires assessment against the Performance Outcome (PO2).</p> <p>Performance Outcome (PO2 (a.)) requires buildings and structures to have a height consistent with the low rise character of the Suburban neighbourhood precinct.</p> <p>It is acknowledged that the Deed and previous rezoning approval permitted three storey condominiums on the land. However, this approval is over twenty years old and no three storey buildings have been constructed since the original approval. As evidenced by the submissions, there is a community expectation of one to two</p>

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Performance Outcome	Example
storeys for building height in the estate. This community expectation is consistent with the existing character of the area. In this instance, the applicant's request for a maximum building height of 12m (three storeys) is not supported by Council Officers. As such the proposed development will be required to achieve the example Building height and therefore achieves Performance Outcome (PO2). A condition is recommended that both a Multiple dwelling and Short-term accommodation is Code assessable development on land indicated as Medium Density Residential Site on an approved plan if a maximum Building height of 8.5m metres or less is achieved.	

Reconfiguring a Lot Code – Suburban neighbourhood precinct Code	
<b>PO1</b> Reconfiguring a lot does not exceed a net residential density of 11 lots per hectare unless the resultant lot/s are consistent with the low density and established character of the surrounding neighbourhood.	<b>E1</b> Lots have a minimum site area of 600m <sup>2</sup> and a minimum primary frontage of 12.5m.
<i>Performance Outcome Assessment</i>	
The applicant seeks to establish lots with a maximum lot size of 450m <sup>2</sup> and a minimum frontage of 10m within the proposed Small Lot Precinct.	
It is unknown what the proposed density of the proposed small lot precinct would be, particularly given we don't know the number of lots in total that will be proposed, although it is known that up to 20% will be a minimum lot size of 450m <sup>2</sup> . Regardless, lots of 450m <sup>2</sup> in size exist already in the estate (see Honeymyrtle St). Further, given the maximum of 20% they would be suitably dispersed and not dominate the estate. As such, it is considered PO1 is achieved as they would be consistent with the established character of the surrounding neighbourhood.	

Flood Hazard Overlay Code	
<b>PO10</b> Development maintains personal safety at all times, such that:  a. a vulnerable land use (flood and coastal) is not located in the High risk flood hazard area or Medium risk flood hazard area; b. new buildings are not located in the High risk flood hazard area included in the Limited development zone; c. a residential accommodation building is located in the following:	No example provided.

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<ul style="list-style-type: none"> <li>i. Balance flood planning area; or</li> <li>ii. the Medium risk area where located in the Medium risk storm tide inundation area of the Coastal hazard overlay or Balance coastal planning area of the Coastal hazard overlay;</li> <li>d. evacuation capability from the development or other premises is not hindered or made more complicated and there is no significant additional burden placed on emergency services personnel;</li> <li>e. the isolation of persons in the Defined Flood Event is avoided.</li> </ul>	
<p><i>Performance Outcome Assessment</i></p>	
<p>Part of Lot 805 SP303678 is mapped as being constrained by Medium risk flood hazard area. Additionally, a Multiple dwelling and Short-term accommodation is a vulnerable land use.</p> <p>The material in support of the application included a request to remove the requirements of the Flood hazard overlay code from applying to future development for a vulnerable land use within the mapped Medium risk flood hazard area. The removal of the Flood hazard overlay is not supported. This is because part of the sites are currently below the Flood Planning Level.</p> <p>However, the Golf Course Estate was subject to earthworks during construction of the Golf Course, road network and developed lots. In particular, each developed lot was filled to ensure at the time of development each lot was flood free. During the assessment of the application an addendum to the approved flood report <i>Pacific Harbour Golf Course and Residential Estate - Bribie island As Constructed Flood Study Report, dated 31 October 2006, prepared by Storm Water Consulting (2006 Flood Study Report)</i> was provided, In particular, the update to flood modelling Appendix D MIKE11 Results - 100 Year Max WL's - Branch02 1447 has updated the adjacent flood level value from 6.68 to 7.2m AHD. Branch02 1447 is generally located over part of Lot 805 SP172734, bounded by Freshwater Drive, Freshwater Drive Park and Pacific Harbour Golf and Country Club. Accordingly, some additional fill will be required to Lot 805, (approximately 193m<sup>3</sup>), to raise part of the site from RL 6.68 to RL 7.2, to achieve compliance with this addendum to the 2006 Flood Study Report. Albeit, under the MBRC Planning scheme filling at this scale will trigger assessable development and an Operational Works Development Permit.</p> <p>A condition is recommended that Part Lot 805 SP172734 achieves a Flood level value of 7.2m AHD in accordance with the addendum to the approved flood report <i>Pacific Harbour Golf Course and Residential Estate - Bribie island As Constructed Flood Study Report, dated 31 October 2006, prepared by Storm Water Consulting (2006 Flood Study Report)</i>.</p> <p>AND</p>	

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Table 5.10.2.1. Levels of assessment and assessment criteria for Flood hazard Overlay are proposed to be amended to remove a vulnerable use (flood and coastal) from being impact assessable development.

In this instance, subject to recommended conditions, the proposed future development of Part Lot 805 SP172734 accords with Performance Outcome (PO10).

2.4.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome (PO1) of the General residential Zone Code – Suburban neighbourhood precinct Code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows:

General residential Zone Code – Suburban neighbourhood precinct Code – 6.2.62.1 Purpose – Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
The purpose of the code will be achieved through the following overall outcomes for the Suburban neighbourhood precinct:		
a. The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density of 75 dwellings per hectare if complying with b. v. below.	No	The applicant seeks to establish a Multiple dwelling and Short-term accommodation over Part of Lot 805 SP172734 and Lot 838 SP303678 that does not comply with the locality requirements achieved under 1.b(v.) of the Overall Outcomes.
b. Residential activities consist of: <ul style="list-style-type: none"> <li>i. Detached dwelling houses, predominantly on traditional lots;</li> <li>ii. Detached dwelling houses on narrow lots and Dual Occupancies where they are dispersed within the streetscape or are located within easy walking distance to services (centre, public transport node, community facilities) or park;</li> <li>iii. Domestic outbuildings are subordinate in appearance and function to the dwelling;</li> <li>iv. Retirement facilities, Residential care facilities,</li> </ul>	No	The applicant seeks to establish a Multiple dwelling and Short-term accommodation over Part of 805 SP172734 and Lot 838 SP303678 that are not within 400m walking distance to the at of a higher order or district centre or train station.  In this instance, the proposed development cannot achieve or be conditioned to achieve the Overall Outcome.

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General residential Zone Code – Suburban neighbourhood precinct Code – 6.2.62.1 Purpose – Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>and Relocatable home parks are located within easy walking distance of a centre;</p> <p>v. Multiple dwellings, Rooming accommodation, short-term accommodation and tourist park only establish where they will support a higher order or district centre or a train station by being adjacent (within 400m walking distance) to that higher order or district centre or train station.</p> <p>vi. The built form of concentrated residential uses and managed communities (e.g. townhouse developments, retirement facility, residential care facility, relocatable home parks) are designed to integrate with the surrounding neighbourhood.</p>		
c. – n.	Not applicable	
<p>p. Development in the Suburban neighbourhood precinct includes 1 or more of the following:</p> <p>.....</p> <p>Multiple dwelling - if within 400m walking distance of a higher order or district centre or a train station.</p> <p>.....</p>	No	The applicant seeks to establish a Multiple dwelling and Short-term accommodation over Part of 805 SP172734 and Lot 838 SP303678 that are not within 400m walking distance to that of a higher order or district centre or train station.
<p>q. Development in the Suburban neighbourhood precinct does not include any of the following:</p> <p>.....</p> <p>Multiple dwelling - if not within 400m of a higher order centre</p>	No	The applicant seeks to establish a Multiple dwelling and Short-term accommodation over Part of 805 SP172734 and Lot 838 SP303678 that are not within 400m walking distance to that of



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General residential Zone Code – Suburban neighbourhood precinct Code – 6.2.62.1 Purpose – Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
or district centre or a train station ..... Short-term accommodation - if not within 400m of a higher order centre or district centre or a train station		a higher order or district centre or train station.
r. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone.	<b>Not applicable</b>	A Multiple dwelling and Short-term accommodation are listed above.

Based on the assessment above, the proposal is inconsistent with four (4) of the Overall Outcomes of the code. Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 2.3.1 of this report.

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

2.5 Infrastructure Charges Resolution

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 8 August 2018 (CR). In this instance, because the proposal is not seeking a Development Permit, only a Preliminary Approval, infrastructure charges are not required to be levied. Infrastructure charges will be levied as part of future Development Permit applications.

In addition, there is no trunk infrastructure identified as being impacted by the proposal.

2.6 Recording of particular approvals on the MBRC Planning Scheme

In accordance with section 89 of the Planning Act 2016, any approval is required to be noted on Schedule 4 of the MBRC Planning Scheme V3, as the development approval would be a variation approval given under section 61 of the Planning Act 2016.

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## 2.7 Referrals

### 2.7.1 Council Referrals

#### **2.7.1.1 Development Engineering**

##### *Traffic and Access*

The proposed development would result in increased number of residents gaining access off a single road (cul-de-sac), south of Corymbia Way intersection. According to Performance Outcome (PO14) of the Reconfiguring a Lot Code - Suburban neighbourhood precinct, where a cul-de-sac is proposed, *emergency access can be achieved under circumstances where entry via the carriageway may be compromised.*

However, at this time the applicant has not lodged a Reconfiguring a Lot application and therefore the final road design and number of allotments has not been confirmed. Additionally, the applicant will be required to demonstrate how the relevant benchmarks of the Reconfiguring a Lot Code - Suburban neighbourhood precinct can be achieved as part of the material in support of the future subdivision application.

In this instance, a condition is recommended to restrict the number of Dwellings gaining access from the Small Lot Precinct. The number of Dwellings must not exceed 100 Dwellings, including Multiple dwellings and Short-term accommodation, in accordance with Queensland Streets.

##### *Stormwater / Flooding*

A Stormwater Management Plan is required to comply with MBRC Planning Scheme and the previously approved Environmental Management Plan. This can be conditioned on any future development applications.

The applicant seeks to remove the Flood hazard overlay code from applying to the development. This is not supported. In accordance with a previously approved Flood Management report, the balance parcel of the development, specifically the northern section of Lot 805 SP172734, is required to be filled.

As discussed above, the Golf Course Estate was subject to earthworks during construction of the Golf Course, road network and developed lots. In particular, each developed lot was filled to ensure at the time of development each lot was flood free. During the assessment of the application an addendum to the approved flood report *Pacific Harbour Golf Course and Residential Estate - Bribie island As Constructed Flood Study Report, dated 31 October 2006, prepared by Storm Water Consulting (2006 Flood Study Report)* was provided, In particular, the update to flood modelling Appendix D MIKE11 Results - 100 Year Max WL's - Branch02 1447 has an updated the adjacent flood level value from 6.68 to 7.2m AHD. Branch02 1447 is generally located over part of Lot 805 SP172734, bounded by Freshwater Drive, Freshwater Drive Park and Pacific Harbour Golf and Country Club. Accordingly, some additional fill will be required to Lot 805, (approximately 193m<sup>3</sup>), to raise part of the site from RL 6.68 to RL 7.2, to achieve compliance with this addendum to the 2006 Flood Study Report. Albeit, under the MBRC Planning scheme filling at this scale will trigger assessable development and an Operational Works Permit.

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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 12 September 2019.
- (b) The development application was advertised in the Bribie Weekly on 12 September 2019.
- (c) A notice in the prescribed form was posted on the relevant land on 12 September 2019 and maintained for a period of 30 business days until 30 October 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		15
	Petition	1 (26 Signatures)	
Not Properly Made	Letter, Email, Fax		3
	Petition	0	
<b>Total</b>			18

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p><b>Issue - Traffic Impacts on Local Network:</b> The Golf Course Estate is serviced by single road connection Freshwater Drive, via Avon Ave then Sunderland Drive. The road network has seen a dramatic increase in traffic congestion with population growth. The proposed development of Multiple dwellings, Short-term accommodation and Small Lots will result in an increase in traffic problems to and from the Golf Course Estate.</p>

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One of the proposed Multiple dwelling / Short-term accommodation lots is at the end of a proposed cul-des-sac with a single access point via Corymbia Way resulting in increase traffic down a narrow residential street. A secondary access via Heathland Street should be provided.

Due to the number of new residences in Pacific Harbour the number of children attending school has increased, however there is no public transport for children, meaning that parents are then required to drive their children to school hence more traffic congestion along Freshwater Drive and Avon Avenue.

Single access to the proposed development will increase traffic flow and speed through Corymbia way.

Safety of children playing in the park is of great concern due to traffic.

Safety of residents at new development in case of emergency such as entrapment due to fire.

Over crowding and parking of residents as well as visitor vehicles in the neighbouring streets and miss use of parking facilities.

Increased residential population will increase traffic substantially elevating the noise pollution effecting the tranquility of the suburb.

**Discussion**

At the time of the establishment of the Golf Course Estate the road network was designed to accommodate the future traffic generation as expected under the Deed of Agreement and rezoning approval (maximum of 2,160 persons or 1048 Residential dwellings). The existing Preliminary Approval over part of the site permitted an additional 199 dwellings. As such, the road network was accepted as being sufficient to cater for a maximum of 1247 dwellings for the entire estate (ie. The Deed + the Preliminary Approval). The applicant is expecting that at the completion of the entire Golf Course Estate this number of dwellings will not be exceeded. It is agreed that it is not likely to be exceeded having regard to the number of constructed and approved lots and the maximum potential yield from these remaining development parcels.

Council's engineer has advised that Freshwater Drive addresses the concern of one entry / exit to the estate by being a divided carriageway. This provides the opportunity for emergency vehicles to access the estate in the event one side of the carriageway becomes temporarily blocked. Temporary traffic control could be provided and the residents would still be able to be safely managed in and out of the estate. Freshwater drive has two 5.5m wide carriageways divided by a central median. A single 5.5m wide carriageway would be sufficient to allow moving cars to pass one another at reduced speeds.

The existing construction formation widths of Freshwater Drive and Corymbia Way provide sufficient traffic lanes and pavement widths to act as local collector roads and safely convey the anticipated traffic volumes. This is achieved by providing sufficient pavement width for effectively 3 traffic lanes or more. This

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allows for cars to pass each other, with an allowance for cars to be parked on one side of the road. The provided widths are wider than Council's current planning scheme road typologies for Living Residential local collector roads. Corymbia Way is 9m wide and Freshwater drive provides two 5.5m wide carriageways, divided by a central median. Living Residential Local collector Roads are nominated as requiring an 8.0m wide carriageway.

With a catchment in excess of 300 lots it is recommended that there is sufficient pavement width for 3 traffic lanes. Freshwater Drive and Corymbia Way provide ample carriageway widths to cater for the fully developed catchment with 9m and 2x5.5m wide carriageways respectively. Traffic volumes of up to 10,000 VPD could be accommodated within a 3 lane carriageway type profile.

The need to cater for traffic volumes and control the speed environment in the residential area both need to be considered. The existing road carriageways have been designed with this in mind by providing for restricted direct access. Only one side of Corymbia Way has direct access, for a section, and limited direct access (8 Lots) is allowed to Freshwater Drive. Both roads are of sufficient pavement width and profile to accommodate the anticipated traffic volumes and with their varying alignment, roundabouts and traffic islands control the speed at which road users travel along these sections of road. Ensuring that the residents' safety and accessibility can both be adequately achieved.

However, a condition is recommended which requires the applicant to demonstrate a limit on the number of Dwellings (100 Dwellings) that can access the proposed new cul-de-sac within the Small Lot Precinct to ensure safety and efficiency of road network is maintained. This number includes dwellings / short term accommodation units created as part of the Medium Density Residential Site.

Hornsby Road is currently used for pedestrian and cycle access. The road reserve transects National Park land, additionally the northern part of Hornsby road at the intersection of Heathland Street is not located within the road reserve, rather constructed within the National Park. Further, Council's engineers are satisfied the existing road network, whilst will be impacted by further traffic, is sufficient to cater for the development.

This is not a reason refusal of the application.

**Issue - Traffic Impacts - Broader Network:**

Traffic and road congestion from Caboolture through to Bribie Island and the increase of residents moving to Bribie. This causes major delays driving onto Bribie Island. A second bridge should be built at the developer's / Council's costs.

On weekends the traffic can be a carpark especially when Sandstone Point Hotel has concerts/events and general traffic coming to Bribie for a day out. Council needs to consider this before approving further approval for land/housing.

**Discussion**

ITEM 4.3 DA/38389/2019/V23P- MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR MULTIPLE DWELLING AND SHORT-TERM ACCOMMODATION IN ACCORDANCE WITH A STRUCTURE PLAN; RECONFIGURING A LOT - PRELIMINARY APPROVAL IN ACCORDANCE WITH A STRUCTURE PLAN; AND A MATERIAL CHANGE - A19301347 (Cont.)

Bribie Island Road is a State Controlled Road. Safety and efficiency of Bribie Island Road remains the responsibility of the Department of Transport and Main Roads (DTMR). In relation to this application the applicant is required to demonstrate that the entire Golf Course Estate at completion does not seek to exceed the maximum residential density of 2,160 persons (or 1048 residential dwellings) agreed to under the Deed.

Events at the Sandstone Point Hotel are regulated by a Development Permit for the Hotel and events. Access to the Sandstone Point Hotel is via a State Controlled Road (Bribie Island Road). The application before Council is to allow undeveloped lots with the Golf Course Estate on Bribie island be developed for a Multiple dwelling / Short term accommodation and for residential lots >450m<sup>2</sup> and does not seek to exceed the maximum residential density of 2,160 persons agreed to under the Deed.

This is not a reason for refusal of the application.

**Issue - Evacuation Concerns:**

During a Bushfire or Flood event there is only a single vehicle access to the Golf Course Estate. The developer has not taken into consideration how residents are to evacuate from the area via Avon Ave / Sunderland Drive.

**Discussion**

This application is over only the underdeveloped part of the Golf Course Estate. As part of the relevant approvals for the Golf Course Estate a Bushfire hazard report was approved and includes a buffer lot (Lot 906 SP257491) along the eastern and southern boundary of the Golf Course Estate. The applicant will be required to amend the approved Bushfire Management Plan, prepared by Coey Associates Pty Ltd, dated 18 July 2019 at the time of lodgement of a subdivision application over the area shown as Small Lot Precinct on an approved plan.

In relation to Flooding, access to the Golf Course remains trafficable in a Flood Event. All future development will be required to achieve a minimum habitable floor level of 7.5AHD which is the Flood Planning Level requirement to ensure immunity.

This is not a reason for refusal of the application.

**Issue: - Proposed Multiple Dwelling and Short-term Accommodation**

Residents were encouraged to purchase in the Estate with a **promise** that we were not going to have low/medium rise buildings within it. To erect such buildings now would be in **direct contradiction** of this promise used to sell blocks within the Estate. No real negotiation or even "relief" has been offered to residents to compensate for this action. **NB:** We were also advised there would be no rental properties built and/or businesses run from home. Both of these conditions have been breeched/broken and are currently being ignored by the developer. This proposal is yet another **material flagrant breach** of what was originally promised.

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*Original promotion of Sales & Marketing – we were sold house lot land on the basis that we would be buying into low density development primarily for house & land packages maintaining a high standard development with covenants in place. There were two sites only near the club house set aside for multiple dwellings.*

*In a meeting between a representative of the Developer, a representative of Moreton Bay Regional Council and the residents of the Pacific Harbour Golf and Country Club estate, it became obvious that the Application was aimed at increasing the number of allotments and size of dwellings that could be squeezed into the PHGCC estate. This approach was justified by statements that this would assist in ensuring the future viability of the PHGCC and was included in an original DA that was submitted a number of decades ago (circa 1992). This DA was unknown to the majority, if not all, the residents present. The only development plan by the Developer that was made public to purchasers of property was in the form of a map that outlined the streets and blocks to be developed and which the Developer should adhere to. Whilst we agree that it is important to ensure the long term viability of the PHGCC, the approach taken by the Developer with this Application can only be perceived as a way of increasing their revenue and profits at the expense of those who have already committed their money, and lifestyle, to this community.*

*I believe the multi level and low/medium density housing reduction of the size of the land will reduce the quality of homes being built and will reduce the value of other homeowners within the estate. At present the quality of homes are of a high standard however with the reduction of the land sizes this will result in smaller homes and less value. The units adjacent to the golf course may bring income to Pacific Harbour Golf Course it will also increase the people coming to make use of the golf course increasing the traffic level. I have concerns for current residents who enjoy the peaceful surroundings and if this isn't properly supervised and staffed a risk of the increase of alcohol and partying may become an issue.*

*Increased population will reduce availability and increase maintenance requirements of the shared amenities, gym, pool, spa, sauna, and function room of the PHGCC. Medium density dwelling rental residents have a reduced incentive to abide by the covenant standards. Medium density dwellings are not in keeping with current density and architectural aesthetic of Banksia Beach. Short term accommodation creates transients and who are not community minded.*

*The addition of multi level and low/medium density housing was not flagged by the developer when they sold blocks, as the peaceful natural environment with abundant bird and wildlife was a big attraction for buyers. The increased development has driven the kangaroos closer to the residences and they are increasingly a hazard on Freshwater and our streets, which are quite poorly lit.*

*While units adjacent to the golf course may bring more income to the golf course, I am concerned that there will not be adequate resources to deal with the increased people coming to make use of the golf course and the potential for antisocial behaviour from visitors celebrating bucks parties etc. affecting the many families use the swimming pool and tennis courts, adjacent to the proposed*

ITEM 4.3 DA/38389/2019/V23P- MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR MULTIPLE DWELLING AND SHORT-TERM ACCOMMODATION IN ACCORDANCE WITH A STRUCTURE PLAN; RECONFIGURING A LOT - PRELIMINARY APPROVAL IN ACCORDANCE WITH A STRUCTURE PLAN; AND A MATERIAL CHANGE - A19301347 (Cont.)

*multilevel site. Residents currently enjoy a peaceful residential neighbourhood and this proposal if not properly supervised and staffed could become a source of risk if alcohol use and partying were to get out of hand*

*Signs in the streets are knocked down as quick as council replace them by the heavy traffic going through these narrow streets, they are even a problem for some of the bigger couriers coming through. If short term accommodation goes ahead the last thing we want are buses coming through bringing golfers or guests to stay. Freshwater Drive is built for that not our streets that branch off it which the heavy traffic is using. Another road in the back off Heathland Street would allow all the heavy traffic to go in and out safely.*

**Discussion**

The issues raised above, relate to the marketing of the Golf Course Estate. Council does not control or regulate the marketing of the Golf Course Estate. As discussed, the Golf Course Estate was established in 1996 and included the rezoning of part of the site from the Rural zone to the Special Facilities zone, for Detached Housing, Duplex Housing, Condominiums, Golf Course, Club House, Residential Club and Sports Complex and included a maximum residential density of 2,160 person.

This is not a reason for refusal of the application.

**Issue: - Increasing population on Bribie island**

*Allotments purchased in the PHGCC estate have been zoned by the MBRC as "low density", and it is with knowledge of this zoning that land could be purchased with some surety that there would be no future impact on the value of these purchases. This zoning needs to be retained in all developed parts of the estate.*

**Discussion**

The Golf Course Estate was established in 1996 and included the rezoning of part of the site from the Rural zone to the Special Facilities zone, for Detached Housing, Duplex Housing, Condominiums, Golf Course, Club House, Residential Club and Sports Complex. On 12 December 2006, the Caboolture Shire Plan 2006 (Caboolture Shire Plan) commenced, and the land was identified within the Residential A zone. However, Schedule 10 of the Caboolture Shire Plan preserved the rezoning approval by carrying forward the conditions imposed under the Deed.

At the time the MBRC Planning Scheme took effect in 2016, the majority of the Golf Course Estate had been completed and scale and intensity of the development was most consistent with the General residential - Suburban Precinct. A Development Application for a Multiple dwelling or Short-term accommodation within the Suburban Precinct is Impact assessable and subject to public notification. The applicant has undertaken this action as part of this application. Thereby allowing future Multiple Dwelling and Short-Term Accommodation applications to be a Code assessable development over the Medium Density Residential Sites.



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This planning report details above in the Strategic Framework section why the proposal for some smaller allotments and Medium Density Residential sites warrants support.

This is not a reason for refusal of the application.

**Issue: - Building height**

*I understand that development is important but I am objecting to the medium density application in the Pacific Harbour Golf Estate due to the height of 3 stories. In no other area on Bribie Island except for the few streets on the waterfront is the height more than 2 stories.*

*This parcel of land is nowhere near the waterfront so the height level of 3 stories is inappropriate and will impact on the residential properties in the estate. I am of the opinion the height in this area should not be more than 2 stories high.*

**Discussion**

The deed established a maximum building height of three (3) stories over the entire Golf Course Estate. This was preserved under Schedule 10 of the Caboolture Shire Plan. At the time the MBRC Planning Scheme took effect in 2016, the majority of the Golf Course Estate development had been completed and the most consistent building height was 8.5 metres as development consisted of single and two (2) storey Dwellings. The applicant seeks to re-establish development rights prior 2016 over only those underdevelopment sites shown as the Medium Density Residential Sites and provide for a building height of up to 12m. Council Officers agree with the submission that the surrounding area is characterised by one and two storey buildings and the applicant's proposal for three storeys would not sensitively integrate the Medium Density Sites into the existing surrounds. Council Officers are recommending the existing height limit of 8.5m is maintained.

**Issue: - Covenant controls**

*All buildings on properties purchased in the PHGCC precinct have been controlled by a Covenant registered with the Land Title. At this stage, we have not been advised of the details of a Covenant that would be registered with the land affected by this new Application. As the Developer is purely interested in selling land, there needs to be some indication of what controls would be applied to any future purchaser of the land, should this application be approved. This should be in addition to any MBRC controls.*

**Discussion**

Covenants are a private treaty between the land owners and the developer. In this instance, Council is not involved in regulating Covenants between landowners and developers.

This is not a reason for refusal of the application.

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**Issue:- Increasing population on Bribie island**

*The Island does not have the ability to absorb the additional population without irreversibly impacting on the sustainability of the natural environment. The Island economy does not provide employment so the community will be further made of homogeneous retired aged people. An undesirable and unsuccessful social situation. The built infrastructure will have to be expanded, further degrading the environment, liveability and social opportunity that Bribie Islanders enjoy today. People living in such close proximity inevitably experience a variety of problems from simple irritation and conflict to crime. The development is inconsistent with the nature of living and the nature of the island. It will necessitate further access and put additional pressure on agencies to release National Park land to ease roads congestion.*

**Discussion**

The Golf Course Estate was established in 1996 and included the rezoning of part of the site from the Rural zone to the Special Facilities zone, for Detached Housing, Duplex Housing, Condominiums, Golf Course, Club House, Residential Club and Sports Complex. This application seeks to establish a Multiple dwelling / Short-term accommodation and a future subdivision over part of the site that was always intended to be developed for urban purposes. Additionally, the applicant has demonstrated that at completion of the Golf Course Estate the population will remain below the maximum residential density of 2,160 persons allowed under the Deed.

This is not a reason for refusal of the application.

**Issue: - Internet**

*The internet is currently a constant frustration for residents, with the Telstra Velocity service already seeming to be overloaded as it is not delivering the speeds expected. More housing and connections will place further pressure on this service.*

**Discussion**

Internet infrastructure is regulated by licenced carriers. Council is limited to regulating pit and pipe infrastructure for new development to support future internet services installed by a licenced carrier or contractor. Future development of the remaining underdeveloped areas of the Golf Course Estate will include Council's standard conditions to support future telecommunications infrastructure.

This is not a reason for refusal of the application.

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**Issue: - Wildlife**

*With the increase of homes in the area this will impact on the nature and wildlife of the area. Wildlife has already been affected with the current housing being erected causing wildlife to lose their natural habitat; more wildlife is seen on the golf course, that may cause injury to either the wildlife or golfers.*

**Discussion**

The Golf Course Estate was established in 1996 and include the rezoning of part of the site from the Rural zone to the Special Facilities zone, for Detached Housing, Duplex Housing, Condominiums, Golf Course, Club House, Residential Club and Sports Complex. This application seeks to establish a Multiple dwelling / Short-term accommodation and a future subdivision over part of the site that was always intended to be developed for urban purposes.

This is not a reason for refusal of the application.

**2.8.3 Notice of Compliance**

The Notice of Compliance was received by Council on 30 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.

**2.9 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**

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.

*ITEM 4.3 DA/38389/2019/V23P- MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR MULTIPLE DWELLING AND SHORT-TERM ACCOMMODATION IN ACCORDANCE WITH A STRUCTURE PLAN; RECONFIGURING A LOT - PRELIMINARY APPROVAL IN ACCORDANCE WITH A STRUCTURE PLAN; AND A MATERIAL CHANGE - A19301347 (Cont.)*

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 2.8

**ADJOURNMENT**

The meeting adjourned at 10.56am for morning tea.

The meeting resumed at 11.27am.

**ATTENDANCE**

Mr Marco Alberti attended the meeting at 11.46am during discussion on Item 4.4.

**ITEM 4.4**

**DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, TELECOMMUNICATIONS FACILITY, THEATRE, TOURIST ATTRACTION AND UTILITY INSTALLATION AND VARIATION TO THE PLANNING SCHEME TO INCLUDE THE LAND IN THE GENERAL RESIDENTIAL ZONE - NEXT GENERATION NEIGHBOURHOOD PRECINCT, LIMITED DEVELOPMENT ZONE, ENVIRONMENTAL MANAGEMENT AND CONSERVATION ZONE AND RECREATION AND OPEN SPACE ZONE - 107 TO 109 KREMZOW ROAD, BRENDALE**

**APPLICANT:** Boral CSR Bricks Pty Limited

**OWNER:** CSR Building Products Ltd c/- Groundwork Plus Pty Ltd

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A19930997 : 10 June 2020 – Refer Supporting Information A20054526, A20095676, A20095658 & A20101902

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

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	CSR Building Products Ltd c/- Groundwork Plus Pty Ltd
<b>Lodgement Date:</b>	14 December 2018
<b>Properly Made Date:</b>	16 January 2019
<b>Confirmation Notice Date:</b>	23 January 2019
<b>Information Request Date:</b>	7 February 2019
<b>Info Response Received Date:</b>	22 October 2019
<b>Public Notification Dates:</b>	1 November 2019 to 13 December 2019
<b>No. of Submissions:</b>	Properly Made: 161 Not Properly Made: 15
<b>Decision Due Date:</b>	10 June 2020
<b>Prelodgement Meeting Held:</b>	Yes

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	9
<b>Property Address:</b>	107 to 109 Kremzow Road, Brendale
<b>RP Description</b>	Lot 3 SP174984 and Lot 4 SP174985
<b>Land Area:</b>	41.41 hectares
<b>Property Owner</b>	Boral CSR Bricks Pty Limited

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme V3
<b>Planning Locality / Zone</b>	Industry Zone – Mixed Industry and Business Precinct, Industry Zone – Light Industry Precinct and Limited Development Zone
<b>Level of Assessment:</b>	Impact Inconsistent

ITEM 4.4 DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, T - A19930997 (Cont.)

This application seeks;

- (a) a Material Change of Use - Preliminary Approval for Dwelling House, Dual Occupancy, Home Based Business, Environment Facility, Major Electricity Infrastructure, Market, Outdoor Sport and Recreation, Park, Shop, Substation, Sales Office, Telecommunications Facility, Theatre, Tourist Attraction and Utility Installation; and
- (b) 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, Environmental Management and Conservation Zone, Limited Development Zone and Recreation and Open Space Zone.

at 107 to 109 Kremzow Road, Brendale.

The Site is included within the Industry Zone, split between the Light Industry Precinct and Mixed Industry and Business Precinct with a small portion of the Site included in the Limited Development Zone. Further, the site is located in the Coast and Riverlands and Enterprise and Employment Place Types under the Strategic Framework of the MBRC Planning Scheme.

The application was publicly advertised for a period of 30 business days with 176 submissions received with the vast majority in support of the development, in particular, the perceived environmental benefits. 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.

This report is being presented to the Council for 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.

A Council briefing was conducted on 3 June 2020. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

BRIEFING 5 DA/36991/2018/V2L

The CEO noted the way forward:

It was noted that a report will be tabled at the next General Meeting for consideration of the matter.

**MOTION**

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

A. That Council, in accordance with the *Planning Act 2016*:

- a) Approve the development application for a Preliminary Approval for a Material Change of Use for Dwelling House, Dual Occupancy, Home Based Business, Environment Facility, Major Electricity Infrastructure, Market, Outdoor Sport and Recreation, Park, Shop, Substation, Sales Office, Telecommunications Facility, Theatre, Tourist Attraction and Utility Installation at 107 to 109 Kremzow Road, Brendale described as Lot 3 SP174984 and Lot 4 SP174985, subject to the Conditions contained in Annexure A to this report; and

ITEM 4.4 DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, T - A19930997 (Cont.)

- b) Approve the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in Annexure B to this report, as amended as outlined below;

**Annexure B**

The Variation Request is approved to vary the effect of the MBRC Planning Scheme to:

- (i) apply the General Residential Zone - Next Generation Neighbourhood Precinct in part, the Recreation and Open Space Zone in part, the Limited Development Zone in part, and the Environmental Management and Conservation Zone in part to Lot 3 SP174984 and Lot 4 SP174985 as shown on the Land Use Plan listed in the table of approved plans for Lot 3 SP174984 and Lot 4 SP174985; and
- (ii) apply alternative Overlay Maps as shown on the various maps listed in the table of approved plans for Lot 3 SP174984 and Lot 4 SP174985; and

at 107 to 109 Kremzow Road, Brendale described as Lot 3 SP174984 and Lot 4 SP174985, subject to the following Variations, Plans/Documents and Conditions:

APPROVED PLANS AND DOCUMENTS FOR LOT 3 SP174984 AND LOT 4 SP174985			
Plan / Document Name	Reference Number	Prepared By	Dated
Land Use Plan	0718-0005-00-01-D002 Rev. 08	Tract	22/10/2019
Amended Building Heights Overlap Map	1876.DRG.020 Rev. 3	Groundwork Plus	20/5/2020
Amended Landslide Hazard Overlay Map	1876.DRG.024 Rev. 2	Groundwork Plus	20/05/2020
MBRC Drawing DA/36991/2018/V2L - Road Dedication Requirements - 2 June 2020	SK004	MBRC	02/06/2020

PLANS TO BE AMENDED FOR LOT 3 SP174984 AND LOT 4 SP174985			
Plan / Document Name	Reference Number	Prepared By	Dated
Structure Plan	0718-0005-00-01-D002 Rev 08	CSR	22/10/2019
Landscape Concept Plan	Drawing No. 0718-0005-00-01-D002 Rev. 01	Tract	22/10/2019
Amended Environmental Areas Overlay Map	1876.DRG.022 Rev. 2	Groundwork Plus	20/05/2020
Amended Environmental Offset Receiving Areas Overlay Map	1876.DRG.023 Rev. 2	Groundwork Plus	20/05/2020
Amended Bushfire Hazard Overlay Map	1876.DRG.021 Rev. 2	Groundwork Plus	20/05/2020

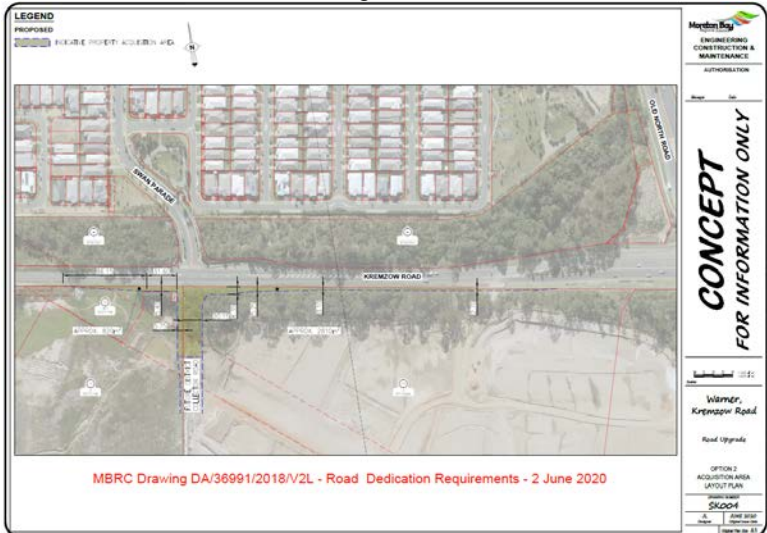
VARIATIONS	
<b>A.</b>	<b>VARIATION OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME</b>
(i)	The Zone Map ZM-69 in Schedule 2.3 Zone Maps of the MBRC Planning Scheme is amended with Lot 3 SP174984 and Lot 4 SP174985 to be included, in part, in the

ITEM 4.4 DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, T - A19930997 (Cont.)

VARIATIONS								
	General Residential Zone - Next Generation Neighbourhood Precinct, in part, in the Limited Development Zone, in part, in the Recreation and Open Space Zone and in part, in the Environmental Management and Conservation Zone as shown on the Land Use Plan identified as Land Use Plan (0718-0005-00-01-D002 Rev. 08) in the Approved Plans package.							
(ii)	The Environmental Areas Overlay Map OM-69 EA in Schedule 2.5 Overlay Maps of the MBRC Planning Scheme specific only to Lot 3 SP174984 and Lot 4 SP174985 is varied to the Amended Environmental Areas Overlay Map identified as 1876.DRG.022 Rev. 2 in the 'Plans To Be Amended package' with a further amendment that along the frontage of the site to Kremzow Road and Old North Road (post the dedication of land as road reserve as required by other conditions of this development approval) a minimum area of 3.99ha is to be identified as MSES - Matters of State Environmental Significance specific to Koalas having a width of between 30 and 50metres determined by expert koala management advice as per V6 (i) (b) (B).							
(iii)	The Environmental Offset Receiving Areas Overlay Map OM-69 EORA in Schedule 2.5 Overlay Maps of the MBRC Planning Scheme specific only to Lot 3 SP174984 and Lot 4 SP174985 is varied to the Amended Environmental Offset Receiving Areas Overlay identified as 1876.DRG.023 Rev. 2 in the in the 'Plans To Be Amended package' with a further amendment that along the frontage of the site to Kremzow Road and Old North Road (post the dedication of land as road reserve as required by other conditions of this development approval) a minimum area of 3.99ha is to be identified as Environmental Offset Receiving Areas specific to Koalas consistent with the area in (ii) above.							
(iv)	The Bushfire Hazard Overlay Map OM-69 BFH in Schedule 2.5 Overlay Maps of the MBRC Planning Scheme specific only to Lot 3 SP174984 and Lot 4 SP174985 is varied to the Amended Bushfire Hazard Overlay Map identified as 1876.DRG.021 Rev. 2 in the 'Plans To Be Amended package' with a further amendment that along the frontage of the site to Kremzow Road and Old North Road (post the dedication of land as road reserve as required by other conditions of this development approval) a minimum area of 3.99ha is to be identified as Medium Potential Bushfire intensity consistent with the area in (ii) above.							
(v)	The Building Heights Overlay Map OM-69 BH in Schedule 2.5 Overlay Maps of the MBRC Planning Scheme specific only to Lot 3 SP174984 and Lot 4 SP174985 is varied to the Amended Building Heights Overlay Map identified as 1876.DRG.020 Rev. 3 in the Approved Plans package.							
(vi)	The Landslide Hazard Overlay Map OM-69 LSH in Schedule 2.5 Overlay Maps of the MBRC Planning Scheme specific for Lot 3 SP174984 and Lot 4 SP174985 is varied to the Amended Landslide Hazard Overlay Map identified as 1876.DRG.024 Rev. 2 in the Approved Plans package.							
(vii)	Table 5.6.1 in the MBRC Planning Scheme is amended in respect to Reconfiguring a lot in the General Residential Zone to read as follows;							
	<table border="1"> <thead> <tr> <th>Zone</th> <th>Categories of development and assessment</th> <th>Assessment benchmarks for assessable development and requirements for accepted development</th> </tr> </thead> <tbody> <tr> <td></td> <td colspan="2" style="text-align: center;"><b>Assessable development - Code assessment</b></td> </tr> </tbody> </table>		Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development		<b>Assessable development - Code assessment</b>	
Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development						
	<b>Assessable development - Code assessment</b>							



ITEM 4.4 DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, T - A19930997 (Cont.)

VARIATIONS			
			<p>If not otherwise specified.</p> <p><u>9.4.1 'Reconfiguring a lot code'</u> (General residential zone - applicable precinct)</p>
		<b>Assessable development - Impact assessment</b>	
		<p>If:</p> <p>(i) land is not dedicated as road reserve from within the site directly opposite Swan Parade and along Kremzow Road generally in accordance with Figure A below;</p> <p>(ii) land aligning with the 4<sup>th</sup> leg of the Kremzow Road / Swan Parade intersection is not dedicated as road reserve from within the site for a minimum distance of 100 metres along the western boundary of the subject site commencing at the existing northern boundary of the subject site.</p>	<p>The planning scheme</p>
	<b>General residential zone</b>	<p>Figure A</p>  <p>Note: The above Figure A is the same approved plan contained in the package of approved plans referenced as MBRC Drawing DA/36991/2018/V2L - Road Dedication Requirements - 2 June 2020</p>	

ITEM 4.4 DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, T - A19930997 (Cont.)

VARIATIONS	
B.	REFERENCES
	<p>Any references in the MBRC Planning Scheme including to a Code, Table of Assessment or Planning Scheme Policy to a;</p> <ul style="list-style-type: none"> <li>(i) Zone Overlay Map,</li> <li>(ii) Environmental Areas Overlay Map,</li> <li>(iii) Environmental Offset Receiving Areas Map,</li> <li>(iv) Bushfire Hazard Overlay Map,</li> <li>(v) Building Heights Overlay Map and</li> <li>(vi) Landslide Hazard Overlay Map</li> </ul> <p>in respect to the development of Lot 3 SP174984 and Lot 4 SP174985 is to be taken as referring to the mapping shown in the Approved Plan package.</p>

VARIATION CONDITIONS	
V1.	In accordance with section 88(2) of the <i>Planning Act 2016</i> , the development is to be completed within ten (10) years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i> (as amended).
V2.	This variation is limited to the area identified on the Approved Plans being Lot 3 SP174984 and Lot 4 SP174985.
V3.	<p>This variation is limited to the following land uses in the following zones;</p> <ul style="list-style-type: none"> <li>(i) General Residential Zone - Next Generation Neighbourhood Precinct: <ul style="list-style-type: none"> <li>(a) Dwelling House;</li> <li>(b) Dual Occupancy;</li> <li>(c) Home Based Business;</li> <li>(d) Environment Facility;</li> <li>(e) Major Electricity Infrastructure (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(f) Market (If for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(g) Outdoor Sport and Recreation (If for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(h) Park;</li> <li>(i) Shop (If for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(j) Sales Office;</li> <li>(k) Substation (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(l) Telecommunications Facility (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(m) Theatre (If for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(n) Tourist Attraction (If for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development'); and</li> <li>(o) Utility Installation (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development').</li> </ul> </li> <li>(ii) Recreation and Open Space Zone: <ul style="list-style-type: none"> <li>(a) Environment Facility;</li> <li>(b) Major Electricity Infrastructure;</li> <li>(c) Market;</li> <li>(d) Outdoor Sport and Recreation;</li> </ul> </li> </ul>

ITEM 4.4 DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, T - A19930997 (Cont.)

<b>VARIATION CONDITIONS</b>	
	<ul style="list-style-type: none"> <li>(e) Park;</li> <li>(f) Shop (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(g) Substation (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(h) Telecommunications Facility;</li> <li>(i) Theatre (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(j) Tourist Attraction (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(k) Utility Installation.</li> <li>(iii) Limited Development Zone:                             <ul style="list-style-type: none"> <li>(a) Environment Facility;</li> </ul> </li> <li>(iv) Environmental Management and Conservation Zone:                             <ul style="list-style-type: none"> <li>(a) Environment Facility;</li> </ul> </li> </ul> <p>To remove any doubt, any development application for a land use in a zone other than those listed above does not have the benefit of being able to rely on this variation approval and therefore is to be assessed against the version of the planning scheme in effect at the time the development application is made to the Council.</p>
V4.	Any development application seeking a Development Approval under this Preliminary Approval (that may or may not include a Variation Request) is to be assessed against the version of the MBRC Planning Scheme in effect when the development application is properly made, as varied by this variation. To remove any doubt, the specific variations given in this approval prevail over any future amendments to the MBRC Planning Scheme.
V5.	Any use proposed to commence operating under this Preliminary Approval as Accepted Development is to comply with the version of the planning scheme in effect on the date; <ul style="list-style-type: none"> <li>(i) when the use commenced, or</li> <li>(ii) if a Development Permit for Building Works is required for the use to commence, when the Development Permit was given,</li> </ul> as and wherever varied by this variation. To remove any doubt, the specific variations given in this approval prevail over any future amendments to the MBRC Planning Scheme.
V6.	<ul style="list-style-type: none"> <li>(i) Submit for approval by Council an Amended Structure Plan for the future development of the site prior to lodging any future development application under this Variation Approval. The applicant submitted Structure Plan is to be amended as follows;                             <ul style="list-style-type: none"> <li>(a) Relocate the 'Road Network Connection' along Kremzow Road, west, to the intersection with Swan Parade as a signalised intersection with no mid-block left in / left out access available to Kremzow Road. A left-in, left-out access into Old North Road as proposed is permitted;</li> <li>(b) Increase the width of the 'Existing Vegetation to be Maintained' strip along the northern and eastern boundaries of a width between 30 and 50 metres as determined by expert koala management advice as per V6 (i) (b) (B);                                     <ul style="list-style-type: none"> <li>(A) for along the northern boundary measured from the boundary post any required land dedications and infill the vegetation corridor where heavy vehicles presently access the site; and</li> <li>(B) for along the eastern boundary measured from the existing location of the koala fence located in the Old North Road reserve.</li> </ul> </li> </ul> </li> </ul> <p>with the 'Existing Vegetation to be Maintained' to have a minimum total area of 3.99ha with the corridor widths along the northern and eastern boundaries of the site to be demonstrated in a Council approved Koala Management Plan prepared by a suitably qualified person on the basis of providing the best opportunities for koala movement in the long term having regard to future</p>

ITEM 4.4 DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, T - A19930997 (Cont.)

<b>VARIATION CONDITIONS</b>	
	<p>development on the site (eg adjacent location of roads, stormwater basins, residential lots, etc).</p> <p>(c) Remove the proposed 'Internal connection to Adjacent Development' and instead replace it with 2 others; one located at the southern end of the common boundary and the other within 100 metres of the Kremzow Road frontage.</p> <p>(ii) Any development application seeking a Development Approval under this Preliminary Approval (that may or may not include a Variation Request) is to be consistent with the Amended Structure Plan once approved by Council.</p>
V7.	<p>(i) Submit for approval by Council an Amended Landscape Concept Plan for the future development of the site prior to lodging any future development application under this Variation Approval. The applicant submitted Landscape Concept Plan is to be amended as follows;</p> <p>(a) Removing the implied mid-block road connection to Kremzow road and identifying a new connection at the Kremzow Road / Swan Parade intersection;</p> <p>(b) Identifying the width of the environmental corridors in accordance with other conditions of this approval;</p> <p>(c) Nominating the location of a fauna underpass under Kremzow Road connecting the site to the north; and</p> <p>(d) Identifying the size and shape of the Local Recreation Park required by other conditions of this development approval.</p> <p>(ii) Any development application seeking a Development Approval under this Preliminary Approval (that may or may not include a Variation Request) is to be consistent with the Amended Landscape Concept Plan once approved by Council.</p>
V8.	Ensure the part of the site included into the General Residential Zone - Next Generation Neighbourhood Precinct is developed to a maximum site density of 20 dwellings per hectare.
V9.	<p>Any development application seeking a Development Approval under this Preliminary Approval (that may or may not include a Variation Request) for Reconfiguring a Lot is to;</p> <p>(i) be limited to a maximum of 460 lots unless agreed to otherwise by the Council in writing; and</p> <p>(ii) include the provision of a Local Recreation Park centrally located within the development meeting the Desired Standards of Service in the Council's Local Government Infrastructure Plan (LGIP) in effect at date of lodging the Development Application with the exception that unless agreed to otherwise by the Council in writing, is to have a minimum area of 1 hectare per 1000 persons where each lot is assumed to have a population of 3.1 persons<sup>1</sup>. A minimum of 5000m<sup>2</sup> is not to be encumbered by any powerline/electrical easements; and</p> <p>(iii) incorporate open space linkages having an approximate width of between 30 and 50metres conducive to creating a koala connection from the north of the site to the south; and</p> <p>(iv) provide for an upgrade to the following external road intersections as a minimum and necessary to mitigate the impacts of the development;</p> <p>(a) Old NorthRoad / Lavarach Road;</p> <p>(b) Old North Road / Kremzow Road;</p> <p>(c) Kremzow Road / Leitches Road;</p> <p>(d) Kremzow Road / Doherty Street.</p> <p>The exact nature of the upgrades required, and whether other intersections also need to be upgraded, will be determined with any future development application for Reconfiguring a Lot supported by an amended and approved by Council Integrated Transport Assessment; and</p>
	<p><sup>1</sup> The value of 3.1 is taken from 2016 census for the suburb of Warner.</p>

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<b>VARIATION CONDITIONS</b>	
	<ul style="list-style-type: none"> <li>(v) include a Fauna Movement Infrastructure Plan to reduce potential impacts on native fauna prepared by a suitably qualified person that contains at least the following information;                             <ul style="list-style-type: none"> <li>(a) Detailed designs of a fauna underpass in the north eastern part of the site under Kremzow Road to connect environmental corridors on the subject site with vegetated corridors to the north; and</li> <li>(b) Detailed designs for fauna movement infrastructure throughout the site and linking wildlife corridors with vegetation north of Kremzow Road (i.e. signage, fauna exclusion fencing, etc; and</li> <li>(c) Educational signage to identify the ecological values of the site and the protection of the Environmental Management and Conservation Zone in the south of the site; and</li> </ul> </li> <li>(vi) include an Ecological Restoration Plan for degraded areas of the Environmental Management and Conservation Zone, Limited Development Zone and the environmental corridors along the northern and eastern boundaries of the site. The plan must be prepared by a suitably qualified person and in accordance with the Council's Planning Scheme Policy - Environmental Areas and Corridors in effect at the time of lodgement; and</li> <li>(vii) include a notice of election for any proposed offsets as required by section 18 of the <i>Environmental Offsets Act 2014</i>; and</li> <li>(viii) ensure any bus route provided through the development is efficient and not overly circuitous; and</li> <li>(ix) have the first stage of the development accessed from the 4<sup>th</sup> leg of the Kremzow Road / Swan Parade intersection; and</li> <li>(x) include the transfer to the Council in fee simple on trust for open space purposes all land;                             <ul style="list-style-type: none"> <li>(a) approved to be located in the Recreation and Open Space Zone, Limited Development Zone and the Environmental Management and Conservation Zone; and</li> <li>(b) located along the northern and eastern boundaries of the site required by other conditions of this development approval to be preserved as an environmental corridor; and</li> </ul> </li> <li>(xi) provide for the filling of the western part of the site to a minimum height of RL52m; and</li> <li>(xii) be supported by an updated Integrated Transport Assessment that will confirm;                             <ul style="list-style-type: none"> <li>(a) external works upgrades;</li> <li>(b) intersection designs;</li> <li>(c) any additional land required to be dedicated as road reserve to accommodate intersection turn treatments, stormwater drainage and earthwork batters; and</li> </ul> </li> <li>(xiii) not rely on stormwater drainage works being carried out in the part of the site included into the Environmental Management and Conservation Zone or Limited Development Zone as identified in the applicants stormwater study submitted with the development application unless the works are done using thrust boring under vegetation and do not rely on the clearing of any NJKHT's at the outlet.</li> </ul>
V10.	To ensure there is safe and efficient vehicular access to the site, it has been determined that it is necessary for some vegetation to be removed at the 4 <sup>th</sup> leg of the Kremzow Road / Swan Parade intersection where it enters into the site. This is authorised to occur as linear infrastructure under the <i>Planning Regulation 2017, Schedule 11, Part 2, section 4</i> as stated in the version of the regulation in effect when this development application was properly made.
V11.	Dedicate land along the frontage of the site to Kremzow Road as road reserve as shown on Drawing 'MBRC Drawing DA/36991/2018/V2L - Road Dedication Requirements - 2 June 2020' with the new 4 <sup>th</sup> leg of the Kremzow Road / Swan Parade intersection extending at the

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VARIATION CONDITIONS	
	same width for a minimum distance of 100 metres from the existing property boundary prior to lodging with the Council any development application seeking a Development Permit for Reconfiguring a Lot or Material Change of Use.

- c) Provide all external Referral Agencies for the development application with a copy of the Council's Decision Notice; and
- d) 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 A(i) and A(ii), which is to include the information in the decision notice contained in Annexure C to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons; and
- e) 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.

**AMENDMENT MOVED**

**Cr Cath Tonks moved the following amendment:**

That the conditions of approval be amended to include:

- i. The requirement for a Koala underpass under the future Swann Parade intersection extension to (south of Kremzow Road) and to enable East-West passage of Koalas along the Kremzow Rd frontage and also for additional underpass at the left-in entry off Old North Road; and
- ii. The inclusion of suitable Koala management infrastructure in a future Koala management plan to enable the movement and safety of koalas across the power easements through the proposed estate.

**Seconded by Cr Jodie Shipway**

The amendment was put to the vote and declared **CARRIED 12/0**

ITEM 4.4 DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, T - A19930997 (Cont.)

**THE AMENDMENT BECOMES THE MOTION**, and was put:

**RESOLUTION**

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

**CARRIED 10/2**

*Cr Brooke Savige and Cr Cath Tonks voted against the motion*

A. That Council, in accordance with the *Planning Act 2016*:

- a) Approve the development application for a Preliminary Approval for a Material Change of Use for Dwelling House, Dual Occupancy, Home Based Business, Environment Facility, Major Electricity Infrastructure, Market, Outdoor Sport and Recreation, Park, Shop, Substation, Sales Office, Telecommunications Facility, Theatre, Tourist Attraction and Utility Installation at 107 to 109 Kremzow Road, Brendale described as Lot 3 SP174984 and Lot 4 SP174985, subject to the Conditions contained in Annexure A to this report; and
- b) Approve the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in Annexure B to this report, as amended as outlined below;

**Annexure B**

The Variation Request is approved to vary the effect of the MBRC Planning Scheme to:

- (i) apply the General Residential Zone - Next Generation Neighbourhood Precinct in part, the Recreation and Open Space Zone in part, the Limited Development Zone in part, and the Environmental Management and Conservation Zone in part to Lot 3 SP174984 and Lot 4 SP174985 as shown on the Land Use Plan listed in the table of approved plans for Lot 3 SP174984 and Lot 4 SP174985; and
- (ii) apply alternative Overlay Maps as shown on the various maps listed in the table of approved plans for Lot 3 SP174984 and Lot 4 SP174985; and

at 107 to 109 Kremzow Road, Brendale described as Lot 3 SP174984 and Lot 4 SP174985, subject to the following Variations, Plans/Documents and Conditions:

APPROVED PLANS AND DOCUMENTS FOR LOT 3 SP174984 AND LOT 4 SP174985			
Plan / Document Name	Reference Number	Prepared By	Dated
Land Use Plan	0718-0005-00-01-D002 Rev. 08	Tract	22/10/2019
Amended Building Heights Overlap Map	1876.DRG.020 Rev. 3	Groundwork Plus	20/5/2020
Amended Landslide Hazard Overlay Map	1876.DRG.024 Rev. 2	Groundwork Plus	20/05/2020
MBRC Drawing DA/36991/2018/V2L - Road Dedication Requirements - 2 June 2020	SK004	MBRC	02/06/2020

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PLANS TO BE AMENDED FOR LOT 3 SP174984 AND LOT 4 SP174985			
Plan / Document Name	Reference Number	Prepared By	Dated
Structure Plan	0718-0005-00-01-D002 Rev 08	CSR	22/10/2019
Landscape Concept Plan	Drawing No. 0718-0005-00-01-D002 Rev. 01	Tract	22/10/2019
Amended Environmental Areas Overlay Map	1876.DRG.022 Rev. 2	Groundwork Plus	20/05/2020
Amended Environmental Offset Receiving Areas Overlay Map	1876.DRG.023 Rev. 2	Groundwork Plus	20/05/2020
Amended Bushfire Hazard Overlay Map	1876.DRG.021 Rev. 2	Groundwork Plus	20/05/2020

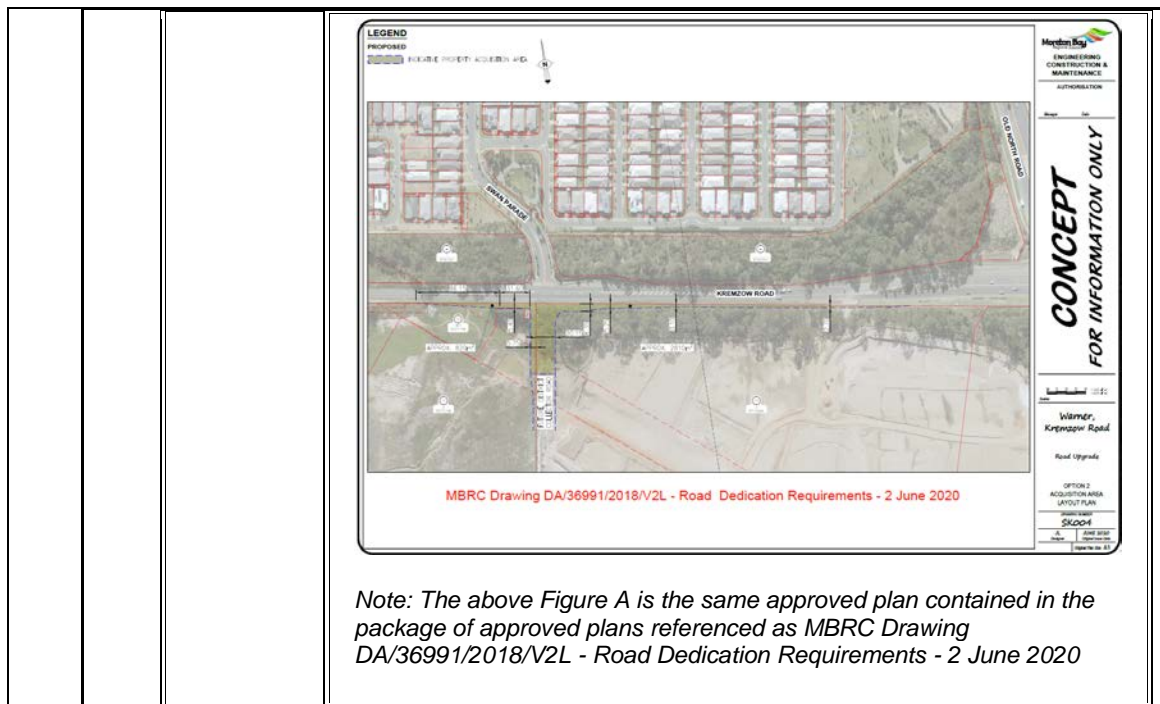
VARIATIONS	
<b>A.</b>	<b>VARIATION OF THE MORETON BAY REGIONAL COUNCIL PLANNING SCHEME</b>
(i)	The Zone Map ZM-69 in Schedule 2.3 Zone Maps of the MBRC Planning Scheme is amended with Lot 3 SP174984 and Lot 4 SP174985 to be included, in part, in the General Residential Zone - Next Generation Neighbourhood Precinct, in part, in the Limited Development Zone, in part, in the Recreation and Open Space Zone and in part, in the Environmental Management and Conservation Zone as shown on the Land Use Plan identified as Land Use Plan (0718-0005-00-01-D002 Rev. 08) in the Approved Plans package.
(ii)	The Environmental Areas Overlay Map OM-69 EA in Schedule 2.5 Overlay Maps of the MBRC Planning Scheme specific only to Lot 3 SP174984 and Lot 4 SP174985 is varied to the Amended Environmental Areas Overlay Map identified as 1876.DRG.022 Rev. 2 in the 'Plans To Be Amended package' with a further amendment that along the frontage of the site to Kremzow Road and Old North Road (post the dedication of land as road reserve as required by other conditions of this development approval) a minimum area of 3.99ha is to be identified as MSES - Matters of State Environmental Significance specific to Koalas having a width of between 30 and 50metres determined by expert koala management advice as per V6 (i) (b) (B).
(iii)	The Environmental Offset Receiving Areas Overlay Map OM-69 EORA in Schedule 2.5 Overlay Maps of the MBRC Planning Scheme specific only to Lot 3 SP174984 and Lot 4 SP174985 is varied to the Amended Environmental Offset Receiving Areas Overlay identified as 1876.DRG.023 Rev. 2 in the in the 'Plans To Be Amended package' with a further amendment that along the frontage of the site to Kremzow Road and Old North Road (post the dedication of land as road reserve as required by other conditions of this development approval) a minimum area of 3.99ha is to be identified as Environmental Offset Receiving Areas specific to Koalas consistent with the area in (ii) above.
(iv)	The Bushfire Hazard Overlay Map OM-69 BFH in Schedule 2.5 Overlay Maps of the MBRC Planning Scheme specific only to Lot 3 SP174984 and Lot 4 SP174985 is varied to the Amended Bushfire Hazard Overlay Map identified as 1876.DRG.021 Rev. 2 in the 'Plans To Be Amended package' with a further amendment that along the frontage of the site to Kremzow Road and Old North Road (post the dedication of land as road reserve as required by other conditions of this development approval)



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	a minimum area of 3.99ha is to be identified as Medium Potential Bushfire intensity consistent with the area in (ii) above.																
(v)	The Building Heights Overlay Map OM-69 BH in Schedule 2.5 Overlay Maps of the MBRC Planning Scheme specific only to Lot 3 SP174984 and Lot 4 SP174985 is varied to the Amended Building Heights Overlay Map identified as 1876.DRG.020 Rev. 3 in the Approved Plans package.																
(vi)	The Landslide Hazard Overlay Map OM-69 LSH in Schedule 2.5 Overlay Maps of the MBRC Planning Scheme specific for Lot 3 SP174984 and Lot 4 SP174985 is varied to the Amended Landslide Hazard Overlay Map identified as 1876.DRG.024 Rev. 2 in the Approved Plans package.																
(vii)	Table 5.6.1 in the MBRC Planning Scheme is amended in respect to Reconfiguring a lot in the General Residential Zone to read as follows;																
	<table border="1"> <thead> <tr> <th>Zone</th> <th>Categories of development and assessment</th> <th>Assessment benchmarks for assessable development and requirements for accepted development</th> </tr> </thead> <tbody> <tr> <td rowspan="4">General residential zone</td> <td colspan="2" style="text-align: center;"><b>Assessable development - Code assessment</b></td> </tr> <tr> <td>If not otherwise specified.</td> <td>9.4.1 'Reconfiguring a lot code' (General residential zone - applicable precinct)</td> </tr> <tr> <td colspan="2" style="text-align: center;"><b>Assessable development - Impact assessment</b></td> </tr> <tr> <td>                     If:                      (i) land is not dedicated as road reserve from within the site directly opposite Swan Parade and along Kremzow Road generally in accordance with Figure A below;                      (ii) land aligning with the 4<sup>th</sup> leg of the Kremzow Road / Swan Parade intersection is not dedicated as road reserve from within the site for a minimum distance of 100 metres along the western boundary of the subject site commencing at the existing northern boundary of the subject site.                 </td> <td>The planning scheme</td> </tr> <tr> <td colspan="3" style="text-align: center;">Figure A</td> </tr> </tbody> </table>		Zone	Categories of development and assessment	Assessment benchmarks for assessable development and requirements for accepted development	General residential zone	<b>Assessable development - Code assessment</b>		If not otherwise specified.	9.4.1 'Reconfiguring a lot code' (General residential zone - applicable precinct)	<b>Assessable development - Impact assessment</b>		If: (i) land is not dedicated as road reserve from within the site directly opposite Swan Parade and along Kremzow Road generally in accordance with Figure A below; (ii) land aligning with the 4 <sup>th</sup> leg of the Kremzow Road / Swan Parade intersection is not dedicated as road reserve from within the site for a minimum distance of 100 metres along the western boundary of the subject site commencing at the existing northern boundary of the subject site.	The planning scheme	Figure A		
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ITEM 4.4 DA/36991/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL FOR DWELLING HOUSE, DUAL OCCUPANCY, HOME BASED BUSINESS, ENVIRONMENT FACILITY, MAJOR ELECTRICITY INFRASTRUCTURE, MARKET, OUTDOOR SPORT AND RECREATION, PARK, SHOP, SUBSTATION, SALES OFFICE, T - A19930997 (Cont.)



<b>B.</b>	<b>REFERENCES</b>
	<p>Any references in the MBRC Planning Scheme including to a Code, Table of Assessment or Planning Scheme Policy to a;</p> <ul style="list-style-type: none"> <li>(i) Zone Overlay Map,</li> <li>(ii) Environmental Areas Overlay Map,</li> <li>(iii) Environmental Offset Receiving Areas Map,</li> <li>(iv) Bushfire Hazard Overlay Map,</li> <li>(v) Building Heights Overlay Map and</li> <li>(vi) Landslide Hazard Overlay Map</li> </ul> <p>in respect to the development of Lot 3 SP174984 and Lot 4 SP174985 is to be taken as referring to the mapping shown in the Approved Plan package.</p>

<b>VARIATION CONDITIONS</b>	
V1.	In accordance with section 88(2) of the <i>Planning Act 2016</i> , the development is to be completed within ten (10) years unless written approval has been obtained from Council for an extension of this period under section 86 of the <i>Planning Act 2016</i> (as amended).
V2.	This variation is limited to the area identified on the Approved Plans being Lot 3 SP174984 and Lot 4 SP174985.
V3.	<p>This variation is limited to the following land uses in the following zones;</p> <ul style="list-style-type: none"> <li>(i) General Residential Zone - Next Generation Neighbourhood Precinct: <ul style="list-style-type: none"> <li>(a) Dwelling House;</li> <li>(b) Dual Occupancy;</li> <li>(c) Home Based Business;</li> <li>(d) Environment Facility;</li> <li>(e) Major Electricity Infrastructure (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(f) Market (If for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> </ul> </li> </ul>

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<b>VARIATION CONDITIONS</b>	
	<ul style="list-style-type: none"> <li>(g) Outdoor Sport and Recreation (If for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(h) Park;</li> <li>(i) Shop (If for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(j) Sales Office;</li> <li>(k) Substation (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(l) Telecommunications Facility (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(m) Theatre (If for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(n) Tourist Attraction (If for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development'); and</li> <li>(o) Utility Installation (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development').</li> </ul> <ul style="list-style-type: none"> <li>(ii) Recreation and Open Space Zone:                             <ul style="list-style-type: none"> <li>(a) Environment Facility;</li> <li>(b) Major Electricity Infrastructure;</li> <li>(c) Market;</li> <li>(d) Outdoor Sport and Recreation;</li> <li>(e) Park;</li> <li>(f) Shop (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(g) Substation (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(h) Telecommunications Facility;</li> <li>(i) Theatre (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(j) Tourist Attraction (If complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development');</li> <li>(k) Utility Installation.</li> </ul> </li> <li>(iii) Limited Development Zone:                             <ul style="list-style-type: none"> <li>(b) Environment Facility;</li> </ul> </li> <li>(iv) Environmental Management and Conservation Zone:                             <ul style="list-style-type: none"> <li>(b) Environment Facility;</li> </ul> </li> </ul> <p>To remove any doubt, any development application for a land use in a zone other than those listed above does not have the benefit of being able to rely on this variation approval and therefore is to be assessed against the version of the planning scheme in effect at the time the development application is made to the Council.</p>
V4.	Any development application seeking a Development Approval under this Preliminary Approval (that may or may not include a Variation Request) is to be assessed against the version of the MBRC Planning Scheme in effect when the development application is properly made, as varied by this variation. To remove any doubt, the specific variations given in this approval prevail over any future amendments to the MBRC Planning Scheme.
V5.	Any use proposed to commence operating under this Preliminary Approval as Accepted Development is to comply with the version of the planning scheme in effect on the date; <ul style="list-style-type: none"> <li>(iii) when the use commenced, or</li> <li>(iv) if a Development Permit for Building Works is required for the use to commence, when the Development Permit was given,</li> </ul>

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<b>VARIATION CONDITIONS</b>	
	as and wherever varied by this variation. To remove any doubt, the specific variations given in this approval prevail over any future amendments to the MBRC Planning Scheme.
V6.	<p>(i) Submit for approval by Council an Amended Structure Plan for the future development of the site prior to lodging any future development application under this Variation Approval. The applicant submitted Structure Plan is to be amended as follows;</p> <p>(a) Relocate the 'Road Network Connection' along Kremzow Road, west, to the intersection with Swan Parade as a signalised intersection with no mid-block left in / left out access available to Kremzow Road. A left-in, left-out access into Old North Road as proposed is permitted;</p> <p>(b) Increase the width of the 'Existing Vegetation to be Maintained' strip along the northern and eastern boundaries of a width between 30 and 50 metres as determined by expert koala management advice as per V6 (i) (b) (B);</p> <p>(A) for along the northern boundary measured from the boundary post any required land dedications and infill the vegetation corridor where heavy vehicles presently access the site; and</p> <p>(B) for along the eastern boundary measured from the existing location of the koala fence located in the Old North Road reserve.</p> <p>with the 'Existing Vegetation to be Maintained' to have a minimum total area of 3.99ha with the corridor widths along the northern and eastern boundaries of the site to be demonstrated in a Council approved Koala Management Plan prepared by a suitably qualified person on the basis of providing the best opportunities for koala movement in the long term having regard to future development on the site (eg adjacent location of roads, stormwater basins, residential lots, etc).</p> <p>(c) Remove the proposed 'Internal connection to Adjacent Development' and instead replace it with 2 others; one located at the southern end of the common boundary and the other within 100 metres of the Kremzow Road frontage.</p> <p>(ii) Any development application seeking a Development Approval under this Preliminary Approval (that may or may not include a Variation Request) is to be consistent with the Amended Structure Plan once approved by Council.</p>
V7.	<p>(i) Submit for approval by Council an Amended Landscape Concept Plan for the future development of the site prior to lodging any future development application under this Variation Approval. The applicant submitted Landscape Concept Plan is to be amended as follows;</p> <p>(a) Removing the implied mid-block road connection to Kremzow road and identifying a new connection at the Kremzow Road / Swan Parade intersection;</p> <p>(b) Identifying the width of the environmental corridors in accordance with other conditions of this approval;</p> <p>(c) Nominating the location of a fauna underpass under Kremzow Road connecting the site to the north; and</p> <p>(d) Identifying the size and shape of the Local Recreation Park required by other conditions of this development approval.</p> <p>(ii) Any development application seeking a Development Approval under this Preliminary Approval (that may or may not include a Variation Request) is to be consistent with the Amended Landscape Concept Plan once approved by Council.</p>
V8.	Ensure the part of the site included into the General Residential Zone - Next Generation Neighbourhood Precinct is developed to a maximum site density of 20 dwellings per hectare.
V9.	Any development application seeking a Development Approval under this Preliminary Approval (that may or may not include a Variation Request) for Reconfiguring a Lot is to;
	(i) be limited to a maximum of 460 lots unless agreed to otherwise by the Council in writing; and

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<b>VARIATION CONDITIONS</b>	
<ul style="list-style-type: none"> <li>(ii) include the provision of a Local Recreation Park centrally located within the development meeting the Desired Standards of Service in the Council's Local Government Infrastructure Plan (LGIP) in effect at date of lodging the Development Application with the exception that unless agreed to otherwise by the Council in writing, is to have a minimum area of 1 hectare per 1000 persons where each lot is assumed to have a population of 3.1 persons<sup>1</sup>. A minimum of 5000m<sup>2</sup> is not to be encumbered by any powerline/electrical easements; and</li> <li>(iii) incorporate open space linkages having an approximate width of between 30 and 50metres conducive to creating a koala connection from the north of the site to the south; and</li> <li>(iv) provide for an upgrade to the following external road intersections as a minimum and necessary to mitigate the impacts of the development;               <ul style="list-style-type: none"> <li>(a) Old NorthRoad / Lavarach Road;</li> <li>(b) Old North Road / Kremzow Road;</li> <li>(c) Kremzow Road / Leitches Road;</li> <li>(d) Kremzow Road / Doherty Street.</li> </ul> <p>The exact nature of the upgrades required, and whether other intersections also need to be upgraded, will be determined with any future development application for Reconfiguring a Lot supported by an amended and approved by Council Integrated Transport Assessment; and</p> </li> <li>(v) include a Fauna Movement Infrastructure Plan to reduce potential impacts on native fauna prepared by a suitably qualified person that contains at least the following information;               <ul style="list-style-type: none"> <li>(a) Detailed designs of a fauna underpass in the north eastern part of the site under Kremzow Road to connect environmental corridors on the subject site with vegetated corridors to the north; and</li> <li>(b) Detailed designs for fauna movement infrastructure throughout the site and linking wildlife corridors with vegetation north of Kremzow Road (i.e. signage, fauna exclusion fencing, etc; and</li> <li>(c) Educational signage to identify the ecological values of the site and the protection of the Environmental Management and Conservation Zone in the south of the site; and</li> </ul> </li> <li>(vi) include an Ecological Restoration Plan for degraded areas of the Environmental Management and Conservation Zone, Limited Development Zone and the environmental corridors along the northern and eastern boundaries of the site. The plan must be prepared by a suitably qualified person and in accordance with the Council's Planning Scheme Policy - Environmental Areas and Corridors in effect at the time of lodgement; and</li> <li>(vii) include a notice of election for any proposed offsets as required by section 18 of the <i>Environmental Offsets Act 2014</i>; and</li> <li>(viii) ensure any bus route provided through the development is efficient and not overly circuitous; and</li> <li>(ix) have the first stage of the development accessed from the 4<sup>th</sup> leg of the Kremzow Road / Swan Parade intersection; and</li> </ul>	<p><sup>1</sup>The value of 3.1 is taken from 2016 census for the suburb of Warner.</p>

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VARIATION CONDITIONS	
	<p>(x) include the transfer to the Council in fee simple on trust for open space purposes all land;</p> <p>(a) approved to be located in the Recreation and Open Space Zone, Limited Development Zone and the Environmental Management and Conservation Zone; and</p> <p>(b) located along the northern and eastern boundaries of the site required by other conditions of this development approval to be preserved as an environmental corridor; and</p> <p>(xi) provide for the filling of the western part of the site to a minimum height of RL52m; and</p> <p>(xii) be supported by an updated Integrated Transport Assessment that will confirm;</p> <p>(a) external works upgrades;</p> <p>(b) intersection designs;</p> <p>(c) any additional land required to be dedicated as road reserve to accommodate intersection turn treatments, stormwater drainage and earthwork batters; and</p> <p>(xiii) not rely on stormwater drainage works being carried out in the part of the site included into the Environmental Management and Conservation Zone or Limited Development Zone as identified in the applicants stormwater study submitted with the development application unless the works are done using thrust boring under vegetation and do not rely on the clearing of any NJKHT's at the outlet.</p>
V10.	To ensure there is safe and efficient vehicular access to the site, it has been determined that it is necessary for some vegetation to be removed at the 4 <sup>th</sup> leg of the Kremzow Road / Swan Parade intersection where it enters into the site. This is authorised to occur as linear infrastructure under the <i>Planning Regulation 2017, Schedule 11, Part 2, section 4</i> as stated in the version of the regulation in effect when this development application was properly made.
V11.	Dedicate land along the frontage of the site to Kremzow Road as road reserve as shown on Drawing 'MBRC Drawing DA/36991/2018/V2L - Road Dedication Requirements - 2 June 2020' with the new 4 <sup>th</sup> leg of the Kremzow Road / Swan Parade intersection extending at the same width for a minimum distance of 100 metres from the existing property boundary prior to lodging with the Council any development application seeking a Development Permit for Reconfiguring a Lot or Material Change of Use.

- c) Provide all external Referral Agencies for the development application with a copy of the Council's Decision Notice; and
- d) 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 A(i) and A(ii), which is to include the information in the decision notice contained in Annexure C to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons; and
- e) 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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**B. That the conditions of approval include:**

- a) **The requirement for a Koala underpass under the future Swann Parade intersection extension to (south of Kremzow Road) and to enable East-West passage of Koalas along the Kremzow Rd frontage and also for additional underpass at the left-in entry off Old North Road; and**
- b) **The inclusion of suitable Koala management infrastructure in a future Koala management plan to enable the movement and safety of koalas across the power easements through the proposed estate.**

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**OFFICER'S RECOMMENDATION**

That Council, in accordance with the *Planning Act 2016*:

- (i) Approve the development application for a Preliminary Approval for a Material Change of Use for Dwelling House, Dual Occupancy, Home Based Business, Environment Facility, Major Electricity Infrastructure, Market, Outdoor Sport and Recreation, Park, Shop, Substation, Sales Office, Telecommunications Facility, Theatre, Tourist Attraction and Utility Installation at 107 to 109 Kremzow Road, Brendale described as Lot 3 SP174984 and Lot 4 SP174985, subject to the Conditions contained in **Annexure A** to this report; and
- (ii) Approve the Variation Request to vary the effect of the MBRC Planning Scheme in the manner specified in **Annexure B** to this report; and
- (iii) Provide all external Referral Agencies for the development application with a copy of the Council's Decision Notice; and
- (iv) 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 A(i) and A(ii), which is to include the information in the decision notice contained in **Annexure C** to this report; and to publish to the Council website the Council report for this application as part of the statement of reasons; and
- (v) 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.

**REPORT DETAIL**

**1. Background**

The Site is, in the vast majority, located in the Industry Zone - Light Industry Precinct and Mixed Industry and Business Precinct with a small portion of the Site included in the Limited Development Zone as shown below in Figure 1.

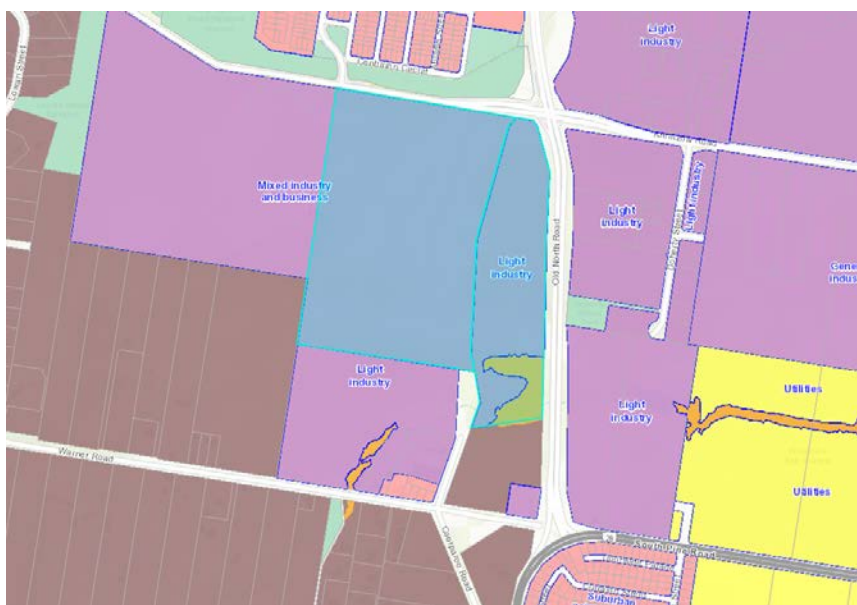


Figure 1: Zoning



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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 and 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.

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 (refer Figure 2).

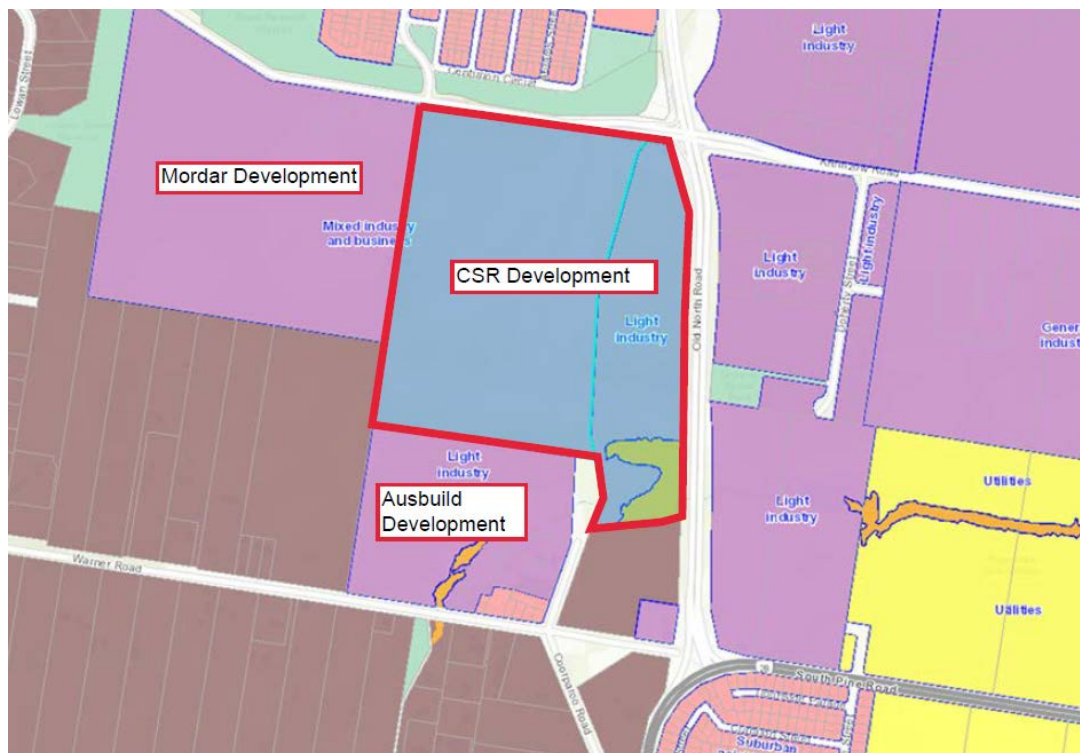


Figure 2: Context Plan

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**2. Proposal**

This application lodged by CSR (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 a variety of uses on the Site. In order to achieve the various uses on Site, this application seeks a Preliminary Approval for a Material Change of Use for Dwelling House, Dual Occupancy, Home Based Business, Environment Facility, Major Electricity Infrastructure, Market, Outdoor Sport and Recreation, Park, Shop, Substation, Sales Office, Telecommunications Facility, Theatre, Tourist Attraction and Utility Installation and contains a variation request to vary the effect of the MBRC Planning Scheme to include the land into the General Residential Zone - Next Generation Neighbourhood Precinct, Limited Development Zone, Environmental Management and Conservation Zone and Recreation and Open Space Zone as shown in Figure 3 below.

The land uses predominantly sought by the applicant are the Dwelling House, Dual Occupancy, Home Based Business and Sales Office land uses for the part of the site proposed to be located in the General Residential Zone - Next Generation Neighbourhood Precinct. The other land uses have been included by the applicant in the context that they are land uses already occurring on the land (and proposed to continue) or allowed for in the different zones under the MBRC Planning Scheme in limited instances. While not clearly articulated by the applicant in its development application the other uses and their context is set out below.

Land Use and definition	Example of land Use	Suitability
<p><b>Environment Facility:</b></p> <p><i>Facilities used for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value.</i></p>	<p>Nature-based attractions, walking tracks, seating, shelters, boardwalks, observation decks, bird hides.</p>	<p>A use suited to occurring in the proposed Environmental Management and Conservation zone and the Limited Development Zone.</p>
<p><b>Major Electricity Infrastructure:</b></p> <p><i>All aspects of development for either the transmission grid or electricity supply networks as defined under the Electricity Act 1994.</i></p> <p><i>The use may include ancillary telecommunication facilities.</i></p>	<p>Powerlines greater than 66kV.</p>	<p>Recognises the 110kV Energex powerlines already traversing the site that will remain.</p>
<p><b>Market:</b></p> <p><i>Premises used for the sale of goods to the public on a regular basis, where goods are primarily sold from temporary structures such as stalls, booths or trestle tables.</i></p> <p><i>The use may include entertainment provided for the enjoyment of customers.</i></p>	<p>Flea market, farmers market, car boot sales.</p>	<p>A use that is in the current MBRC Planning Scheme contemplated in the Recreation and Open Space Zone and in the General Residential Zone - Next Generation Precinct contemplated when for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development' of the planning scheme.</p>
<p><b>Outdoor Sport and Recreation:</b></p> <p><i>Premises used for a recreation or sport activity that is carried on outside a building and requires areas of open space and may include ancillary works necessary for safety and sustainability.</i></p> <p><i>The use may include ancillary food and drink outlet(s) and the provision</i></p>	<p>Driving range, golf course, swimming pool, tennis courts, football ground, cricket oval, radio-controlled and control line model craft activities, Woodfordia event</p>	

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Land Use and definition	Example of land Use	Suitability
<i>of ancillary facilities or amenities conducted indoors such as changing rooms and storage facilities.</i>		
<p><b>Park:</b></p> <p><i>Premises accessible to the public generally for free sport, recreation and leisure, and may be used for community events or other community activities.</i></p> <p><i>Facilities may include children's playground equipment, informal sports fields and ancillary vehicle parking and other public conveniences.</i></p>	Urban common	A use suited to occurring in the Recreation and Open Space Zone and the General Residential Zone - Next Generation Precinct.
<p><b>Shop:</b></p> <p><i>Premises used for the display, sale or hire of goods or the provision of personal services or betting to the public.</i></p>	Hairdresser, liquor store, department store, discount department store, discount variety stores, betting agencies, supermarket, corner store	A use that is in the current MBRC Planning Scheme contemplated when complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development' of the planning scheme in the General Residential Zone - Next Generation Precinct and the Recreation and Open Space Zone and also a temporary use in the General Residential Zone - Next Generation Precinct.
<p><b>Substation:</b></p> <p><i>Premises forming part of a transmission grid or supply network under the Electricity Act 1994, and used for:</i></p> <ul style="list-style-type: none"> <li>• <i>converting or transforming electrical energy from one voltage to another;</i></li> <li>• <i>regulating voltage in an electrical circuit controlling electrical circuits;</i></li> <li>• <i>switching electrical current between circuits;</i></li> <li>• <i>a switchyard;</i></li> <li>• <i>communication facilities for "operating works" as defined under the Electricity Act 1994 or for workforce operational and safety communications.</i></li> </ul>	Substations, switching yards	A use that is in the current MBRC Planning Scheme contemplated in the Recreation and Open Space Zone and in the General Residential Zone - Next Generation Precinct when complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development' of the planning scheme.
<p><b>Telecommunications Facility:</b></p> <p><i>Premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled.</i></p>	Telecommunication tower, broadcasting station, television station	

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Land Use and definition	Example of land Use	Suitability
<p><b>Theatre:</b></p> <p><i>Premises used for presenting movies, live entertainment or music to the public and may include provision of food and liquor for consumption on the site.</i></p> <p><i>The use may include the production of film or music, including associated ancillary facilities, which are associated with the production, such as sound stages, wardrobe and laundry facilities, makeup facilities, set construction workshops, editing and post-production facilities.</i></p>	<p>Cinema, movie house, concert hall, dance hall, film studio, music recording studio</p>	<p>A use that is in the current MBRC Planning Scheme contemplated in the Recreation and Open Space Zone and in the General Residential Zone - Next Generation Precinct contemplated when for a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development' of the planning scheme.</p>
<p><b>Tourist Attraction:</b></p> <p><i>Premises used for providing on-site entertainment, recreation or similar facilities for the general public.</i></p> <p><i>The use may include provision of food and drink for consumption on site.</i></p>	<p>Theme park, zoo</p>	<p>A use that is in the current MBRC Planning Scheme contemplated when complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development' of the planning scheme in the General Residential Zone - Next Generation Precinct and the Recreation and Open Space Zone and also a temporary use in the General Residential Zone - Next Generation Precinct.</p>
<p><b>Utility Installation:</b></p> <p><i>Premises used to provide the public with the following services:</i></p> <ul style="list-style-type: none"> <li>• <i>supply or treatment of water, hydraulic power or gas;</i></li> <li>• <i>sewerage, drainage or stormwater services;</i></li> <li>• <i>transport services including road, rail or water;</i></li> <li>• <i>waste management facilities;</i></li> <li>• <i>network infrastructure.</i></li> </ul> <p><i>The use includes maintenance and storage depots and other facilities for the operation of the use.</i></p>	<p>Sewerage treatment plant, mail depot, pumping station, water treatment plant.</p>	<p>A use that is in the current MBRC Planning Scheme contemplated in the Recreation and Open Space Zone and in the General Residential Zone - Next Generation Precinct when complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development' of the planning scheme.</p>

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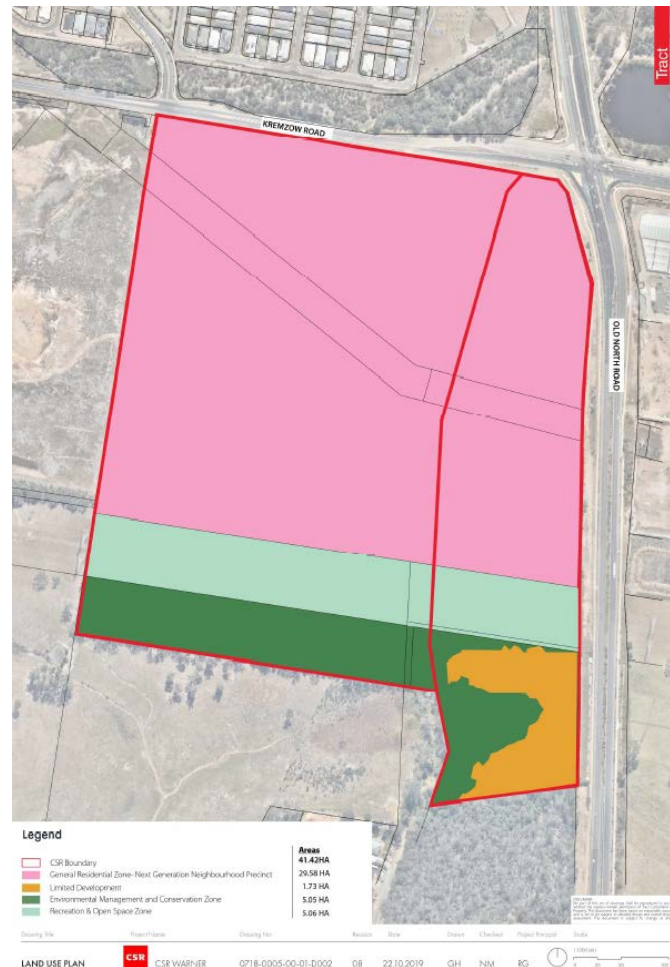


Figure 3: Proposed Land Use Plan

In addition, 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 3.3.2.2 of this Report:

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

The effect of the proposed variations to each overlay is essentially to remove all applicable natural feature overlays from the site and to reduce the maximum building height to 8.5m instead of 12m.

The application anticipates development of the proposed General Residential Zone - Next Generation Neighbourhood Precinct being done at a maximum density of 20 lots per hectare that could deliver up to 460 lots / Dwelling Houses or housing for 1426 persons (based on an average occupancy in Warner of 3.1 persons per dwelling). In support of the development application the applicant has also proposed a Structure Plan and Landscape Concept Plan to establish and give direction on how the land will be developed, at a strategic level in the future as shown in Figure 4 below;



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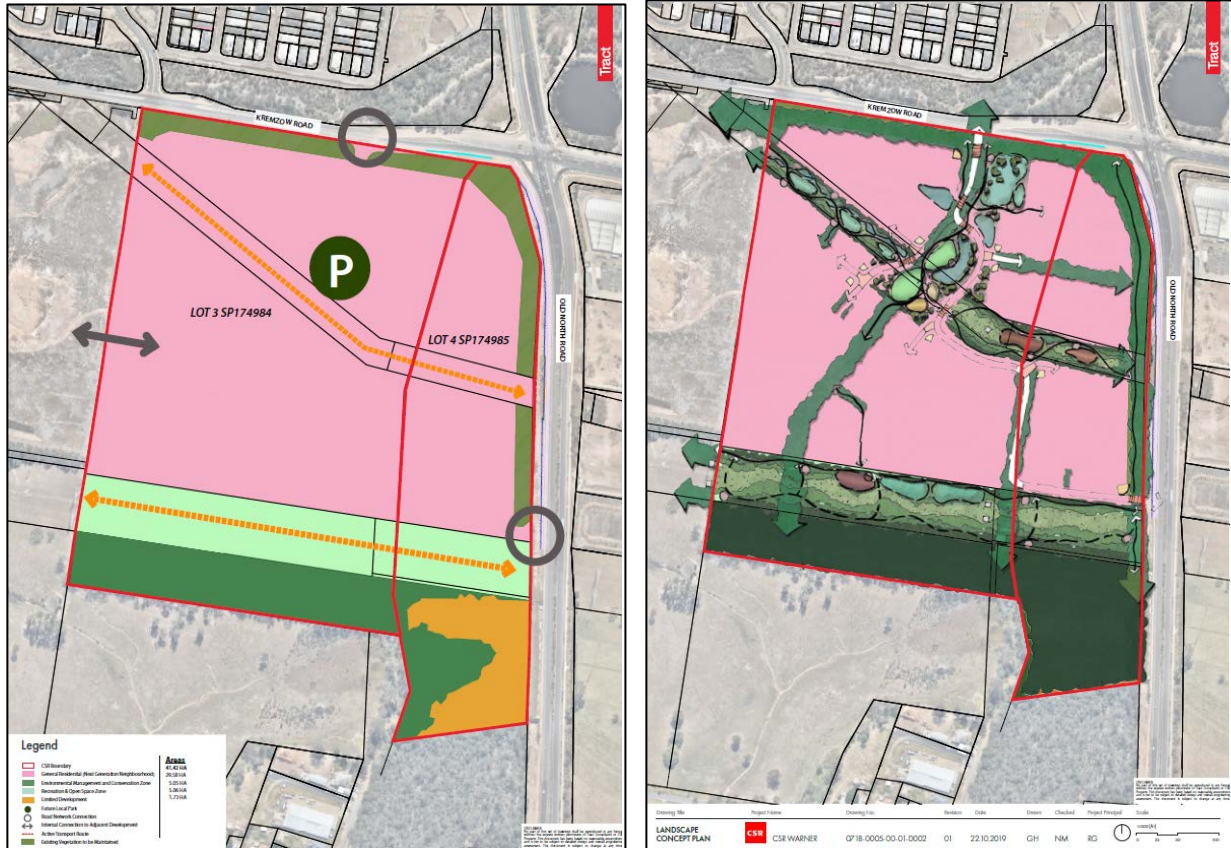


Figure 4: Proposed Structure Plan and Proposed Landscape Concept Plan

3. Explanation of Item

3.1 Description of the Site and Surrounds

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

- Rural and limited industrial type uses to the south;
- Former extractive resources to the west (Mordar Investments);
- Warner Lakes residential estates to the north; and
- The greater Brendale Industrial Area to the 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.

Directions	Planning Scheme Zone	Current Land Use
North	General Residential - Next Generation Neighbourhood Precinct	Warner Lakes
South	Industry - Light Industry	Vacant site / Rural Residential
East	Industry - Light Industry	Light Industry
West	Industry - Mixed Industry and Business	Former industry

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3.2 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

<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>

3.2.1 *State Planning Policy*

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

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development is located, designed, constructed and operated to avoid or minimize	The nature of the application in seeking a Preliminary Approval for land uses and a variation to

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	<p>adverse impacts on environmental values arising from</p> <ul style="list-style-type: none"> <li>(a) altered stormwater quality and hydrology</li> <li>(b) waste water</li> <li>(c) the creation or expansion of non-tidal artificial waterways</li> <li>(d) the release and mobilization of nutrients and sediments.</li> </ul> <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>the planning scheme cannot address this issue at this time that will instead be addressed with any future application seeking a Development Permit for Reconfiguring a Lot.</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> <ul style="list-style-type: none"> <li>(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:                             <ul style="list-style-type: none"> <li>(a) coastal dependent development; or</li> <li>(b) temporary, readily relocatable or able to be abandoned development; or</li> <li>(c) essential community infrastructure; or</li> <li>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</li> </ul> </li> <li>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</li> </ul> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <ul style="list-style-type: none"> <li>(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</li> </ul>	<p>The variation is seeking to give effect to an updated Bushfire Hazard Overlay map and Landslide Hazard Overlay map. As discussed in greater detail in the environmental planning comments in section 3.6.1.2 of this Report, the proposed bushfire and landslide hazard overlay mapping is not supported as currently presented and will require amendment as a recommended condition of approval.</p> <p>Accordingly, the proposal has been determined to comply subject to the application of the amended conditions of approval.</p>



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	<p>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>	
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

3.2.2 *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.

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

Refer to section 3.6.1.2 of this report for the assessment against the Regulation.

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

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

3.3.1 *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.

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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 Enterprise and Employment Area 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 is discussed as follows:

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>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>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>The level of water and energy consumption will be reduced by:</li> </ol>	<p><b>Yes</b></p>	<p>The proposal seeks a Material Change of Use - Preliminary Approval for various land uses and a Variation to the planning scheme to apply different zones to the land. Accordingly, there is no specific building design elements to the proposal submitted.</p> <p>The following items of infrastructure are required to be upgraded / provided as part of the development in the future with varying timings of delivery:</p> <ul style="list-style-type: none"> <li>Land transferred to the community to improve environmental values and corridors, particularly with respect to Koala's;</li> <li>A Local Recreation Park;</li> <li>Left in Left out intersection on Old North Road;</li> <li>a future bus route is required to be designed and constructed including a connection between any site access on Kremzow Road and Old North Road.</li> <li>All movements intersection on Kremzow Road at Swann parade intersection.</li> </ul>

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Strategic Outcome	Comply	Assessment
<p>a. encouraging the use of climate smart initiatives;</p> <p>b. implementing the Moreton Bay Regional Council's Total Water Cycle Management Plan; and</p> <p>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</p> <p>4. Development outcomes are focused on creating multiple benefits to the community, the economy and the environment.</p>		<p>The infrastructure items are delivered to minimise land consumption and service costs, which in turn, will improve the design of the new development.</p> <p>The development outcomes will result in a future developer lodging a development application seeking a development permit that will assist in the delivery of affordable residential housing to help meet the housing needs of the community while also providing rehabilitated / revegetated land to the community for environmental purpose.</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> <p>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;</p> <p>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;</p> <p>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;</p> <p>4. Improve energy efficiency through siting, design, construction and use of demand management technologies to reduce greenhouse gas emissions from electricity use;</p> <p>5. Increase the local provision of renewable energy and low emission technology in appropriate locations;</p>	<p><b>Yes</b></p>	<p>The development is creating a recreation and open space zone (of 5.06 Ha) along the powerline easement in the south of the site, intended to form one of the primary active transport routes for the development including bike and foot paths. This portion of the site is currently zoned as Industry under the MBRC Planning Scheme and therefore the proposed development reflects the principals of reducing greenhouse gas emissions by providing an opportunity where active transport infrastructure can be provided.</p> <p>Similarly, the proposal will designate 5.05ha as Environmental Management and Conservation Zone, which when compared to the currently zoned Industry zoned land, will result in a reduction of greenhouse gas emissions.</p> <p>A requirement of the SARA's response is to that a future bus route be designed and constructed including a connection between any site access on Kremzow Road and Old North Road.</p> <p>In summary, the proposal is in alignment with the outcome where a detailed assessment can occur in the future when any Development Permit is sought.</p>

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Strategic Outcome	Comply	Assessment
<p>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</p> <p>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.</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><u>Specific Outcomes</u></p> <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><b>Yes</b></p>	<p>The two critical natural hazards applicable to the Site are bushfire and landslide, the overlay maps for both of which are proposed to be varied as part of this application.</p> <p>A condition of approval is to amend the proposed Bushfire Hazard Overlay map to align with the vegetation which will be retained / provided as a part of this approval.</p> <p>The proposed Landslide Hazard Overlay map is recommended for approval. The site has been an operating mine for a number of years. It is a reasonable conclusion that the mapping undertaken as part of the MBRC Planning Scheme 2016 would have therefore mapped a more natural topography that is subject to rapid and lawful change as a result of the mining operations and does not represent what is currently on site that is now predominantly flat.</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></p>	<p><b>Yes</b></p>	<p>The proposed development responds to oil supply vulnerability by providing the opportunity for active transport infrastructure in future development and being located in an area in close proximity to commercial and employment centres, schools and the like.</p>

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Strategic Outcome	Comply	Assessment
<p>Manage risks and reduce impacts on people, economic sectors and areas from the effects of oil supply vulnerability by:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b. ensuring transport infrastructure and service investment actively reduces oil dependence, particularly for trips that could be undertaken by public or active transport; and</li> <li>c. reducing the length of trips and dependence on oil by localising access to goods, services and employment opportunities.</li> </ul>		<p>A requirement of the SARA's response, a future bus route is required to be designed and constructed including a connection between any site access on Kremzow Road and Old North Road.</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> <ul 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> </ul>	<p><b>Yes</b></p>	<p>As part of the Variation to the MBRC Planning Scheme, an area of 5.05ha is proposed to be zoned Environmental and Conservation Zone, whilst an additional 5.06ha is proposed to be zoned Recreation and Open Space Zone.</p> <p>Given the proposed uses and nature of this application, no Noise Impact Assessment was required as it is expected that noise pollution as a result of the any future development application for a use 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>
<p><b>Theme - Natural Environment and Landscape</b></p>		
<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> <ul style="list-style-type: none"> <li>1. The Region's current network of protected areas will be conserved and expanded to achieve viable</li> </ul>	<p><b>Yes</b></p>	<p>As part of the Variation to the MBRC Planning Scheme, an area of 5.05ha is proposed to be zoned Environmental and Conservation Zone, whilst an additional 5.06ha is proposed to be zoned Recreation and Open Space Zone.</p> <p>All vegetation corridors within the site are required to have a minimum width of 50m. In addition, 50m densely vegetated corridors are required along the full extent of the site along Kremzow Road and Old North Road. Further still, a</p>

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Strategic Outcome	Comply	Assessment
<p>representations of all the Region's currently identified and future regional ecosystems to ensure biodiversity resilience and ongoing provision of ecosystem services;</p> <p>2. Ecological connectivity to improve ecological robustness and resilience to changing weather patterns and other threats will be maintained and 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>Comply</p>	<p>provision of a fauna underpass under Kremzow Road, linking existing and proposed wildlife corridors with vegetation north of Kremzow Road.</p> <p>The development if approved, provides the framework in which any future Development Permit compliant with the Planning Scheme would be consistent with these Strategic Outcomes.</p>

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Strategic Outcome	Comply	Assessment
<p><i>Koala population viability within the Moreton Bay Region will be maintained and improved.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>1. Strategic koala habitat networks will be conserved and expanded to ensure strong and safe habitat and linkages for koalas across our Region;</li> <li>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</li> <li>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.</li> </ol>	<p>Yes</p>	
<p><b>Theme - Strong Communities</b></p>		
<p><i>Utilise the principles of urban design to promote healthy and safe communities.</i></p> <p><u>Specific Outcomes</u></p> <ol style="list-style-type: none"> <li>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;</li> <li>2. Development and provision of infrastructure will help to deliver a healthy and safe built environment, encouraging healthy lifestyle choices;</li> <li>3. Appropriate consideration of social needs will occur for major new development; and</li> </ol>	<p>Yes</p>	<p>No built form is proposed as part of this development application and therefore is compliant with this theme.</p>

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Strategic Outcome	Comply	Assessment
<p>4. Community facilities in appropriate locations will be available for emergency purposes during and after natural disasters.</p>		
<p><i>Provision of a well connected, diverse and accessible public open space network.</i></p> <p><u>Specific Outcomes</u></p> <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><b>Yes</b></p>	<p>Due to the nature of the development application being a Variation and Preliminary Approval, specific requirements of the applicant in providing open space for future residents of the development have not been required at this stage, with the expectation that specific requirements will be conditioned as part of any future reconfiguring a lot application. Instead, higher level requirements are recommended to be applied to the requested Variation and Preliminary approval at this stage.</p> <p>A Landscape Concept Plan has been prepared and submitted to the Council to support the proposal in achieving the accessibility standards in the Council's Planning Scheme Policy.</p> <p>Given the suggested 460 dwellings to be provided as part of this development, a Local Recreation Park of approximately 1.2 - 1.4ha will be required in accordance with Council's Desired Standards of Service from within the part of the site proposed to be included into the General Residential Zone - Next Generation Neighbourhood Precinct.</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</li> </ol>	<p><b>Yes</b></p>	<p>As part of the Variation to the MBRC Planning Scheme, an area of 5.05ha is proposed to be zoned Environmental and Conservation Zone, whilst an additional 5.06ha is proposed to be zoned Recreation and Open Space Zone.</p>



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Strategic Outcome	Comply	Assessment
<p>and development of existing neighbourhoods targeted for infill and redevelopment and new walkable neighbourhoods to provide for land use efficiencies and long-term sustainability;</p> <p>3. Respond to growth in a co-ordinated manner, with place and function as a focus through the use of open space 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</p>	Yes	

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Strategic Outcome	Comply	Assessment
recreational trails, passive parkland and formal sporting facilities.		
<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> <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</li> </ol>	Yes	<p>Due to the nature of the development application being a Variation and Preliminary Approval, specific requirements of the application have not been required at this stage, with the understanding that specific requirements will be conditioned as part of any future development permit given. Instead, higher level requirements have been conditioned as part of the Variation and Preliminary approval at this stage.</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 1km 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> <p>The development if approved, provides the framework in which any future ROL development application that is compliant with the Planning Scheme would be consistent with this Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>opportunity for that land to be used for affordable housing purposes; and</p> <p>7. Appropriate 'private open space' is provided in the development of all housing products.</p>		
<b>Theme - Settlement Pattern and Urban Form</b>		
<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> <p>3. A more efficient land use and development pattern will be achieved progressively over time by:</p> <ul 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> </ul> <p>4. Ensure that new development and redevelopment in established urban areas reinforces the strengths and</p>	<p><b>Yes</b></p>	<p>The proposal provides suitable road connections to the existing road network 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, preserving a compact urban form.</p> <p>The development if approved, provides the framework in which any future development application that is compliant with the Planning Scheme would be consistent with this Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>individual character of the urban area in which the development occurs;</p> <p>5. 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 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>6. 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>7. 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>8. New industrial land uses are appropriately separated from sensitive land uses; and</p> <p>9. 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</p>	<p><b>Yes</b></p>	<p>Due to the nature of the development application being a Variation and Preliminary Approval, specific requirements of the application have not been required at this stage, with the understanding that specific requirements will be conditioned as part of any future development application. Instead, higher level requirements have been conditioned as part of the Variation and Preliminary approval at this stage.</p> <p>The application anticipates development of the proposed General Residential</p>

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Strategic Outcome	Comply	Assessment
<p>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 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</p>		<p>Zone - Next Generation Neighbourhood Precinct being done at a maximum density of 20 lots per hectare that could deliver up to 460 lots / Dwelling Houses or housing for 1426 persons (based on an average occupancy in Warner of 3.1 persons per dwelling). This proposal will therefore assist the Council in achieving its regional dwelling targets under the SEQ Regional Plan.</p> <p>The applicant has also demonstrated that all the required services and infrastructure needed to facilitate development for residential purposes is or can be made available to the Site.</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. The state SARA response has also required future development of the site to make provision for a public transport (bus) route through the site.</p> <p>The development if approved, provides the framework in which any future development application that is compliant with the Planning Scheme would be consistent with this Strategic Outcome.</p>

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Strategic Outcome	Comply	Assessment
<p>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>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</li> </ol>	<p><b>Yes</b></p>	<p>As stated above, a requirement of the SARA is that any future development of the site is designed to accommodate a public transport (bus) route through the site. In addition, 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>activity centres to encourage walking and cycling;</p> <p>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-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>Due to the nature of the development application being a Variation and Preliminary Approval, specific requirements of the applicant have not been required at this stage, with the understanding that specific requirements will be conditioned as part of any future application. Instead, higher level requirements have been conditioned as part of the Variation and Preliminary approval at this stage.</p> <p>The development if approved, provides the framework in which any future development application that is compliant with the Planning Scheme would be consistent with this Strategic Outcome.</p>
<b>Theme - Infrastructure</b>		
<p><i>Use infrastructure to support desired regional growth and help create a more</i></p>	Yes	<p>As stated above in the assessment of the proposal against other Themes, the</p>

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Strategic Outcome	Comply	Assessment
<p><i>compact urban pattern, cohesive urban and rural communities, and regional economic development.</i></p> <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>proposal will utilise existing infrastructure and provide improvements to the networks where it is needed, consistent with this Strategic Outcome.</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>	NA	
<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>	Yes	<p>The Site is affected by flooding however, the vast majority of the flood affected part of the site is located to the south of the existing, southern, powerline easement where existing vegetation exists and is proposed to be retained. There are no</p>



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Strategic Outcome	Comply	Assessment
<p><u>Specific Outcomes</u></p> <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>changes to the floodplain proposed in the development application with no development proposed or anticipated in the flood affected parts of the site. Therefore, the proposal is compliant with this Strategic Outcome.</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>NA</b></p>	<p>Not applicable at this stage and will be given consideration in future detailed development applications.</p>

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Strategic Outcome	Comply	Assessment
<b>Theme - Planning Areas</b>		
<b>Element - Strathpine planning area</b>		
<p><b>Specific Outcomes - Natural environment and landscape</b></p> <ol style="list-style-type: none"> <li>1. The planning area includes significant natural features and green infrastructure. These areas include:               <ol 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> </ol> </li> <li>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</li> <li>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.</li> </ol>	<p>Yes</p>	<p>As part of the Variation to the MBRC Planning Scheme, an area of 5.05ha is proposed to be zoned Environmental and Conservation Zone, whilst an additional 5.06ha is proposed to be zoned Recreation and Open Space Zone.</p> <p>To ensure that the environmental aspects are protected on site, a 50m densely vegetated corridor along the northern and western boundaries of the site are required to allow for a wildlife movement corridor. Further all vegetation corridors within the site are required to have a minimum width of 50m, in accordance with the locations as provided in the amended Landscape Concept Plan. Further still, future development of the site will be required to provide a fauna underpass under Kremzow Road, linking existing and proposed wildlife corridors with vegetation north of Kremzow Road.</p> <p>The development if approved, provides the framework in which any future development application that is compliant with the Planning Scheme would be consistent with these Strategic Outcomes.</p>

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Strategic Outcome	Comply	Assessment
<p><b>Specific Outcomes - Strong communities</b></p> <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> </ol>	<p>Yes</p>	<p>Due to the nature of the development application being a Variation and Preliminary Approval, specific requirements of the applicant have not been required at this stage, with the expectation that specific requirements will be required as part of any future development applications seeking a development permit. Instead, higher level requirements have been conditioned as part of the Variation and Preliminary approval at this stage.</p> <p>The development if approved, provides the framework in which any future development application that is compliant with the Planning Scheme would be consistent with this Strategic Outcome.</p> <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>6. Sites of local heritage significance are located within the planning 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>Yes</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>

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Strategic Outcome	Comply	Assessment
<b>Theme - MBRC Place Model</b>		
<b>Element - Next generation neighbourhood place type</b> that best aligns to the proposed zoning variations.		
<p><b>Specific Outcomes - Sustainability and resilience</b></p> <ol style="list-style-type: none"> <li>1. Industry and related businesses are conducted without adverse impacts on adjacent areas;</li> <li>2. Development does not cause environmental harm or nuisance;</li> <li>3. Development is oriented and designed in response to local climate conditions to conserve non-renewable energy and incorporate the use of appropriate renewable energy and low emission technologies; and</li> <li>4. New 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. A network of green areas focusing on urban design outcomes, with consideration of ecological function, provides trees for shade and visual amenity and ground covers that help manage stormwater;</li> <li>2. The retention of high value vegetation is integrated into the design of development to complement and enhance the visual amenity, character and function of the built form and maintain important ecosystem services; and</li> <li>3. High value vegetation is protected in identified environmental corridors and where possible integrated into the design of development to complement and enhance visual amenity, character, shade and assist in stormwater management.</li> </ol>	Yes	Refer to the assessment above against the Natural environment and landscape Theme.
<p><b>Specific Outcomes - Strong communities</b></p> <ol style="list-style-type: none"> <li>1. All development will contribute to the creation of a socially, visually and physically amenable work environment.</li> </ol>	Yes	Refer to the assessment above against the Strong communities Theme

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Strategic Outcome	Comply	Assessment
<p><b>Specific Outcomes - Settlement pattern and urban form</b></p> <ol style="list-style-type: none"> <li>1. This place type is an integral element of the urban structure of the Region and key areas for the creation of higher levels of local enterprise employment;</li> <li>2. The place type is primarily intended for manufacturing, engineering, transport, logistics and warehouse activities and related business activity;</li> <li>3. New Enterprise and employment activities recognise adjacent sensitive land uses and buffer the enterprise and employment activities appropriately; and</li> <li>4. Enterprise and employment areas in visually prominent locations on the major road network will present well designed facades and a high standard of landscaping to the major roads</li> </ol>	Yes	Refer to the assessment above against the Settlement pattern and urban form Theme.
<p><b>Specific Outcomes - Employment Location</b></p> <ol style="list-style-type: none"> <li>1. Enterprise and employment areas provide highly accessible locations for the co-location of existing and new industries and related businesses that manufacture, store, distribute and produce goods and services; and</li> <li>2. Enterprise and employment areas support higher levels of local employment in the Region and complement the Activity centres.</li> </ol>	Yes	Refer to the assessment above against the Employment Location Theme.
<p><b>Specific Outcomes - Integrated transport</b></p> <ol style="list-style-type: none"> <li>1. Enterprise and employment areas accommodate business and industry activities that require a high level of accessibility to the regional freight network;</li> <li>2. The transport systems in the Enterprise and employment areas provide a high level of integration between the needs of industry and business;</li> <li>3. The safe and efficient operation of the transport systems are maintained and improved in Enterprise and employment areas;</li> </ol>	Yes	Refer to the assessment above against the Integrated Transport Theme.

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Strategic Outcome	Comply	Assessment
4. Safe legible and convenient walking and cycling facilities are provided and public transport is facilitated from the dominant workforce and customer catchments to and through Enterprise and employment areas; and 5. Public transport feeder services support the Enterprise and employment place type and connect Enterprise and employment areas with adjacent neighbourhoods and transport hubs.		
<b>Specific Outcomes - Infrastructure</b> 1. The Enterprise and employment areas have the level of service of Infrastructure provision necessary to support growth and adaptation to change over time; and 2. Enterprise and employment areas have access to electricity, telecommunications and high speed broadband to support their important economic function within the Region.	Yes	Refer to the assessment above against the infrastructure Theme.
<b>Specific Outcomes - Water management</b> 1. Enterprise and employment areas are provided with adequate water, sewerage and stormwater drainage capacity; and 2. Water sensitive urban design measures are incorporated into development to protect and enhance the water quality in the Region's waterways and drinking water catchments.	Yes	Refer to the assessment above against the Water management Theme

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 Enterprise and Employment Area 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.

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

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### 3.3.2 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 the General Residential Zone - Next Generation Neighbourhood Precinct, Recreation and Open Space Zone, Limited Development Zone and Environmental Management and Conservation Zone apply to the land as well as variations to the overlay maps referred to in Section 1 has been undertaken and is discussed below.

#### **3.3.2.1 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 a Material Change of Use - Preliminary Approval for Dwelling House, Dual Occupancy, Home Based Business, Environment Facility, Major Electricity Infrastructure, Market, Outdoor Sport and Recreation, Park, Shop, Substation, Sales Office, Telecommunications Facility, Theatre, Tourist Attraction and Utility Installation. How these land uses are intended to apply to the different zones proposed as variations to the planning scheme are described in section 2 of this report and have been found to be suitable in that context.

As discussed in section 3.1 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 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 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.

#### **3.3.2.2 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, Environmental Management and Conservation Zone, Recreation and Open Space Zone and Limited Development Zone as shown on the proposal plan.

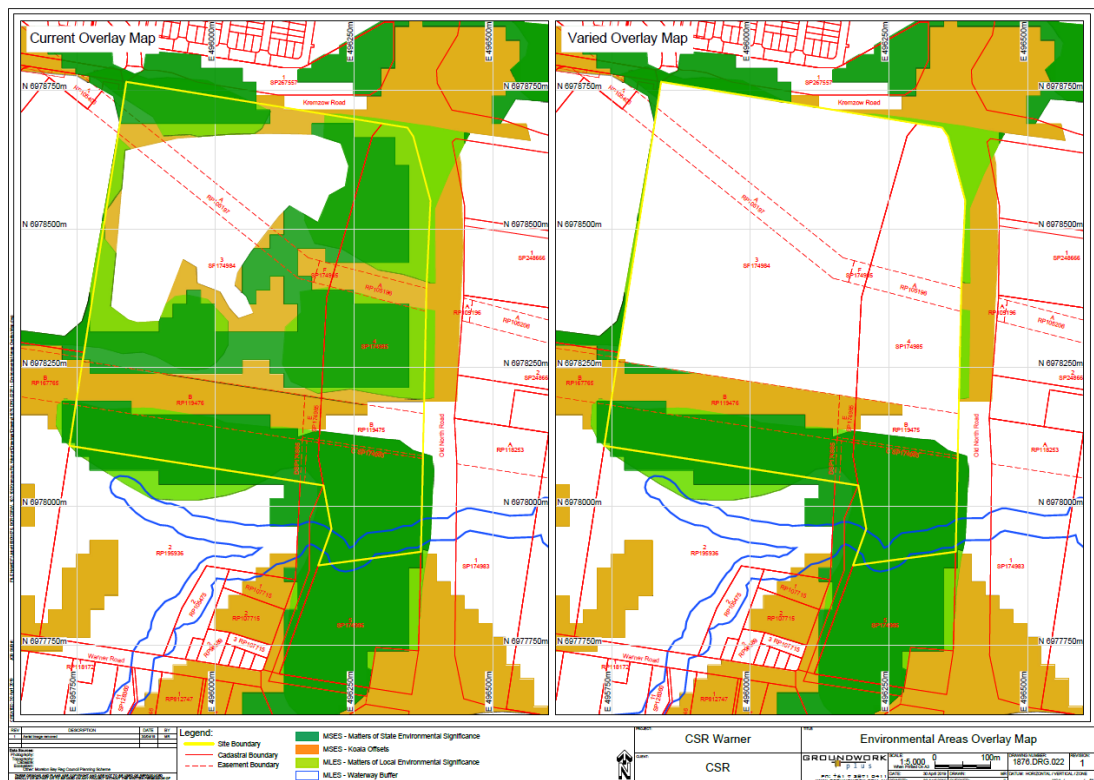
This is consistent with the rest of the MBRC Planning Scheme as they are seeking to apply the current provisions of the Planning Scheme.



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Environmental Areas Overlay

The applicant has undertaken a comparative analysis of the current Environmental Areas overlay against the proposed Environmental Areas Overlay, shown below in Figure 5;



**Figure 5: Existing Environmental Areas Overlay v Proposed Environmental Areas Overlay**

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

- areas of Matters of State Environmental Significance (MSES);
- MSES Koala Offset;
- MLES; and A single waterway to the south of the site.

The applicant seeks to apply an alternative Environmental Areas Overlay map to align with the land proposed to be included into the General Residential Zone - Next Generation Neighbourhood Precinct. The vast majority of the site has been cleared lawfully under the mining permit with remnant vegetation left in the southern part of the site and along the northern and eastern boundaries of the site.

As discussed in greater detail in the environmental planning comments in section 3.6.1.2 of this Report, the proposed environmental areas overlay mapping is not supported as currently presented and will require amendment as a recommended condition of approval.

Bushfire Hazard Overlay

The applicant has undertaken a comparative analysis of the current Bushfire Hazard Overlay against the proposed Bushfire Hazard Overlay, shown below in Figure 6;

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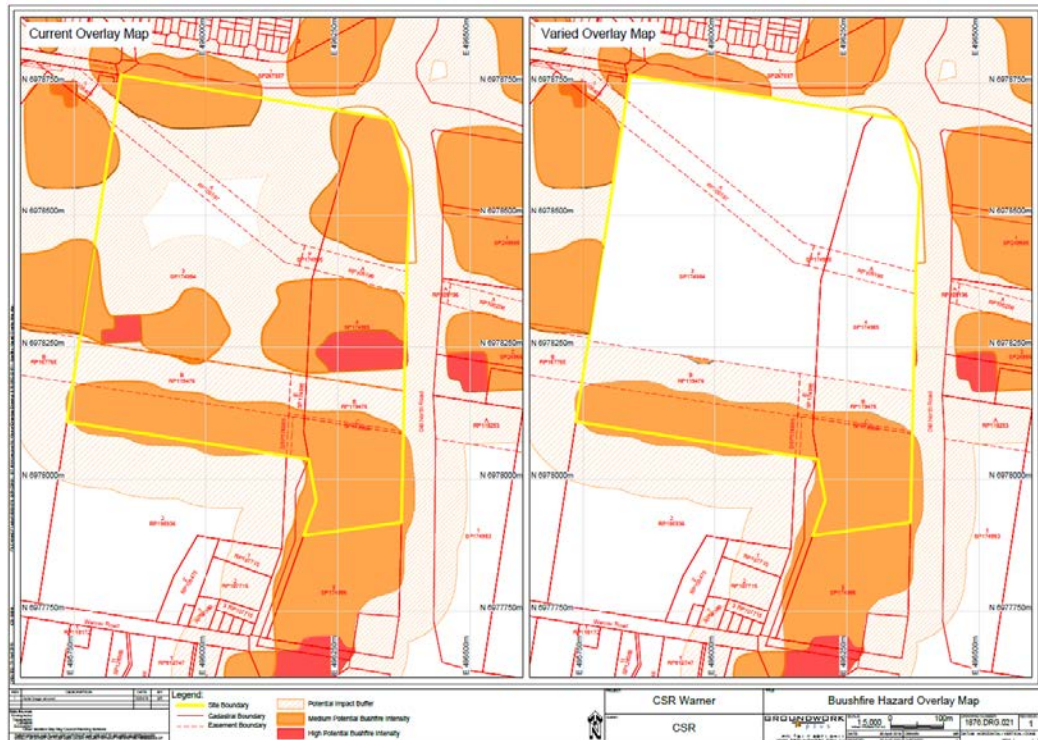


Figure 6: Existing Bushfire Hazard Overlay v Proposed Bushfire Hazard Overlay

The applicant seeks to apply an alternative Bushfire Hazard Overlay map to align with the vegetation on site.

The variation is therefore seeking to give effect to the updated Bushfire Hazard Overlay map due to sufficient technical information being provided to demonstrate that the actual vegetation on the Site is less than how it is currently mapped, and therefore the Bushfire Hazard on site is less than how it is currently mapped.

As discussed in greater detail in the environmental planning comments in section 3.6.1.2 of this Report, the proposed bushfire hazard overlay mapping is not supported as currently presented and will require amendment as a recommended condition of approval.

Environmental Offset Receiving Areas Overlay

The applicant has undertaken a comparative analysis of the current Environmental Offset Receiving Areas Overlay against the proposed Environmental Offset Receiving Areas Overlay, shown below in Figure 7;

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**Figure 7: Existing Environmental Offset Receiving Areas Overlay v Proposed Environmental Offset Receiving Areas Overlay**

The applicant seeks to apply an alternative Environmental Offset Receiving Areas Overlay map to align with the vegetation on site.

The variation is therefore seeking to give effect to the updated Environmental Offset Receiving 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.

As discussed in greater detail in the environmental planning comments in section 3.6.1.2 of this Report, the proposed Environmental Offset Receiving Areas Overlay mapping is not supported as currently presented and will require amendment as a recommended condition of approval.

Building Heights Overlay

The applicant has undertaken a comparative analysis of the current Building Heights Overlay against the proposed Building Heights Overlay, shown below in Figure 8;

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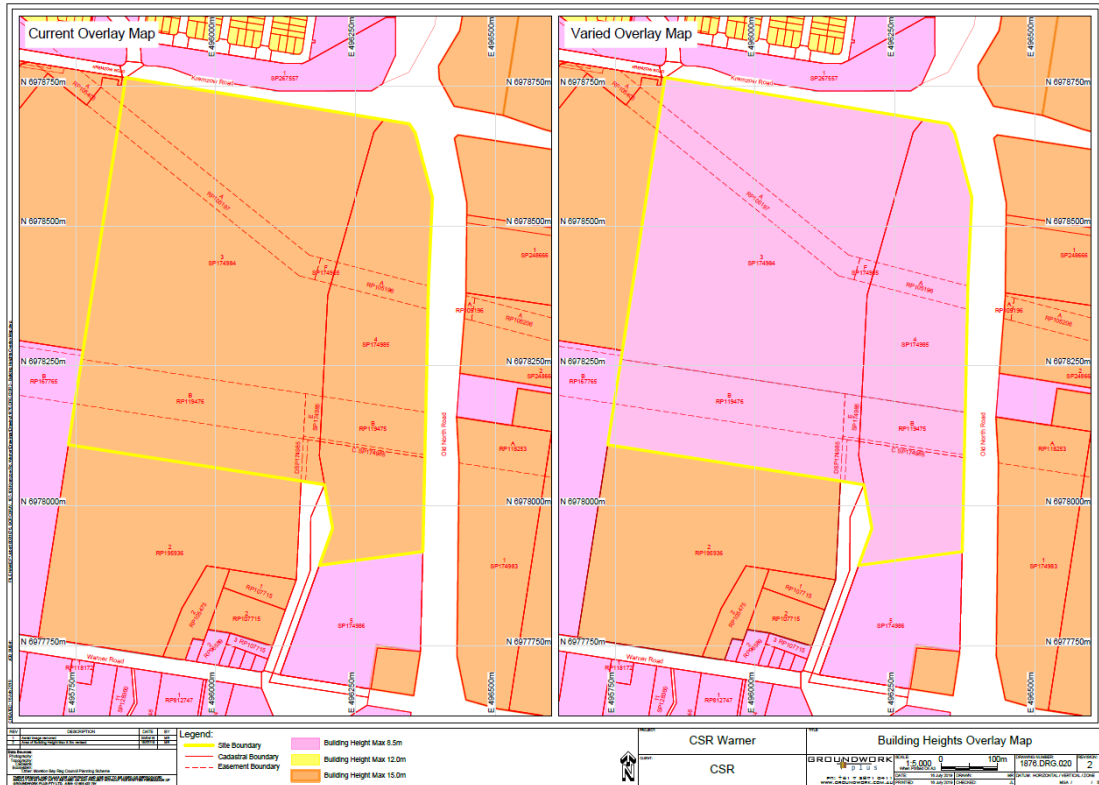


Figure 8: Existing Building Heights Overlay v Proposed Building Heights Overlay

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.

The proposed amendment to the Building Heights Overlay mapping is supported by Council officers.

Landslide Hazard Overlay

The applicant has undertaken a comparative analysis of the current Landslide Hazard Overlay against the proposed Landslide Hazard Overlay, shown below in Figure 9;



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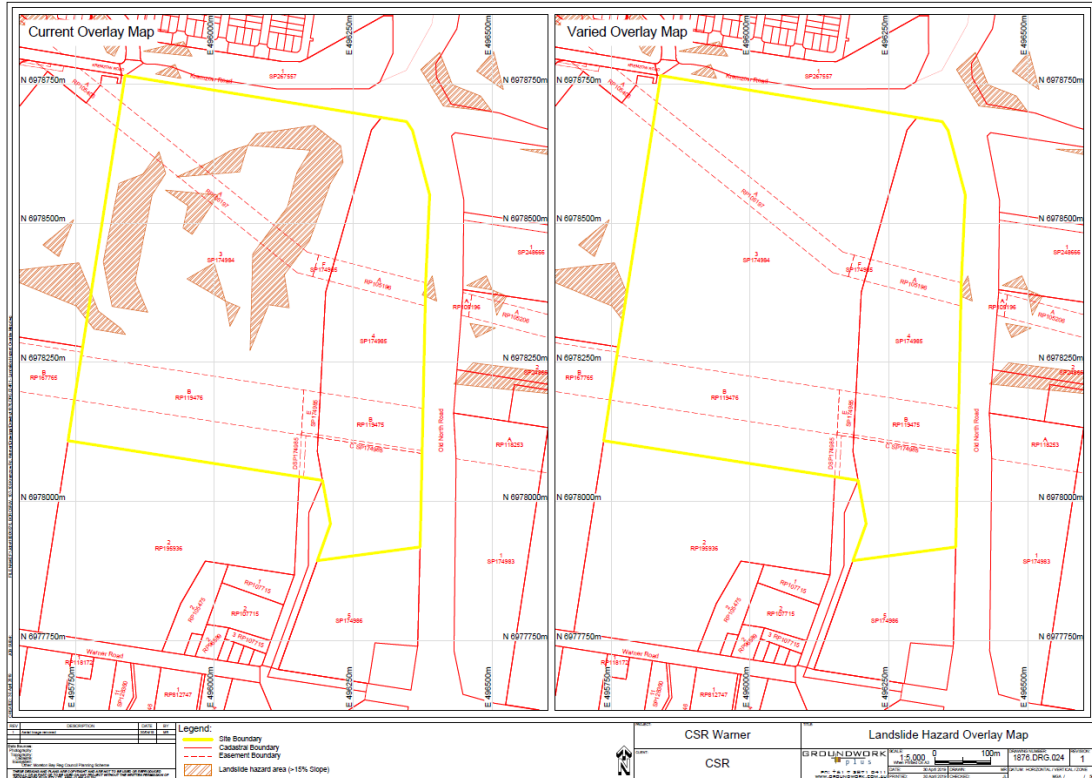


Figure 9: Landslide Hazard Overlay v Proposed Landslide Hazard Overlay

The applicant seeks to apply an alternative Landslide Hazard Overlay map to align with the current topography on site.

The variation is therefore seeking to give effect to the updated Landslide Hazard Overlay map, due to sufficient technical information being provided to demonstrate that the actual topography on the Site is flatter than how it is currently mapped.

The current overlay mapping represents what, at the time when the mapping was undertaken, was an operating mine. Therefore, the mapping does not represent what is currently on site and therefore the proposed amendment to the Building Heights Overlay mapping is supported by Council officers.

**3.3.2.3 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 for a Dwelling House 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 House, Dual Occupancy, Home Based Business, Environment Facility, Major Electricity Infrastructure, Market, Outdoor Sport and Recreation, Park, Shop, Substation, Sales Office, Telecommunications Facility, Theatre, Tourist Attraction and Utility Installation, 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. Further, a number of the uses requested already occur on the site or are able to already occur in limited / small scale circumstances as articulated in section 1.7.7.1 of the Council's Planning Scheme.

Therefore, whilst the proposed variation will remove the opportunity in the future for submissions to be made about Dwelling Houses for example, sufficient information has been provided to enable members of the public to raise those concerns in respect of those uses. While the variation will allow for example a development application to be lodged to subdivide the land into residential allotments, subdivision is code assessable and therefore not a matter the community has an opportunity to formally comment on. However, the application has stated that the proposed maximum site density would be 20 dwellings per hectare, providing certainty of the density to the community, and if approved is a recommended condition of approval.

In respect to the proposed variations to the numerous overlay maps, the effect of those variations is clear in the development application and opportunities to raise concerns now exist with members of the community. Further, the effect of these changes are inconsequential 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.

#### **3.3.2.4 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.*

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*

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- (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.

The State Assessment and Referral Agency (**SARA**) was triggered as a referral as part of the application, specifically under Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 (*Planning Regulation 2017*): Development impacting on state-transport infrastructure. The response from the SARA, in summary, stated:

- provide a future bus route through the site;
- provide a bus indent bay;
- upgrade the intersection of South Pine Road with Kremzow Road;
- upgrade the intersection of South Pine Road and Old North Road; and
- ensuring stormwater management of the development results in no worsening or actionable nuisance to the state-controlled roads.

All properly made and or accepted submissions were considered throughout the development assessment process. Notably the majority are in support of the proposal.

No existing development approval or infrastructure agreement applies to the premises.

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 3.2.2 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 3.2.1 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*.

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 component 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.

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3.3.3 Assessment of Applicable Codes

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General Residential Zone Code - Next Generation Neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO2, PO3.  Note, an assessment against PO46, PO48, PO49-51, PO52, PO53-57 has not been undertaken as part of this development application as all performance outcomes relate to specific uses which will be subject to future Material Change of Use applications in which the respective Performance Outcomes in question will be applicable and assessed where triggered as assessable development.
Environmental Management and Conservation Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
Limited Development Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
Recreation and Open Space Zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.
<b>Overlay Codes</b>		
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Nil.

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 3.3.4.



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3.3.4 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> </ul> <p>responds to the height of development on adjoining land where contained within another precinct or zone.</p>	<p><b>PO2</b> Buildings and structures have a height that:</p> <ul style="list-style-type: none"> <li>• is consistent with the low to medium rise character of the Next Generation 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> </ul> <p>responds to the height of development on adjoining land where contained within another precinct or zone.</p>
<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>PO3</b> The height of non-residential buildings does not adversely affect amenity of the area or of adjoining properties.</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 on the site being 12m reflecting its location in the Industry Zone.</p> <p>The proposed building height is consistent with the low to medium character of the Next Generation Neighbourhood Precinct and 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>	

3.3.5 Overall Outcome Assessment

Due to the nature of the development application, being a Material Change of Use - Preliminary Approval for Dwelling House, Dual Occupancy, Home Based Business, Environment Facility, Major Electricity Infrastructure, Market, Outdoor Sport and Recreation, Park, Shop, Substation, Sales Office, Telecommunications Facility, Theatre, Tourist Attraction 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, Limited Development Zone and Recreation and Open Space Zone, 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.

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<b>Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.	Yes	The proposal is for a Variation and Preliminary approval and therefore no specific site density has been provided at this time. However, a recommended condition of approval limits the site density to a maximum of 20 dw/ha and therefore complies with Overall Outcome a.
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	Upon receipt of a further development application the proposal will need to accord with the requirements of the relevant codes and therefore, on this basis, the proposal can accord with Overall Outcome b., and c.
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		
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).	NA	Not applicable.
e. The design, siting and construction of residential uses are to: (vi) contribute to an attractive streetscape with priority given to pedestrians; (vii) encourage passive surveillance of public spaces; (viii) results in privacy and residential amenity consistent with the low to medium density residential character intended for the area; (ix) provide a diverse and attractive built form;	Yes	Upon receipt of a further development application the proposal will need to accord with the requirements of the relevant codes and therefore, on this basis, the proposal can accord with Overall Outcome e.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>(x) orientate to integrate with the street and surrounding neighbourhood;</li> <li>(xi) incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>(xii) incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>(xiii) incorporate natural features and respond to site topography;</li> <li>(xiv) cater for appropriate car parking and manoeuvring areas on-site;</li> <li>(xv) be of a scale and density consistent with the low to medium density residential character intended for the area;</li> <li>(xvi) provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure;</li> <li>(xvii) ensure domestic outbuildings are subordinate in appearance and function to the dwelling.</li> </ul>		
<p>f. Home based business can only be established where the scale and intensity of the activity does not detrimentally impact upon the character and amenity associated with the surrounding area. Specifically, Home based business does not include the sale or restoration of more than 4 vehicles in any calendar year or, undertake a mechanical repairs or panel beating activity associated with a business at the subject premises.</p>	Yes	For the purpose of assessment of this development application Overall Outcome f. is noted for any future applications for home-based business uses.
<p>g. Non-residential uses in the next generation neighbourhood precinct take the form of community activities, corner stores,</p>	No	The proposal includes non residential uses that is not a community activity, corner store, neighbourhood hubs or local centres and therefore does not accord with Overall Outcome g. However some of the proposed

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
neighbourhood hubs or local centres.		uses such as Major Electricity Infrastructure (powerlines) currently exist on the site and will continue to exist on the site and are often located in parts of the General Residential Zone. Other non residential uses within the application are permitted to occur as Accepted Development in limited circumstances and those are proposed to continue. Therefore, while there might be technical non compliance with the Overall Outcome, on balance there is no material or real conflict with what the Outcome was intending.
<p>h. Community activities:</p> <p>(xviii) establish in a location that may be serviced by public transport;</p> <p>(xix) do not negatively impact adjoining residents or the streetscape;</p> <p>(xx) do not undermine the viability of existing or future centres.</p>	NA	No community activity uses proposed.
<p>i. The design, siting and construction of non-residential uses:</p> <p>(xxi) maintains a human scale, through appropriate building heights and form;</p> <p>(xxii) provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces (excluding Service stations);</p> <p>(xxiii) provides for active and passive surveillance of road frontages, movement corridors and public spaces;</p> <p>(xxiv) promotes active transport options and ensures an oversupply of car parking is not provided;</p> <p>(xxv) locates car parking so as not to dominate the street;</p> <p>(xxvi) does not result in large internalised shopping</p>	Yes	For the purpose of assessment of this development application Overall Outcome I. is noted for any future applications.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking		
<p>n. 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</li> </ul>	Yes	As discussed in more detail in later sections of this report, the application as submitted was found to be deficient in assessing its impacts on the Council's road network. Recommended conditions of approval have however been developed to mitigate those impacts. Other infrastructure networks are able to accommodate the development. Subject to the application of the recommended conditions of approval the proposal will comply with the Overall Outcome.

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Section 6.2.6.3 General residential zone code - Next generation neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
adjacent premises, the streetscape or the environment.		
o. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	Yes	This application is for a Variation and Preliminary Approval and therefore, for the purpose of this development application, is compliant with Overall Outcome o., p., & q.
p. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance		
q. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise		
u. Development in the Next generation neighbourhood precinct does not include any of the following: ... • Tourist attraction • Theatre ...	No	The proposal includes a Tourist attraction and Theatre use and therefore is not compliant with Overall Outcome u. However, these uses are only contemplated in this zone when they are a temporary use and complying with the circumstances for accepted development in Table 1.7.7.1 'Accepted development' of the planning scheme. More specifically in this instance, the uses can only occur if temporary and if they are operating under a local law approval for the prescribed activity, "operation of temporary entertainment events". Therefore, while there might be technical non compliance with the Overall Outcome, on balance there is no material or real conflict with what the Outcome was intending.
v. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone	Yes	Although Tourist attraction and Theatre uses are proposed which are inconsistent with Overall Outcome u., the other proposed land uses, subject to the recommended limitations on their application, having been considered on their merits are acceptable and comply with Overall Outcome v.

Based on the assessment above, on balance, the proposal is consistent with the Overall Outcomes of the code(s).

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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 3.8 of this report.

### 3.4 Trunk Infrastructure

In accordance with section 4 of the MBRC Planning Scheme, the Site is NOT located in the identified Priority Infrastructure Area (PIA) in the Council's Local Government Infrastructure Plan (LGIP). However, as the development application only seeks a Preliminary Approval for various land uses and a variation to the effect of the planning scheme, any development approval given does not authorise development to commence. Therefore, no Levied Charge can be applied at this time and instead would be applied in the future if any Development Permit is sought and given.

In addition, as the site and its road frontages are not included in the PIA in the LGIP, any land or works would not have the automatic benefit of an offset.

#### 3.4.1 *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) Either;
  - 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
- (b) 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 at this time however it is likely one or more additional payment conditions will be applied with any subsequent development application seeking a Development Permit.

### 3.5 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*.

### 3.6 Referrals

#### 3.6.1 *Council Referrals*

##### **3.6.1.1 Development Engineering**

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

The submitted Integrated Transport Assessment in support of the development has not been accepted or approved by Council. Modelling issues include and are not limited to;

- (a) The traffic assessment evaluation methodology,
- (b) Validation of the traffic data,
- (c) Unconfirmed traffic growth rates,



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- (d) Uncalibrated modelling,
- (e) Unmodelled alternative Kremzow Road access (Swan Parade),

Microsimulation modelling has been undertaken by Council's Integrated Transport Planning and Design Department (ITPD) to assist in the assessment of this development application and the application immediately to the west. In all modelling, no connection between Kremzow Road and Warner Road to the south has been considered that has been abandoned in the assessment of this development application and current structure planning. The impacts of the proposed developments adjacent to Kremzow Road have been modelled to establish acceptable intersection locations and configurations, that preserve the safety and efficiency of the road network.

It is recommended that development be conditioned for all future road and traffic works to be supported by an amended Integrated Transport Assessment undertaken at the time of development.

The submitted Structure Plan indicates development access (Left-in/Left-out) onto Old North Road (an arterial road) which is acceptable however the proposed access onto Kremzow Road (a sub-arterial road) is not supported by Council officers due to;

- sight line issues,
- concerns about intersection spacing to the east;
- the proposed intersection layout; and
- an unacceptable impact on the safety and efficiency of the road network in the vicinity of the site within the design horizon.

Instead, it has been identified that an acceptable northern development access can occur with the construction of the fourth leg of the existing Swan Parade/Kremzow Road intersection. It is therefore recommended that if approved, the development be conditioned to upgrade this intersection with the inclusion of traffic signals to create a safe and efficient all movements access for the development. Council officers have prepared a conceptual design of the intersection that has determined the land required to be dedicated as road reserve to create the 4<sup>th</sup> leg of the intersection that is shown below. Relevantly, this 4<sup>th</sup> leg does require land to be dedicated predominantly from the subject site but also from the adjoining Mordar development to the west. This design is also based on the use of retaining walls at the new property boundary to minimise the loss of vegetation that batters otherwise create.



Diagram 1: Land Required for Swan Parade / Kremzow Rd 4<sup>th</sup> leg.



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The applicant has identified through traffic modelling external intersections that will be impacted by the development either immediately or within the 10 year modelling horizon. The applicant identified intersections needing to be upgraded are listed below as (a)-(c) below however Council officers through the assessment of the applicant's traffic assessment and their own traffic modelling have identified a fourth intersection at a minimum that will also need to be upgraded;

- (a) Old North Road / Lavarach Road;
- (b) Old North Road / Kremzow Road;
- (c) Kremzow Road / Leitches Road;
- (d) Kremzow Road / Doherty Street.

It is recommended that the identified intersections as a minimum be conditioned for upgrades based on a revised Integrated Transport Assessment undertaken at the time of further development to mitigate the development impacts. No road connection to the south (Warner Road) has been proposed by the applicant or evaluated by Council in the assessment of this development application.

Kremzow Road is mapped as a Council sub arterial road with an existing reserve width of predominantly 20m. Council's Planning Scheme Policy for Integrated design - Appendix A lists a preferred sub arterial road reserve width of 30m to contain the listed road attributes. Due to the existing environmental constraints to the north of Kremzow Road, any additional land required will need to be provided from within the subject site along its northern boundary. While a 10 metre dedication would be required to align with the typology nominated in the PSP, the review carried out by Council officers suggests that with some reductions in the road elements (for example a 2m wide footpath instead of the nominated standard of 2.5m), it is approximated that only a 3.5m dedication is required from the subject site along the majority of its northern boundary. However, there may be additional land requirements as a result of future intersection design as well as to accommodate other infrastructure such as a 300mm diameter water main proposed by the applicant to service the development. It is therefore recommended that any development approval be conditioned to provide additional Kremzow Road reserve to a sub arterial road standard.

The upgraded Swan Parade/Kremzow Road intersection will ultimately also service future adjacent development immediately to the west. To allow this to occur, it is recommended that the development be conditioned to dedicate land to road reserve to the extent required to facilitate suitable western access in the absence of this development. The reserve dedication is to consider the layout of the ultimate intersection and extend south into the development at least 100m to provide space for the first practical internal intersection allowing an east/west connection.

#### Town Planning comment

A recognised issue with the development application relying on a 4<sup>th</sup> leg of the Kremzow Rd / Swan Parade intersection is that not all of the land required is controlled by one applicant, however approximately ¾ would be required from the subject site. This makes development of the land to the west somewhat dependent on the land from the subject site being dedicated as road reserve with construction carried out a later time by whoever decides to proceed first. To facilitate a timely dedication of land as road reserve needed to service whichever development proceeds first, it is a recommended condition of approval that the development be required to dedicate land as road reserve in advance of any future development application lodged with the Council seeking a Development Permit for Reconfiguring a Lot. It is also recommended that if the land has not been dedicated in advance of such a future application, that the application become impact assessable rather than code assessable.

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**3.6.1.1.2 Stormwater / Flooding**

The Stormwater Management Plan submitted in support of the application has been accepted as demonstrating stormwater quality and quantity measures suitable for Preliminary approval. Subsequent development applications will be required to address the stormwater treatment requirements of the Planning Scheme current at the time of application.

**3.6.1.2 Environmental Planning**

**3.6.1.2.1 Variations to Overlay Mapping**

Environmental Areas Overlay Map

The subject site is currently mapped under the Environmental Areas Overlay map with areas identified as:

- High Value MSES areas;
- MSES Koala Offsets areas;
- High Value MLES - Biodiversity Priority Areas (BPA); and
- Value Offset MLES Waterway Buffer for a W3 waterway (Conflagration Creek).

As part of the variation request the applicant has proposed to vary the Environmental Areas Overlay Map to remove all mapped areas within the part of the site proposed to have the planning scheme varied to apply the General Residential Zone instead.

Environmental Areas Overlay - Sub Component MSES and Koala Offset Areas

In giving consideration to a request to vary the effect of the MBRC Planning Scheme it is appropriate to have regard to the applicable state planning instruments. Part G, Appendix 1, Table B of the State Planning Policy 2017, provides a list of State mapping layers that must be appropriately integrated into a Planning Scheme. In giving consideration to that mapping and the proposal, consideration has been focused on the portion of the site proposed to be included into the General Residential Zone where the overlay is proposed to be varied by removing all restrictions / controls that apply to that part of the site. An image of the proposed variation to the mapping is provided above in section 3.3.2.2., Figure 5.

Existing vegetation exists along the northern and eastern boundaries of the site immediately adjacent to Kremzow Road and Old North Road. The vegetation on these boundaries continues to have environmental value consistent with the MSES or State Koala Habitat Mapping and is proposed to be retained. Therefore, it is not appropriate to remove this area (the mapping along the northern and eastern boundaries of the site) from the Environmental Areas Overlay. In contrast, internal parts of the site and the western boundary have been lawfully cleared of vegetation with no environmental values remaining. The mapping has therefore in these parts of the Site been superseded by other events and become out of date and is shown below in Figure 10. It is reasonable therefore that the Environmental Areas Overlay be amended to exclude these parts of the site. Accordingly, it is recommended that if approved, the applicant be required to submit an amended Environmental Areas Overlay Map maintaining the values within 50 meters of the frontage of the site to Kremzow Road (measured from the site boundary post any land dedications required for road widening / site access) and Old North Road (measured from the location of the existing koala fence in the road reserve).

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**Figure 10: Current Environmental Areas Overlay Map over aerial photography**

Environmental Areas Overlay - Sub Component MLES Areas

The Environmental Assessment Report (EAR) submitted by the applicant has identified vegetation along the northern and eastern boundaries of the site and in the southern part of the site south of the powerline easement as important wildlife corridors. The applicant's response to the Council's information request states that vegetation along the northern and eastern boundaries of the site will be enhanced through the provision of offset planting. Therefore, as the remaining vegetation mapped as High Value MLES is to be retained and enhanced, the requested variation to remove these areas from the Council's Environmental Areas Overlay is not supported. Similar to the MSES above, the area should extend for 50 metres from the frontage of the site to Kremzow Road (measured from the site boundary post any land dedications required for road widening / site access) and Old North Road (measured from the location of the existing koala fence in the road reserve).

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### Environmental Offset Receiving Area Overlay

The Environmental Offset Receiving Areas Overlay map represents the region's key ecological corridors that are the major pathways for wildlife and plant distribution in Moreton Bay. These areas are also Council's preferred locations for land-based and advanced offsets. It has been noted in the submitted Ecological Assessment Report (EAR) that the existing vegetation along the northern and eastern boundaries of the site, as well as the vegetation in the southern part of the site south of the powerlines is currently being utilised as a wildlife movement corridor for Koala's (a priority species of the Moreton Bay Region). However, as shown above in section 3.3.2.2 Figure 7 of this report, the applicant has proposed to remove all of the parts of the site proposed to be varied by applying the General Residential Zone from the Environmental Offset Receiving Area Overlay.

The applicant has stated that offset replanting would be located in disturbed areas within the vegetation buffer that exists along the northern and eastern boundaries of the site, the Council's road reserve along Old North Road (between the site boundary and koala exclusion fencing) and the conservation and open space zones at a ratio of 3:1.

As the retained vegetation within the northern and eastern boundaries is currently being utilised as a wildlife corridor by priority species and will be used as Environmental Offset Receiving Areas, the Overlay map should reflect this. Internal to the site and outside of these corridors, it is appropriate that the Overlay map be amended to exclude these areas. Therefore, the variation as proposed by the applicant is not supported or agreed with and it is recommended that any approval given require an amended Environmental Offset Receiving Area Overlay be submitted with the area maintained as an offset receiving area extending for 50 metres from the frontage of the site to Kremzow Road (measured from the site boundary post any land dedications required for road widening / site access) and Old North Road (measured from the location of the existing koala fence in the road reserve).

### Bushfire Hazard Overlay

The applicant has proposed to remove all of the parts of the site proposed to be varied by applying the General Residential Zone from the Bushfire Hazard Overlay Map as reflecting areas of the site that no longer have a potential bushfire risk. As mentioned in the applicant's response to the Council's information request, vegetation along the northern and eastern boundaries of the site will be retained and enhanced. Therefore, the Bushfire Hazard Overlay map should reflect these statements and retained/enhanced vegetation on the site as a fire source. Therefore, the variation as proposed by the applicant is not supported or agreed with and it is recommended that any approval given require an amended Bushfire Hazard Area Overlay be submitted with the area maintained as a medium bushfire hazard extending for 50 metres from the frontage of the site to Kremzow Road (measured from the site boundary post any land dedications required for road widening / site access) and Old North Road (measured from the location of the existing koala fence in the road reserve).

#### **3.6.1.2.2 Koala Habitat Assessment**

As the proposed development application was submitted before the 7th February 2020, the proposed development is to be assessed under the mapping and legislation in effect prior to that date.

The subject site is wholly located within a Priority Koala Assessable Development Area (PKADA) and is mapped as containing areas of High and Medium Value Bushland Habitat, as well as High, Medium and Low Value Rehabilitation Areas. Therefore, the proposed development has been assessed against Schedule 11, Part 2, Section 6 of the *Planning Regulation 2017* as in effect at the date of lodgement.

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As shown in Figures 11, 12 and 13 below, Koalas are known to traverse the site along its northern and eastern site boundaries. As shown on the proposed Structure Plan in Figure 4 above, the applicant is seeking approval for vehicular access into the site to occur mid block along the frontage of the site to Kremzow Road at the location where heavy vehicles currently enter into the site. Information submitted with the development application clearly identifies access at this location will require additional works and vegetation clearing creating a larger break in the environmental corridor along the northern site boundary which is not preferred.

Internal consultation with Council's Development Engineers and Traffic and Transport Planners as stated in section 3.6.1.1 of this report above confirms that vehicular access into the site at this location has not been demonstrated and has both potential impacts on road safety and road network efficiency / function. Instead, an appropriate location has been identified at the western edge of the site by creating a 4 way intersection with Swan Parade. In addition, based on future traffic along the Kremzow Road frontage of the site, Council's Traffic and Transport Planners have identified that road widening of Kremzow Road will be required. In both locations, some clearing of vegetation will be necessary not dissimilar to what would be required with the applicant's proposal. These road network connections and upgrades have been identified as necessary for the future development of the area and would therefore represent linear infrastructure. As such, where the required development for transport and linear infrastructure has been identified, the development has also been assessed under Schedule 11, Part 2, Section 4.

Assessment benchmarks under Schedule 11, Part 2, Section 6 requires that the development provides, to the greatest extent practicable, safe koala movement measures that are appropriate for—

- the development; and
- the habitat connectivity value of the premises.

Where vegetation clearing is permitted to occur, it also provides for the application of clearing requirements to allow for koalas to move from the area being cleared without human intervention.

It is acknowledged that the extent of Koala Habitat mapping over the site has not been updated to match the values on-ground, with a large portion of the mapping not containing Non-Juvenile Koala Habitat Trees (NJKHTs). The applicant has provided extensive research and field studies to ground truth koala populations and movement within the subject site and for the wider Warner Investigation Area. It has been found that the only areas containing NJKHTs are the buffers along the northern and eastern boundaries, and the southern vegetation area located south of the powerline easement. A detailed vegetation survey provided in the EAR also identifies the retained vegetation along the northern and eastern borders of the site are consistent with the mapped Koala habitat values for the respective areas.

Field surveys on the site and surrounding areas determined that the proposed Environmental Management and Conservation Zone in the southern part of the site had the highest utilisation by Koalas within the Warner Investigation Area and is the most intact fauna habitat area on site. However, Koalas are also utilising the vegetated buffers along the eastern and northern boundaries of the site to connect to vegetated areas north of Kremzow Road as shown in Figures 11, 12 and 13 below.



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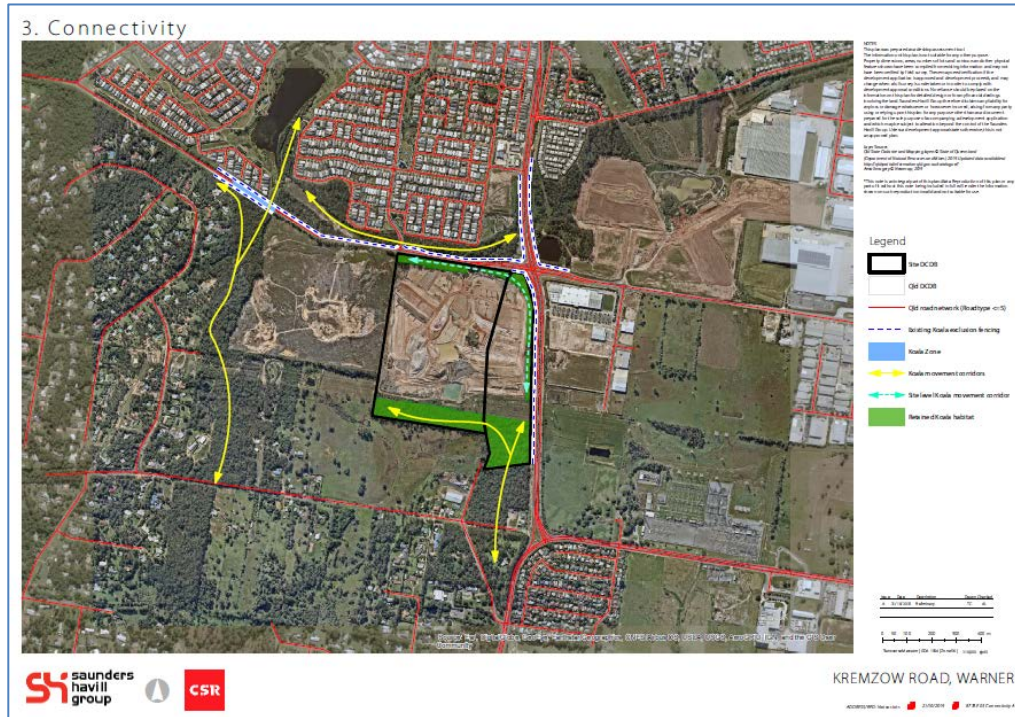


Figure 11: Koala Habitat Connectivity (Saunders Havill,16/10/2019)

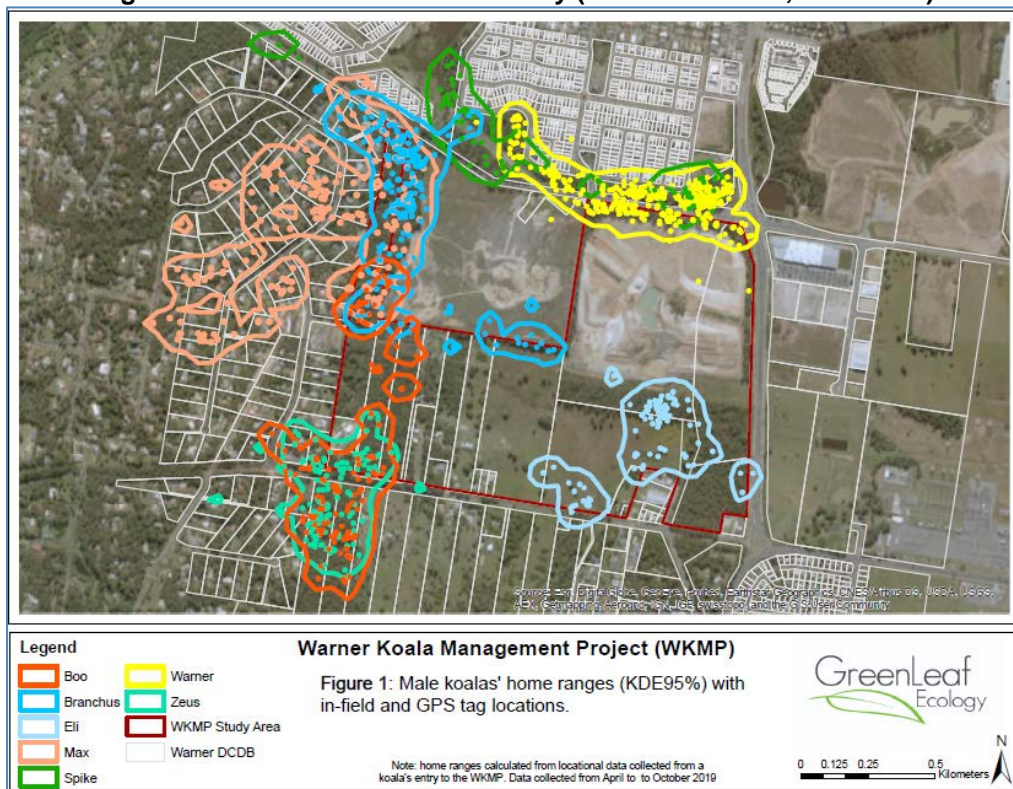
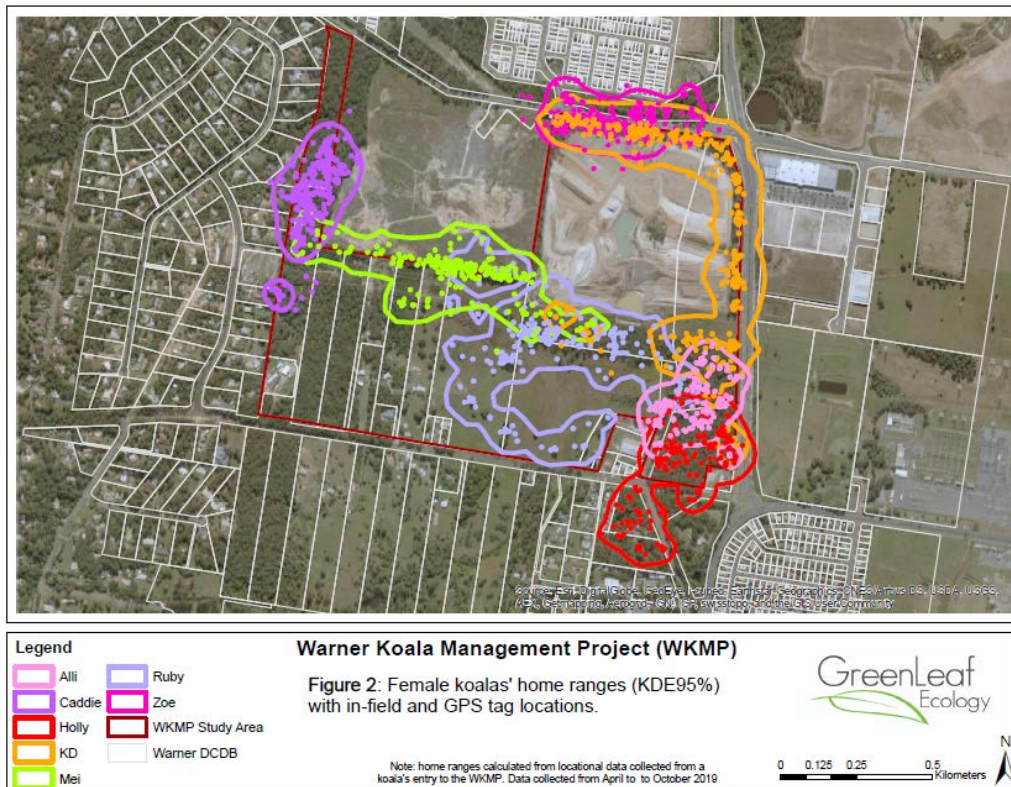


Figure 12: Koala (Males) Home ranges (Groundwork Plus, 19/12/2019)



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**Figure 13: Koala (Females) Home ranges (Groundwork Plus, 19/12/2019)**

The proposed development avoids the significant bushland habitat area in the south, and with the recommended conditions of approval limits the required vegetation clearing to allow road access from Kremzow Road (northern boundary) and Old North Road (eastern boundary). The unavoidable removal of NJKHTs within the mapped Koala Habitat areas will be offset on site under the *Environmental Offsets Act 2014*.

As the development proposes to retain and enhance koala habitat in the northern and eastern boundaries of the site, increased traffic along Kremzow Road (which intersects koala habitat areas onsite and to the north), can increase risk to koala movement through the likelihood of vehicle strike. Therefore, it has been suggested by the Applicant to Council that a koala friendly fauna crossing between the site and areas of Bushland to the north of Kremzow Road will be installed as part of road upgrades associated with the site entry. Details of the crossing will be identified at the detailed design phase however it is likely to include a fauna underpass designed in accordance with the DTMR fauna sensitive road design manual and any other relevant guidelines and design manuals.

Furthermore, Koala habitat is proposed to be enhanced throughout the site through provisions of wildlife corridors and green infrastructure koala movement corridors.

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To ensure the proposed development complies with Schedule 11, Part 2, Section 4 and 6 of the *Planning Regulations 2017*, it is recommended that any approval require the future development of the site to have:

- (a) An amended Landscape Concept Plan so all identified and proposed wildlife movement corridors within the site have a minimum width of 50m.
- (b) The provision of a fauna underpass (suitable for terrestrial species such as koalas) is required under Kremzow Road, linking existing and proposed wildlife corridors with Koala habitat north of Kremzow Road.
- (c) Detailed designs are required for safe koala movement infrastructure (i.e. signage, fauna underpasses, fauna exclusion fencing, etc.) within the site and linking wildlife corridors with koala habitat north of Kremzow Road.
- (d) 50m wildlife corridors within the site are to be protected in perpetuity from future development.
- (e) Where NJKHTs are required to be cleared, any unavoidable clearing of NJKHTs is to be offset at a ratio of 3:1 as per the Environmental Offset Act 2014.
- (f) The provision of an Ecological Restoration Plan for degraded areas within the Environmental Zone

*Note: 50m Wildlife corridors along the northern and eastern borders of the site and within the residential areas of the site, are considered a reasonable width for the site, given the existing width of the vegetated boundaries for the site are currently being utilised by koala's and other fauna. In addition, 50m wide corridors are cited by the applicant as being the appropriate width of a corridor numerous times in its submission to the Council about the adjoining Mordar development to the west.*

### 3.6.1.2.3 Strategic Framework

The subject site contains areas of protected vegetation by way of MSES Regulated Vegetation Category B (Endangered or of concern), defined watercourse and associated riparian zone (Conflagration Creek) in the south of the site; and Koala Bushland Habitat in the South of the site as well as in the retained vegetated buffer along the northern and eastern borders of the site. The subject site is also mapped as containing Ecological Connections under the Green Infrastructure Network (Figure 14).

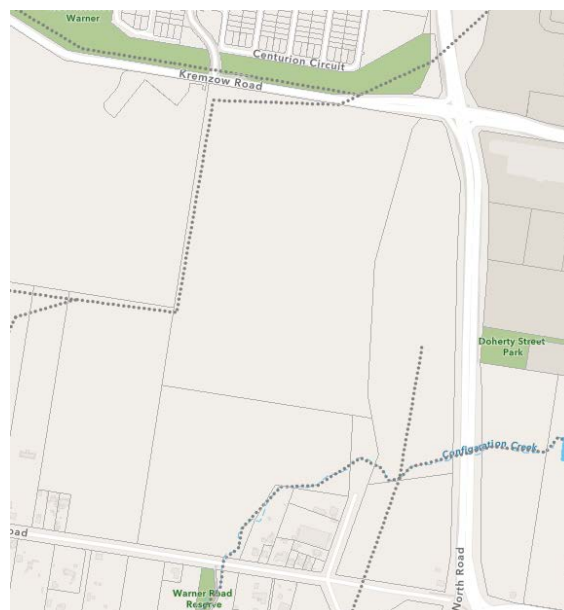


Figure 14: Green Infrastructure Network - Ecological Connections



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Although, the ecological connection in the west of the site has been legally cleared through current use of the site, the ecological connections to the north and west of the site can be enhanced with the protection and enhancement of vegetation in the south of the site as well as the vegetation along the eastern and northern borders. The Applicant has also suggested improving ecological connections from south to north within the site through the provision of wildlife corridors as well as improving ecological connections to vegetation to the north of Kremzow Road via a fauna underpass.

Ecological Assessments of the site identified the habitat of two priority species of Moreton Bay. Of these species one – the wallum froglet - is listed as 'vulnerable under the *Nature Conservation Act 1992* and another – the koala – is listed under both the *Nature Conservation Act 1992* and the *Environmental Protection and Biodiversity Conservation Act 1999* as vulnerable. The wallum froglet habitat was identified in the south-west corner of the site. Vegetation within proximity to this area will be retained in the proposed Environmental Management and Conservation Zone. Vegetation clearing within proximity to Wallum Froglet Habitat is not proposed for development.

Field surveys on the site and surrounding areas determined that the proposed Environmental Management and Conservation Zone in the south of the site had the highest utilisation by Koalas within the Warner Investigation Area and is the most intact fauna habitat area on site with abundant mature native canopy and some large hollow trees recorded. The future development of the site, subject to the application of the recommended conditions of approval will retain and enhance the above-mentioned vegetation by:

- (a) Protecting vegetation in the south of the site through environmental zoning;
- (b) Retaining and enhancing koala habitat vegetation along the northern and eastern borders of the site;
- (c) Unavoidable clearing of koala habitat trees will be offset as per the *Environmental Offset Act 2014*; and
- (d) Koala habitat being enhanced throughout the site through provisions of wildlife corridors and green infrastructure.

It is also noted that the applicant has made commitments to the community to ensure habitat connectivity by densely vegetating (with appropriate flora species) and linking the site's southern habitat with private and public vegetated lots to the west of the site. The applicant's EAR identified regional ecosystems in the southern area of the site contained the highest quality for fauna habitat. The vegetation was identified as habitat for a range of species including the yellow-footed antechinus. Yellow-footed antechinus has also been located in regional ecosystems west of the development site on the Mordar site.

From an Environmental Planning Perspective, reliance on a powerline easement as a wildlife corridor is not suitable for all species identified in the EAR (i.e. open spaces are a barrier for movement for smaller terrestrial species as this increases chances of attack from species of prey). Clearing of NJKHT's onsite, will be offset via replanting in disturbed areas within the vegetation buffer that is proposed along the northern and eastern boundaries, the Council strip along Old North Road (between boundary and koala exclusion fencing) and the conservation and open space zones at a ratio of 3:1.

To ensure the proposed development complies with the Strategic Outcomes of the Planning Scheme, the application of the matters referred to above in section 3.6.1.2.3 (a)-(f) are recommended to be applied.

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### 3.6.2 Referral Agencies

#### **3.6.2.1 Concurrence Agencies - Department of State Development, Manufacturing, Infrastructure and Planning**

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) for matters relating to State-Controlled Roads. Council was advised on 29 April 2020 that DSDMIP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice. The conditions require;

- a future bus route to be provided through the site between the proposed access to Kremzow Road, the proposed access to Old North Road and to the land immediately west described as Lot 2 on SP271748 (Mordar land); and
- a bus indent bay must be provided on the northbound side of Old North Road, to the north of the development's Old North Road access location; and
- Road works comprising upgrades to the intersection of South Pine Road with Kremzow Road; and
- Road works comprising upgrades to the intersection of South Pine Road with Old North Road; and
- Stormwater management of the development must ensure no worsening or actionable nuisance to the state-controlled road

#### **3.6.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

#### **3.6.2.3 Third Party Agencies**

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

### 3.7 Public Consultation

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

- (d) Public Notification was served on all adjoining landowners on 30 October 2019.
- (e) The development application was advertised in the Pine Rivers Press on 31 October 2019.
- (f) A notice in the prescribed form was posted on the relevant land on 31 October 2019 and maintained for a period of 30 business days until 13 December 2019.

#### *3.7.2 Submissions Received*

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		161
	Petition	0	0
Not Properly Made	Letter, Email, Fax		15
	Petition	0	0
<b>Total</b>			<b>176</b>

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

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**Assessment of Submissions**

**SUBMISSIONS - IN SUPPORT**

148 CSR website proforma submissions in support of the proposed development were received.

12 individual submissions in support of the proposed development were received.

Proforma Submissions

As a mechanism to engage with the community, CSR created the Warner Quarry website. A key function of the Warner Quarry website was to provide members of the public with a portal to select one or more drafted comments only in support of the development application. Each selected comment (often multiple) was then automatically compiled into an email in addition to the other requirements of a properly made submission and then automatically emailed to Council. Proforma hard copies were also circulated allowing members of the community the same options as described on the Warner Quarry website. The hardcopies were then collated and brought to Council.

The pre-drafted comments/options available to a person to nominate support for were:

- CSR will gift 7 hectares of habitat (in the south) and 3 hectares of habitat (north and east perimeter) - this is a win for biodiversity in Warner.
- I support this DA as a welcoming new residential community with space for kids to roam, learn, explore and grow.
- I support this new residential community as a leading example of new planning and design that promotes constructive engagement between all stakeholders.
- I support the flow on economic benefits that CSR's project will activate in the region.
- I support community stewardship of habitat and fauna in our neighbourhoods - as is proposed by CSR.
- I support the principles of the concept plan lodged with Council as it was developed in partnership with the Warner Working Group.
- Research funded by CSR and the work of koala groups tells us a lot about the koala population - we are all responsible for ensuring this population is not ignored or diminished by other developers or government.

Each of these submissions has not been individually assessed as they are self-explanatory and support the recommendation of Council officer to approve the development proposal.

The submitters were also granted the opportunity to provide their own comment, each of which are provided below:

- *Lets protect our kids and our Flora and Fauna. After these devastating bush fires, we are at significant risk losing our koala population. Australian kids have the right to see Koalas in their natural habitats, not through a glass panel in a zoo.*
- *Great ideas for a new formula in property development.*
- *Do what we can now to save our native animals. I want my daughter to see koalas in the wild like I did when I was young. Let's do something before it is really too late and all we can do is 'google' them.*
- *Road congestion will increase unless this is also addressed immediately!*
- *We have lost so much Koala habitat with the wholesale clearing and high density (possible future slum) development along Rode and Albany Creek Roads. These areas previously had large treed blocks, but the developers chose not to design in retaining any mature trees. They are ugly and increase the heat load of the area. Along with fires this will have reduced koala habitat. We know they are here, I have*

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even seen one running along the side of Old Northern Road in Everton Hills, but they won't last if we don't retain and recreate habitat for them.

- All housing developments should have to include corridor of land set aside for native fauna and flora
- I have never been so impressed by a DA that I have actually taken the time to voice my opinion. This is a first for me and one that I hope I am encouraged to do again, because the quality of this proposal speaks volumes to me of how development can be done differently.

I truly hope council not only wholeheartedly endorse this, but also to use it as an example for other developers as proof that development and natural habitats don't have to be one or the other. The work CSR has done in our communities to hear us and to model their proposal around how important koalas are to our community really speaks volumes of the consideration that has gone into this proposal.

I look forward to showing people in the future this amazing area that will be preserved for families and communities, both koalas and our own and will feel very proud that I was able to use my one small voice to support that.

- Help Look after our animals, before there are none left
- I support that as qld residents we need to support sustainable development that meets people and environmental needs. For too long development has been approved based on the dollar it is time to change that.
- Help those who support the animals. We are all they have and we are the ones who have taken so much already
- Green space and discovery trails through - essential for children and wildlife
- Please no more cookie cutter estates
- Pockets of natural bushland can only benefit communities ... people, wildlife and the planet
- No more development that will hurt our environment
- can't wait for the new blocks.
- All new residential and commercial building in Moreton Bay should be planned and developed to support and promote growth of the natural flora and fauna if the region.
- This development should go ahead. Through careful consultation with the community and listening to all concerns prior to development application they have already modified the design to find the best compromise for this site. They have also gifted 7 hectares for a fauna and flora preservation and the council should help ensure that this area is continued to be used for this purpose in the years to come. I think this CSR have gone the extra mile setting a better standard for development in this region and I hope the neighbouring sites abide by the same high standards CSR have set within WIA. I think this is a development that the community can be proud of for years to come without regret like other recent developments in the MBRC region. Kudos to CSR.
- To truly support fauna habitat in and around this development, faunal movement solutions will need to be incorporated in any major road and transport corridors.
- I support CSR because they seem to be the only developer who has a genuine interest in working with the local Warner Community to plan for and include the future good of the community and our local flora and fauna. This truly is how a next generation or emerging community should be master planned without a destructive cost to any wildlife in the area.
- This is the standard that all other developments should match.
- Well done CSR such a great thing you have done for the community.

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- *That a company who truly consults with the community and incorporates the feedback that comes from that consultation, should be rewarded with support for their project.*
- *Koala habitat and the natural aspects of this region need to be preserved. It is one of the aspects that drew me to this area - large blocks of land surrounded by nature. Developments that encourage and support this are supported by the community. Other proposed developments in this area do not support these values that the community holds and are packing in smaller block size at the expense of the natural habitat. Developments like this do not help the community to grow sustainably. Warner Quarry has taken the time to engage with locals and develop a proposal that considers the natural habitat and that deserves the support of the community.*
- *Koala and kid friendly development should be the baseline expectation - with no exceptions!*
- *I'm thankful for the example of the CSR's project and respect for the wildlife and the communities - This is what we would like in the WIA off Warner road which is right amongst acerage on an already busy road. Not opposed to development... just opposed to the micro high density estates which bring chaos and more traffic which the roads and neighbourhoods struggle to carry... which then empty out onto main road which already is scary and difficult to get onto... Requires a whole lot more better planning... because if we were forced to take Eatons Crossing Road, (which has the very same issues) then that would cause insurmountable added issues. Would like to see the cul-de-sac end of Warner road very uniquely and intelligently empty out back onto South Pine Road. It should never have been closed off...*
- *This is a positive project plan that can be an example for future DAs.*
- *This is a great example of new planning and design that gives kids and koalas space to thrive. I support the principles of the concept plan as lodged with the Council.*
- *The development is a benchmark for infill development that offers a lot more than developers would usually propose in terms of green space in a residential development. It proposes large tracts of land that will allow flora and fauna to thrive in an area that is otherwise undergoing a generational shift to outer-suburbia. The development has my full support, and it appears it has been hindered in the approval process by NIMBY's wanting to save the green space near their own properties. The reality is that the lifestyle benefits for suburban families will be less heavy vehicle traffic and more families enjoying green space as an alternative to living in urban sprawl. Sometimes, people need to look beyond their own back yard.*
- *The welfare of wildlife especially koalas and their habitat must always be a priority when considering any new development.*
- *No more development the roads can't handle it.*
- *Please keep the bushland in conjunction with the housing in such a way as to keep our amazingly diverse native wildlife that we have here.*
- *CSR have actively engaged the community in consultation and proven that solutions are achievable for the preservation of koala habitat whilst creating new neighbourhood communities.*
- *Do not want a bus route through CSR development*
- *CSR's engagement with the community is exactly what every developer should do.*
- *I support koala friendly development such as this.*
- *This is development best practice and we need to ensure this is what other developers must also meet. There is no point if the other developers in this region are not also working with communities to develop estates that compliment and support our wildlife and lifestyles. CSR have conducted themselves throughout this project as an open and transparent company and their assistance at creating a new type of development is refreshing and it is about time our council listen to the community and start doing development differently where there can be wins for both developer, community and wildlife.*

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- *I support this development because they have listened to the community.*
- *With koala's now considered 'functionally extinct', Australian developers need to think about wildlife more than ever. There is such a hugely diverse amount of wildlife in the Warner area and hopefully it will remain that way for a long time to come.*
- *Get these developments over ASAP some we can have some relief from the continual dust we have been getting from the quarry for a number of years. Done and dusted ASAP.*
- *That with mutual respect, co - operation and understanding, ALL stakeholders will feel the support of ALL groups convinced that development and wildlife can live in harmony. I have no respect for those whose negative beliefs deny present and future generations of animals and humans to co - exist in a win - win scenario.*
- *Less development more protection of existing habitats. Less or no use of plastic in development sites. Heavy fines and or prosecution for rampant plastic litter left over after development!*
- *CSR have gone to substantial effort beyond what is required of them in order to understand the condition and movements of the local koala population and use that information to inform their design. I feel that not supporting this application would be defacto support for the industrial development that could occur on this site as of right and without the care and consideration given by CSR.*
- *Although I am not in the Warner Quarry area I firmly believe this planning and design model has to be the way of the future in all developments for the sake of our entire area - fauna, residents, and long term outlooks for the Moreton Bay Region.*
- *Can only be positive.*
- *I commend this application to MBRC and hope it will be approved.*
- *Very good design. I would like to see it approved. Keeping room for kids and Koalas - love it.*
- *The MBCC do not care about local fauna. Please do not develop where proposed. The council have lost my & my neighbour's votes by continuing to develop and ignoring our local fauna especially our koalas. They only care about how much money they can make for themselves. I'm disgusted by them.*
- *This development is an example of great corporate spirit. Other corporates should follow the lead by giving back to the community.*
- *It is important that council understand the concerns of the local community and include these concerns in future developments. Small standalone areas are not satisfactory for our local wildlife. They need reasonable sized wildlife corridors to move around in.*
- *I am from NSW, looking to purchase a house in the area. Highly support this fauna friendly development.*
- *It is absolutely crucial for both human and wildlife communities to leave open green space and safe connecting corridors for wildlife free from cheek by jowl housing. The urban heat island effect is horrendous in developments where the houses are jammed together and green spaces and big beautiful trees are razed and replaced with bitumen, concrete and bricks. This will be a good example to follow for all other developments in this region if we are ever to have livable suburbs this shire can be proud of.*
- *The devastating bushfires happening now in Queensland and nation wide make it even more essential that wildlife are provided with safe areas of their habitat to live and thrive in !*
- *This is a necessary development that will be a better fit for Warner - in this part of the region than Industrial.*
- *Too many small lot developments being developed.*
- *Do not want a bus route through this development.*
- *As a long-term contractor to CSR, we have had the opportunity to work with the quarry operator and developer towards significant changes in the way that*

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development is delivered in Queensland suburbs. The CSR DA keeps room for kids and koalas. It presents an excellent opportunity to create a legacy that changes how we develop in our region. From now on, just like this development, all developments in koala overlay areas should be required to keep habitat trees, create habitat, link habitat with existing corridors, enhance corridors, maintain the existing seed bank and facilitate grow back. The vigorous regenerative nature of eucalypt forests is such that CSR's work in restoration to date is achieving successes. CSR's weed control and watering regime of course also needs to be implemented by others in future too. My additional grounds for support are the proposal's responsiveness to three themes of the MBRC Strategic Framework. The Strategic Framework is a spatial development plan setting the policy direction for the planning scheme. The Strategic Framework is heavily based on the now superseded SEQ Regional Plan 2009 and sets out a vision for the Moreton Bay Region. This vision is based around 12 key themes which relate back to the desired regional outcomes in the SEQ Regional Plan 2009.

*Strong Communities  
Settlement Pattern and Urban Form  
Employment Location.*

*I highlight here my particular endorsement of the Strong Communities theme. MBRC seeks to provide, under the Strong Communities theme, a range of appropriate housing types, community facilities, services and public spaces across the region to meet the needs and lifestyle expectations of the community, promote cultural, recreational and social interaction, and develop a community identity. CSR's Urbis report tells us that specifically, MBRC's two key policies under this theme are to –*

- 1. increase the population living close to established services, public transport and employment, and*
- 2. bring services, public transport and employment closer to where people live.*

*This is intended to reduce the overall cost of living for Moreton Bay residents by reducing transport and energy costs. The Strategic Framework also seeks to promote a greater diversity of housing types to ensure the needs of the community are met. ShapingSEQ indicates that meeting strategic targets and achieving its vision will require SEQ local governments to work in tandem with the Queensland Government. As key partners in planning for a liveable, prosperous and sustainable region, local governments have been given the responsibility to ensure all local planning initiatives are working to achieve common regional goals. (Urbis CSR report 2019). The proposed development is consistent with the strategies and targets of ShapingSEQ and the MBRC Strategic Framework. I support it. Thank you.*

- Our company has been a contractor to CSR for some time and I support their innovation in Warner and surrounds.*

*Recent land supply reports indicate that the Moreton Bay LGA has significantly more future industrial land than residential land, with a particular shortage of infill residential development sites (Urbis IR report 2019). To satisfy the continuing demand levels for residential dwellings in Warner and the broader Moreton Bay Region and meet the targets of the South East Queensland Regional Plan 2017,*

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*there is a requirement for additional non- residential zoned land parcels to be converted to residential zoning.*

*This will only work though, if there is community endorsement for such infill development. I support the infill development proposed by CSR because it's been designed collectively – residents, school kids, business owners, interest groups, koala rescuers and advocates planners and scientists – all contributed to the development's fauna friendly design.*

*CSR is investing in the empowerment and education of our future leaders. The Habitat Heroes initiative on the quarry is creating tomorrow's change agents and habitat stewards. Kids are deeply involved in the discussion about the current operation, about rehabilitation work and the future redevelopment.*

*This means that the recommendations of the Koala Expert Panel (2017) can be realised in what is a unique development with unique opportunities for the enduring engagement of current residents and new residents in meaningful ongoing oversight of fauna and flora –*

- 1. Strategic, coordinated approach to koala conservation*
- 2. Koala habitat is protected*
- 3. Strategic and landscape scale koala habitat restoration*
- 4. Coordinated threat reduction and koala population management*
- 5. Strong community partnerships and engagement*
- 6. Targeted mapping, monitoring, research, reporting*

*All of us will care more for our environment and the amazing wildlife it accommodates, if we have experiences with that wildlife. Children in Warner see koalas most days – they live amongst them. It's important this unique habitat, shared by humans, is maintained, enhanced and protected. Thank you.*

- This is the future of developments. Protecting our wildlife and green spaces.*
- I encourage Council to approve the CSR Warner Quarry DA and to use this opportunity to lead a new way of developing land in our region. I support the consultative approach CSR has taken to creating a unique design that many in the community endorse.*
- I support CSR's development application (DA) for the redevelopment of the Warner Quarry, changing its use from General Industry to Residential.*

*I am a supporter because finally a developer gets it. Koalas and other wildlife are precious and must be the constraint that leads development planning – not be left to the last minute and a tick-box exercise.*

*The CSR DA does this. It keeps room for kids and koalas. It gives a great opportunity to create a legacy that changes how we develop in our region. From now on, just like this development, all developments in koala overlay areas should be required to keep all trees that are practical, create habitat, link habitat with existing corridors, enhance corridors, maintain the existing seed bank and facilitate grow back.*

*The vigorous regenerative nature of eucalypt forests is such that CSR's work in restoration to date is achieving successes. CSR's weed control and watering regime of course also needs to be implemented by others in future too. The state rejected our planning scheme because of koalas – so we need to follow suit and get on board with the CSR way of doing development differently. Sure, this takes mutual*



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*compromise and some hard discussions. The alternative is the continued adversarial arguments and side-taking which so far isn't getting us to good approvals that are supported by communities.*

*CSR is contributing in meaningful ways to the persistence of our urban koala population. They've been investing for a decade in the region.*

*They've made a lot of contributions to Warner's vegetated corridors and they are building on their historical good work and outcomes in fauna management.*

*The Koala Expert Panel called for a strategic, coordinated and integrated approach to new ways of managing urban koalas. Look to this development as a model – a pilot. Thank you.*

In addition, there were 12 unique submissions in support of the development application, citing items of support as:

- Additional population growth boosting the economy;
- Koala friendly development;
- Additional parks for locals;
- MBRC has significantly more industrial land than residential land, with a particular shortage of infill residential development sites;
- Ensure housing supply and affordability;
- Meeting the SEQRP 2017 targets;
- Considerable positive environmental initiatives;
- Level of public consultation;
- Perception of forgone development for environmental purposes;
- *The Warner Koala Management Program being wholly funded by CSR at around \$50,000 per month since the start of 2019;*

Each of these submissions has not been individually assessed as Council determines that they are self-explanatory and support Council officers recommendation for approval.

**SUBMISSIONS - OPPOSED**

A total of 1 properly made submission in opposition to the proposal.

**Issue - Level of detail**

*CSR's proposed Structure Plan does not provide sufficient detail to allow Council, the community or Mordar (which may be directly affected by what is proposed) to clearly understand what is in fact proposed. The Structure Plan is limited to main land use areas, intersection locations and main active transport routes, with only a nominal indication of a potential road connection to Mordar's land.*

*The Structure Plan does not show other relevant matters such as: the location of the collector roads, koala exclusion fencing (if any) or likely areas for potential supporting land uses, noting that a wide range of land uses have been nominated in the Preliminary MCU. For instance no details are provided with respect to uses such as Market, Outdoor Sport and Recreation, Shop, Theatre or Tourist attraction, that are not necessarily compatible with a residential environment. If any of these uses are ultimately proposed, where are they to be located and what traffic loads and other impacts could be expected? More details are necessary for stakeholders to understand the nature of the proposal.*

**Discussion**

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Council acknowledges the submitters concern seeking greater clarity as to the uses and similarly, where any future roads etc. may be located. However, this application is for a Variation to the Scheme to allow future development to occur in accordance with a different zoning and further, a Preliminary Approval for various uses. If this application is approved, Council note that a future Reconfiguring a Lot application will require assessment against the provisions of the Reconfiguring a Lot Code - General Residential Zone - Next Generation Neighbourhood Precinct which will provide the clarity sought by the submitter at this stage and before any development occurs on site. With respect to the proposed non residential uses - they will be limited to circumstances where they are often Accepted Development having an often very low or temporary impact, if any.

This is not sufficient grounds for refusal of the application.

**Issue - Structure plan integration**

CSR's Structure Plan, seen in Figure 4 above, shows a double headed arrow in the middle of the sites' common boundary, 'floating' without connection to either CSR's or Mordar's proposed internal road network. This arrow seems to represent a potential lower order road connection between the proposed communities, rather than more substantial Contemporary Residential road. Mordar believes better interconnectivity is required to support a combined community consisting of greater than 900 dwellings.

CSR's indicative road connection is shown at the highest topographical point of Mordar's property, adjacent to a steep quarry face associated with Boral's / CSR's former mining operations. This is not physically suitable to accommodate a Local Collector road and would preclude a potential future bus route connecting the two communities (as required in Council's ROL code and by SARA).

**Discussion**

Council acknowledge the submitters concern seeking greater clarity as to the road connections between the CSR site and the neighbouring (123 Kremzow Road, Warner) Mordar site. It is recognised that interconnections are important and changes to the proposed CSR Structure Plan to have a connection at the southern and northern parts of the common boundary are warranted and recommended as conditions of approval.

**Issue - Alternative wider structure plan**

Council have repeatedly expressed a preference for the main intersection to Kremzow Rd to be a shared upgraded signalised intersection opposite Swan Parade, as shown in the former MBRC Structure Plan.

In recognition of this fact, an alternative Structure Plan, has been prepared to indicate how the potential structure plan could be amended to accommodate this outcome.

Mordar however does not control the majority of the land adjacent to the intersection and cannot unilaterally pursue this option. In addition, the land immediately to the south of this potential intersection contains koala habitat subject to both existing and potential new koala regulations also preventing this option to be directly proposed by CSR.

In order for the Swan Parade access to be achieved it will need to be facilitated by Council. Several actions would be required by Council and CSR, addressing both traffic and environmental issues and concerns, as well as statutory processes, to achieve the desired outcome in an effective and fair manner.

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**Discussion**

Council notes the submitters concern and acknowledge that the access locations onto the existing network has been a critical item of assessment for the development application. A condition of this approval is to provide a four-way intersection with Swan Parade and further, a left in left out intersection with Old North Road.

**Issue - Landscape Concept Plan**

*CSR's Landscape Concept Plan is difficult to interpret and understand. The concept sketch does not include a legend and is incomplete as it only represents part of the site.*

*The Landscape Concept Plan, shows the main collector roads as thin dashed lines drawn over the top of (and even under) broad green arrows, seemingly intended to convey an enhanced ecological function. Some sections of road include hatched coloured areas, at locations intersecting with black lines (perhaps representing pathways for people or fauna movements, but this is unclear).*

**Discussion**

Council acknowledges the submitters concern.

As part of the recommended conditions of approval and in line with the commitments CSR made to the greater community through its community engagement program, Council has conditioned higher level outcomes in relation to green infrastructure networks on the site which, seek to achieve what is depicted in the Landscape Concept Plan and CSR's vision of the development and its commitments to the community. Specifically, the Landscape Concept Plan will be amended:

- to have all identified and proposed wildlife movement corridors within the site having a minimum width of 50m; and
- to include the provision of a fauna underpass under Kremzow Road, linking existing and proposed wildlife corridors with vegetation north of Kremzow Road.

**Issue - Koala exclusion fencing**

*In preparing Mordar's Application, ecological advice indicated the best long term outcome for the local and sub regional koala populations is to preserve and link existing vegetated areas to form continuous ecological corridors, using koala exclusion fencing to limit the potential for key risks such as car strike, dog attack and pool drownings. Accordingly, Mordar proposes to fence the entire southern and western interfaces to ecological corridors, providing connectivity to the fauna crossing to Kremzow Rd and to vegetated lands east and south, including CSR's retained southern vegetation.*

*To the extent CSR's proposal allows koalas to traverse the contemporary Next Generation suburban environment (which is not clear) it is not considered best practice. Risks to koalas from cars, dogs and pools outweigh any potential benefits.*

*To be effective, the koala exclusion fencing needs to be continuous, as partial fencing is likely to lead to disorientation and entrapment, further heightening risk. It is submitted that the best practice koala planning outcome for the locality is to consolidate the koala population within primary habitat and movement corridors with the consistent and integrated use of koala exclusion fencing. CSR should clearly identify the koala habitat areas and exclusion fencing.*

**Discussion**

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Council acknowledge the submitters concern.

If this application is approved, Council note that a future Reconfiguring a Lot application will be required which is the appropriate mechanism to condition Koala exclusion fencing.

**Issue - Eastern and Northern Vegetation**

*CSR's Structure Plan shows existing vegetation on the eastern and northern site perimeters to be retained.*

*CSR have not reflected this vegetation in their Land Use Plan and seek to amend existing Overlay Mapping to remove all references to existing vegetation north of the southern powerline easement, as well as the koala offsets. Whilst there is merit in amending mapping to reflect site conditions, the proposed mapping goes well beyond this.*

*If the existing vegetation is to be maintained, as stated as a commitment and reflected in the Structure Plan, why would it be necessary to amend the mapping?*

**Discussion**

The submitters concerns are acknowledged and have been agreed with in the assessment of the proposal by Council officers. Accordingly, the recommended conditions of approval are to not amend the overlay along the northern and eastern boundaries of the site for a distance of 50m from the boundaries, given the intent of the applicant to retain and rehabilitate those corridors.

**Issue - Bushfire Mapping**

*CSR propose to remove all bushfire mapping from their site, north of the southern easement.*

*The bushfire mapping change appears as a corollary to the requested vegetation mapping change. Removal of vegetation would aid in the removal of the bushfire risk classification (though not completely due to vegetation in the road corridors).*

*This mapping change however is also inconsistent with the Landscape Concept Plan and the stated retention of eastern and southern vegetation.*

**Discussion**

The submitters concerns are acknowledged and have been agreed with in the assessment of the proposal by Council officers. Accordingly, the recommended conditions of approval are to amend the Bushfire Hazard area overlay to reflect the maintenance and enhancement of the environmental corridors that would be fire sources.

**Issue - Environmental Offset Receiving Area**

*Similarly, CSR have sought to remove the existing Environmental Offset Receiving Areas from the areas north of the southern easement. This also appears to be inconsistent with other aspects of the proposal.*

**Discussion**

The submitters concerns are acknowledged and have been agreed with in the assessment of the proposal by Council officers. Accordingly, the recommended conditions of approval

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are to not amend the overlay along the northern and eastern boundaries of the site for a distance of 50m from the boundaries, given the intent of the applicant to retain and rehabilitate those corridors.

**Issue - Trunk Water Main Location**

*The trunk water supply for both Mordar and CSR's sites require the construction of a 300mm water main from an existing water main located on Kremzow Rd, near Ira Buckby Rd. The Necessary Infrastructure Plan prepared by Integran shows the trunk main running along Kremzow Rd, past Mordar's site, before entering CSR's land at their proposed Kremzow Rd access location.*

*As this main is required to service both properties, RMA have shown the main running along Kremzow Rd, entering Mordar's land at the main site entrance, and connecting to the eastern and southern boundary to service multiple properties, in line with Unitywater's infrastructure planning.*

*The Integran report identified both the Kremzow Rd main and CSR's proposed internal main as Trunk Works, due to the size of the main, and the works serving more than one development. Whilst correct for Kremzow Rd, this would not be the case for the proposed 300mm internal main through CSR's land, as there is no need to connect to the south (and connection to the south would involve construction through retained vegetation).*

*In contrast, running the internal main through Mordar's land would satisfy trunk main criteria, reduce the extent of trunk main and provide a more efficient network overall. We also note that Unitywater indicated that this main is 250mm, not 300mm.*

*We also note that the diagram submitted by Integran for water and sewer recognises the need to connect the southern sewer to Mordar's land, however appears to show the water main connecting to the sewer, which is clearly drawn in error.*

**Discussion**

Council acknowledges the submitters concern however, the trunk water main location and discussions concerning the creation of an efficient water supply network need to be had directly with Unitywater and not the Council.

**3.7.3 Notice of Compliance**

The Notice of Compliance was received by Council on 16 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.

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## 3.8 Other Matters

### 3.8.1 Local Recreation Park

Councils Information Request dated 7 February 2020 stated:

*An area of 29.615 hectares is proposed to be included into the General Residential Zone - Next Generation Precinct having a maximum Net Residential Density of 20 dwellings per hectare; equating to a maximum of 592 dwellings. If each dwelling was taken to have an average household size of 2.9 persons, the maximum total number of persons would be 1717 people. Based on the Desired Standards of Service in the Council's LGIP, of 1 hectare per 1000 persons, 1.717 hectares is required to be allocated to a Local Park. The land proposed to be included in the Recreation and Open Space zone is unlikely to be suitable. Clarity is therefore sought on the area of land proposed to be provided for park purposes.*

The applicant has since revised the maximum number of dwellings on site to 460 and therefore, Council's calculation must also be revised based on the requirements of the DSS. A development of 460 dwellings at a rate of 2.6 persons per dwelling, would require a local recreation park of approximately 1.2ha. However, the suburb of Warner has an average occupancy of 3.1 persons per dwelling reflecting its larger proportion of new, young, households that if applied instead would increase the required Local Recreation Park to 1.43 hectares.

The applicant undertook a review of the Parks requirements for the CSR Warner Development Application and separated their analysis into two separate issues, as discussed in the summary below.

#### **Applicant Issue 1 - Proposed development must provide local parks in accordance with the provision rates in the LGIP Desired Standards of Service (DSS).**

The applicant references Sarbi Park, Brownell St Park and Delawar Rd Park all being within *reasonable* walking distance. Council contend that only Brownell Street Park is within 400m (355m) of the site proper and is accessed via a crossing of Kremzow Road. Council officers reasonably are of the view that very few if any lots once developed, will be within the 400m accessibility standard as required by Table 4.4.3.1. of the DSS. Council's *Urban Recreation Park Plan (2012-2031)* states *the recommendations of the Urban Recreation Park Plan are therefore focused around the provision of upgrades to existing local parks based on the development of a playground strategy.* The Brownlee Street park appears to be fully embellished and therefore none of the three parks identified are within the accessibility standards and able to be embellished.

Moreover, Brownell Street Park also has approximately 634 lots within 400m of it. At a rate of 2.6 persons per dwelling - the park is servicing 1648 people meaning that it should be 1.648ha in area. However, the park is roughly 1.07ha in area (meaning that it should only be servicing 1070 people) but is instead servicing the 1648 people meaning it is therefore currently over capacity.

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Further, the applicant cites Rolland Parade Park and Bray Park (Dick Turnbull Park) as examples of parks not meeting the DSS. Neither park was approved under the current Planning Scheme or LGIP and therefore have little standing as a comparative example. A better example of current Council policy is the local recreation park presently being competed at 84 Samsonvale Road which is 1.12ha in size based on an application of the Council's adopted DSS.

The applicant also states that as it does not propose to provide the larger Local Recreation Park as it is also providing;

- 0.25ha of constrained open space (power easement) adjacent to the proposed Local Recreation Park resulting in what is functionally, a single larger recreation area; and
- 0.5ha of constrained open space (detention basin) that will be designed so it can be used for kickabout activities when not being used as a drainage function; and
- 7.16ha of linear, constrained, linkage and active spaces areas (power easement) - .
- 6.78 ha of conservation land - Including a recreational trail and improved connectivity of the existing and future local park network.

Council officers do not agree with this position for a Local Recreation Park as much of the land referred to by the applicant is preserved for environmental purposes and not recreational purposes.

**Applicant Issue 2 - Land encumbered by easement is not preferred to be counted as local park**

The applicant states *“The Planning Scheme and LGIP do not require development to fully provide for their own local park requirements (as demonstrated above). The infrastructure charges levied by Council for the proposed development are intended for use by Council in delivering the DSS in an efficient and coordinated manner”*.

Council officers contend this statement. Whilst the Residential Zone Code - Next Generation Neighbourhood Precinct doesn't specify park requirements, it would be required upon reconfiguration under PO19-PO22 of the Reconfiguring a Lot Code, General Residential Zone - Next Generation Neighbourhood Precinct which refers to PSP - Integrated Design (Appendix B Open and Civic Space Design) - a document which materially mirrors the requirements of the DSS.

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The applicant is however correct in referring to the Council's *Urban Recreation Park Plan (2012-2031)* that includes recommendations for allowable portions of constrained land (including power easements) in recreational space. For local recreation parks, these recommendations state that 0% is acceptable for local recreation park, however the recommendations also state that this acceptable level only applies to the minimum area (not the total park). Therefore, 0.5ha is to be unconstrained and the balance can be a combination of constrained or unconstrained. In this instance the land encumbered by an easement immediately adjacent to the unconstrained Local Recreation Park would be available to be included into the calculation.

#### **4. Strategic Implications**

##### **4.1 Legislative/Legal Implications**

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

##### **4.2 Corporate Plan / Operational Plan**

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

##### **4.3 Policy Implications**

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

##### **4.4 Risk Management Implications**

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

##### **4.5 Delegated Authority Implications**

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

##### **4.6 Financial Implications**

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

##### **4.7 Economic Benefit Implications**

Appropriate development supports the growing Moreton Bay region.

##### **4.8 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.

##### **4.9 Social Implications**

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

##### **4.10 Consultation / Communication**

Refer to section 3.7

#### **ATTENDANCE**

Mr Dan Staley, Ms Amy White and Mr Marco Alberti left the meeting at 12.02pm.

Cr Peter Flannery (Mayor) attended the meeting at 12.03pm and assumed the Chair.



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**5 COMMUNITY & ENVIRONMENTAL SERVICES SESSION**

**(Cr M Gillam)**

Declarations of interest statement

*There are no personal interests to be declared for items in this session.*

**ITEM 5.1  
ENVIRONMENTAL BURSARY 2020**

*Meeting / Session: 5 COMMUNITY & ENVIRONMENTAL SERVICES  
Reference: A19880547: 25 May 2020  
Responsible Officer: RM, Manager Environmental Services (CES Environmental Services)*

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**Executive Summary**

Moreton Bay Regional Council offers a \$2,000 environmental bursary annually. The environmental bursary targets students from the Moreton Bay region commencing studies in an environmental-based degree.

Applications for the 2020 environmental bursary closed on 20 March, with Jason Ramsay presenting as the strongest applicant.

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**RESOLUTION**

**Moved by Cr Darren Grimwade**

**Seconded by Cr Cath Tonks**

**CARRIED 13/0**

**That Mr Jason Ramsay is awarded the Don Perrin Environmental Bursary for 2020.**

*ITEM 5.1 ENVIRONMENTAL BURSARY 2020 - A19880547 (Cont.)*

## OFFICER'S RECOMMENDATION

That Mr Jason Ramsay is awarded the Don Perrin Environmental Bursary for 2020.

## **REPORT DETAIL**

### **1. Background**

Council offers an environmental bursary (the Don Perrin Environmental Bursary) annually to assist a student who is undertaking an environmental-based university degree.

A person is eligible to apply if they:

1. Are a resident of the Moreton Bay Region;
2. Have graduated from Year 12 within the last two years; and
3. Have accepted an offer to study an environmental-based university degree commencing in 2020.

Examples of environmental-based university degrees include a Bachelor of Science, Bachelor of Environmental Science, Bachelor of Wildlife Science and Bachelor of Environmental Law.

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

The 2020 Environmental Bursary was promoted to:

- All high schools within the region and several high schools adjoining the region;
- All South East Queensland Universities; and
- Residents via Council's website, Councillor newsletters and social media posts.

Applications closed on 20 March 2020. The Manager, Environmental Services together with the Coordinator Environment and Conservation reviewed the applications against the eligibility and selection criteria and recommend the submission by Mr Jason Ramsay.

Mr Ramsay presented a strong application. Mr Ramsay is a resident of Bray Park, attended Pine Rivers State High School and is currently studying a Bachelor of Environmental Management at the University of the Sunshine Coast.

Mr Ramsay volunteers with the Pine Rivers Community Nursery and Francis Road Bushcare group. Mr Ramsay also has a keen interest in hospitality and has used his skills as part of the high school's café and catering events. In addition, Mr Ramsay has demonstrated his commitment to the community, volunteering at the Pine Rivers Neighbourhood Centre Riverstop Community Café, during school holidays.

Mr Ramsay's aspiration is to understand the complex issues relating to water management and would like to pursue a career path that will address the sustainable use of water resources in South East Queensland.

Bursary recipients are encouraged to apply the skills acquired during their study to the Moreton Bay Region by participating in Council environmental activities or events, such as National Tree Day.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications  Nil identified

3.2 Corporate Plan / Operational Plan  
Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

*ITEM 5.1 ENVIRONMENTAL BURSARY 2020 - A19880547 (Cont.)*

3.3 Policy Implications

The presentation of the environmental bursary is aligned with Council's Sustainability Policy 12-2150-044 which aims to improve performance in biodiversity protection and environmental enhancement in the wider community.

3.4 Risk Management Implications

If the bursar voluntarily leaves their elected environmental field of study during the first year of study, they may be required to repay the full amount of the bursary.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

Funds for the environmental bursary for 2019/2020 are included in the Environmental Services budget allocation (20162.000).

3.7 Economic Benefit Implications                     Nil identified

3.8 Environmental Implications                     Nil identified

3.9 Social Implications                     Nil identified

3.10 Human Rights Implications                     Nil identified

3.11 Consultation / Communication

Portfolio Councillor  
Relevant Divisional Councillor  
Director Community and Environmental Services

**ITEM 5.2**  
**KOALA MONITORING SERVICES PHASE 4 - THE MILL AT MORETON BAY**

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A19899852 : 22 May 2020  
*Responsible Officer:* RM, Manager (CES Environmental Services)

**Executive Summary**

Council acquired the former Petrie Paper Mill site, Gympie Road, Petrie, now known as *The Mill at Moreton Bay* for a university campus and associated community development. The site includes areas of koala bushland habitat which will be impacted by the intended site development, however, Council has committed to deliver a net gain in environmental values across the site by establishing additional koala bushland habitat and ensuring koala safety during the construction phase.

As part of the site's development, Council needed to engage a service provider with specialist expertise to develop and undertake a koala monitoring program, to ensure the safety of the koala population during periods of construction. Due to the specialist nature of these services there is only one supplier, Endeavour Veterinary Ecology Pty Ltd (EVE), with the experience and specialist knowledge to deliver the services sought.

EVE completed phases 1 and 2 of the koala monitoring program between March 2017 and June 2018. Phase 3 of the koala monitoring program will conclude on 30 June 2020. In order to engage EVE to continue the monitoring program during the ongoing construction phase, an exemption is required under section 235(b) of the Local Government Regulation 2012.

**RESOLUTION**

Moved by Cr Denise Sims

Seconded by Cr Matt Constance

CARRIED 13/0

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to invite quotes or tenders for the services.
2. That Council enters into an agreement with Endeavour Veterinary Ecology Pty Ltd to implement phase 4 of the koala monitoring program for *The Mill at Moreton Bay* site between 1 July 2020 and 30 June 2022, 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 Endeavour Veterinary Ecology Pty Ltd to implement phase 4 of the koala monitoring program for *The Mill at Moreton Bay* site between 1 July 2020 and 30 June 2022 and any required variations of the agreement on Council's behalf.

ITEM 5.2 KOALA MONITORING SERVICES PHASE 4 - THE MILL AT MORETON BAY - A19899852 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to invite quotes or tenders for the services.
2. That Council enters into an agreement with Endeavour Veterinary Ecology Pty Ltd to implement phase 4 of the koala monitoring program for *The Mill at Moreton Bay* site between 1 July 2020 and 30 June 2022, 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 Endeavour Veterinary Ecology Pty Ltd to implement phase 4 of the koala monitoring program for *The Mill at Moreton Bay* site between 1 July 2020 and 30 June 2022 and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

In March 2017, as part of the development of *The Mill at Moreton Bay* site at Petrie, Council engaged the services of EVE to implement a koala monitoring program.

The following resolution appears on Minute Page 17/392 of the General Meeting of Council held 21 March 2017:

Ex. Coordination Committee Meeting held 21 March 2017 (MP17/409):

**COMMITTEE RECOMMENDATION**

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to invite quotes or tenders for the services.
2. That Council engage Endeavour Veterinary Ecology Pty Ltd to develop and implement a two-phase koala monitoring program for *The Mill at Moreton Bay* site.
3. That details and costs of phase two of the program be the subject of a further report to council.

Phase 1 (March to June 2017) involved an intensive site assessment to identify and tag all koalas on *The Mill at Moreton Bay* site. During phase 1, EVE identified 45 koalas which were health checked and fitted with telemetry devices for monitoring purposes.

*ITEM 5.2 KOALA MONITORING SERVICES PHASE 4 - THE MILL AT MORETON BAY - A19899852 (Cont.)*

The following resolution appears on Minute Page 17/1249 of the General Meeting of Council held 27 June 2017:

Ex. Coordination Committee Meeting held 27 June 2017 (MP 17/1351):

COMMITTEE RECOMMENDATION

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to invite quotes or tenders for the services.
2. That Endeavour Veterinary Ecology Pty Ltd be engaged to implement phase 2 of the koala monitoring program for *The Mill at Moreton Bay* site between 1 July 2017 and 30 June 2018.
3. That a copy of this report be sent to all Koala Groups within the region.

Phase 2 of the koala monitoring program commenced on 1 July 2017, for a period of 12 months and involved ongoing koala monitoring and associated veterinary health assessments and treatment. EVE provided monthly reports to Council detailing outcomes and related costs. EVE continued to successfully deliver the koala monitoring program across the project site, assisting to ensure that no koalas were injured or killed as a result of construction works. In June 2018, 53 koalas had been fitted with telemetry devices for monitoring purposes.

The following resolution appears on Minute Page 18/1260 of the General Meeting of Council held 12 June 2018:

Ex. Coordination Committee Meeting held 12 June 2018 (MP 18/1297):

COMMITTEE RECOMMENDATION

1. That in accordance with section 235(b) of the Local Government Regulation 2012, Council is satisfied that because of the specialised nature of the services to be provided it would be impractical or disadvantageous for the Council to invite quotes or tenders for the services.
2. That Council engage Endeavour Veterinary Ecology Pty Ltd to implement phase 3 of the koala monitoring program for *The Mill at Moreton Bay* site between 1 July 2018 and 30 June 2020.
3. That a copy of this report be sent to the local state members and local Koala Groups for information.

Phase 3 of the koala monitoring program commenced on 1 July 2018 and has continued to be effective despite increased works on site. Similar to phase 2, the program involved the continuation of koala monitoring, veterinary health assessment and treatment and detailed monthly reporting provided by EVE. EVE continues to successfully deliver the koala monitoring program across the project site, assisting to ensure that no koalas are injured or killed as a result of construction works. As at 30 April 2020, 86 koalas have been fitted with telemetry devices and there are 26 dependent joeys who will be fitted with telemetry devices at approximately 12 months of age.

ITEM 5.2 KOALA MONITORING SERVICES PHASE 4 - THE MILL AT MORETON BAY - A19899852 (Cont.)

A Council briefing was conducted on 20 May 2020 to update Council on this matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

<p><i>BRIEFING 1b THE MILL AT MORETON BAY - KOALA MONITORING PROGRAM - PHASE 4</i></p> <p>Discussions consisted of:</p> <ul style="list-style-type: none"><li>- The Koala Management Plan for the site incorporates a koala monitoring and health assessment program.</li><li>- No koalas have been killed or injured as a direct result of ongoing construction work and the koala population throughout The Mill site is healthy.</li><li>- Ongoing construction works will be undertaken at The Mill including koala habitat revegetation across 26 hectares of the site over the next two years.</li><li>- The Koala Management Plan for the site is considered 'best practice' and is an example of proactive wildlife management for a complex construction site.</li><li>- The type of koala monitoring undertaken for the site is in accordance with the Environment Protection and Biodiversity Conservation Act (EPBC) approval conditions (e.g. active/intensive and passive monitoring programs).</li></ul>
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## 2. Explanation of Item

The operational and construction works across the project site will continue over the next 2 years. To support the ongoing health and safety of the koalas at *The Mill at Moreton Bay* site it is proposed to continue the koala monitoring program.

Under the provisions of the Local Government Regulation 2012, Council may enter into a contract with a provider where Council is satisfied that because of the specialised nature of the services to be provided, it would be impractical or disadvantageous for Council to seek quotes or tenders for the services.

EVE has successfully delivered phases 1, 2 and 3 of the koala monitoring program at *The Mill at Moreton Bay* site. This report recommends that EVE be engaged to implement phase 4 of the koala monitoring program between 1 July 2020 and 30 June 2022, facilitating the delivery of Council's koala safety commitments.

## 3. Strategic Implications

### 3.1 Legislative / Legal Implications

Section 235(b) of the Local Government Regulation 2012 provides that Council may enter into a medium-sized contractual arrangement or large-sized contractual arrangement without first inviting written quotes or tenders if Council resolves that, because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes or tenders.

### 3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

### 3.3 Policy Implications

Council's Procurement Policy 2150-006 allows the consideration of exceptions permitted under the Local Government Regulation 2012.

ITEM 5.2 KOALA MONITORING SERVICES PHASE 4 - THE MILL AT MORETON BAY - A19899852 (Cont.)

3.4 Risk Management Implications

EVE has specialist knowledge and experience in delivering successful koala monitoring programs within the Moreton Bay Region and specifically on and adjacent to *The Mill at Moreton Bay* site. In addition, EVE has the required animal handling and animal ethics approvals issued by the State Government.

The use of an experienced and specialist koala services contractor will assist in identifying and appropriately managing koala safety risks during construction activities.

3.5 Delegated Authority Implications                     Nil identified

3.6 Financial Implications

Appropriate budget provisions have been forecast in the 2020/2021 and 2021/2022 financial years.

Services include “real-time” monitoring telemetry field monitoring, koala capture, health assessments, veterinary treatments, project management and reporting.

3.7 Economic Benefit Implications                     Nil identified

3.8 Environmental Implications

It is considered that EVE has the specialist expertise to undertake a koala monitoring program to ensure the safety of the koala population during periods of construction. Continuity of the koala monitoring program aligns with Council’s commitment to koala safety and conservation measures.

3.9 Social Implications

This project has received increasing media and community attention and has been a positive demonstration of Council’s commitment to preserve the ecology of the site. The project has also supported the University of Sunshine Coast’s research in combating disease in koala populations that will benefit the koala not only in South East Queensland but in all koala habitats across Australia.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. There are no human rights relevant to Council’s decision and Council’s decision is compatible with human rights.

3.11 Consultation / Communication

Director Community and Environmental Services  
Manager, Financial and Project Services  
Senior Procurement Advisor  
Manager, Major Projects (University Project)  
Council Briefing - 20 May 2020



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## ITEM 5.3 COMMUNITY GRANTS POLICY REVIEW

*Meeting / Session:* 5 COMMUNITY & ENVIRONMENTAL SERVICES  
*Reference:* A20096347 : 29 May 2020 - **Refer Supporting Information A20094039 & A20093729**  
*Responsible Officer:* MM, Manager - Community Services, Sport and Recreation (CES Community Services, Sport & Recreation)

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### Executive Summary

Council regularly reviews its policies for applicability, effectiveness and consistency with relevant legislation, Council resolutions and other Council documents. Officers have undertaken a review of Council's Community Grants Policy (No. 2150-030) and framework to identify opportunities to improve the effectiveness of the relevant programs in responding to community needs and corporate objectives.

The purpose of this report is to seek Council's consideration of a revised Community Grants Policy (refer Supporting Information #1), incorporating a number of proposed amendments arising from the review process.

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### RESOLUTION

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Moved by Cr Matt Constance

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That pursuant to section 195 of the Local Government Regulation 2012, Council adopts the Community Grants Policy as amended and appearing in Supporting Information #1 of this report.
2. That in relation to the Local Community Support Grant and Annual Celebrations Grant included in the amended policy, pursuant to section 257 of the *Local Government Act 2009* Council delegates to the Chief Executive Officer the power under section 194 of the Local Government Regulation 2012 to:
  - a) determine whether Council is satisfied a grant will be used for a purpose that is in the public interest;
  - b) determine whether the community organisation meets the criteria stated in the amended Community Grants Policy; and
  - c) give a grant consistent with the amended Community Grants Policy.

*ITEM 5.3 COMMUNITY GRANTS POLICY REVIEW - A20096347 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That pursuant to section 195 of the Local Government Regulation 2012, Council adopts the Community Grants Policy as amended and appearing in Supporting Information #1 of this report.
2. That in relation to the Local Community Support Grant and Annual Celebrations Grant included in the amended policy, pursuant to section 257 of the *Local Government Act 2009* Council delegates to the Chief Executive Officer the power under section 194 of the Local Government Regulation 2012 to:
  - a. determine whether Council is satisfied a grant will be used for a purpose that is in the public interest;
  - b. determine whether the community organisation meets the criteria stated in the amended Community Grants Policy; and
  - c. give a grant consistent with the amended Community Grants Policy.

## **REPORT DETAIL**

### **1. Background**

In accordance with the review triggers, officers have undertaken a review of Council's Community Grants Policy (Policy) to identify opportunities to improve the effectiveness of Council's community granting programs and optimise its support for community organisations.

The review process focused on the suite of granting programs administered by Council under the Policy, inclusive of:

- Community Activities Grant;
- Community Facilities Grant;
- Community Organisation Development Grant;
- Community Organisation Equipment Grant;
- Individual Achievement Grant;
- Road Safety Grant;
- Regional Arts Development fund (RADF);
- Regional Community Project Grant;
- COVID-19 Community Infrastructure Revitalisation Grant; and
- COVID-19 Community Organisation Hardship and Assistance Grant.

In addition to the review of Council's existing granting programs, officers also investigated:

- the potential for new granting programs to be established in response to emerging community needs and identified grant-making trends; and
- opportunities to include other existing support programs of Council under the provisions of the Policy.

A Council Briefing was conducted on 21 May 2020 to provide Council with an explanation regarding the findings of the review process and the proposed amendments to Council's Policy. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

### BRIEFING 2 - COMMUNITY GRANTS PROGRAM 2020/21

Discussion related to the review of Council's Community Grant Policy and framework consisted of:

- an overview of Council's existing community grants framework;
- a briefing regarding the subscription rates and effectiveness of the Community Organisation Equipment Grant and the Community Organisation Development Grant;
- a briefing regarding opportunities for improvement identified for the Community Activities Grant and Community Facilities Grant;
- an overview of a proposed new Local Community Support Grant program; and
- a briefing regarding policy head-of-power provisions for operational contributions to community organisations.

ITEM 5.3 COMMUNITY GRANTS POLICY REVIEW - A20096347 (Cont.)

**2. Explanation of Item**

As a result of the recent review process, a series of amendments are proposed to Council's Community Grants Policy (No. 2150-030). Table 2.1 below provides an overview of the core amendments proposed.

Table 2.1 - Proposed Policy Amendments

Proposed amendment	Detail
Establishment of a new Local Community Support Grant program	<p>The proposed new grant program will support eligible community organisations to undertake local projects and initiatives for a community purpose.</p> <p>Further information regarding the proposed Local Community Support Grant is provided in the draft applicant Guidelines (refer Supporting Information #2).</p>
Removal of the Community Organisation Equipment Grant	<p>Competitive assessment of applications under this grant at a regional level has proven difficult for assessing officers.</p> <p>It is proposed that eligible community organisations be able to apply to Council under the proposed new Local Community Support Grant for equipment purchases. Applications will therefore be competitively assessed at a local level, rather than a regional level.</p>
Removal of the Community Organisation Development Grant	<p>This grant has been identified as having a low level of subscription in comparison to other grants.</p> <p>It is proposed that eligible community organisations will be able to apply to Council under the proposed new Local Community Support Grant for organisation development projects and initiatives.</p> <p>Further, Council officers will continue to assist community organisations with their club governance and business planning activities (where appropriate and required) as part of its business-as-usual Sport and Recreation operations.</p>
Inclusion of Annual Celebrations Grants	<p>Support provided to community organisations towards annual celebrations (eg. Youth Week, National Aboriginal and Islanders Day Observance Committee (NAIDOC) Week, Seniors Week, Disability Action Week and Harmony Week) has been included under the provisions of Council's Community Grants Policy and framework.</p>
Amendment to the Individual Achievement Grant	<p>The applicant eligibility criteria for this grant has been expanded to:</p> <ul style="list-style-type: none"> <li>• enable schools to receive a grant in support of school achievement awards; and</li> <li>• enable support for individuals selected to compete at the Summer and Winter Special Olympic World Games.</li> </ul>
Inclusion of Community Operational Support Grants	<p>Support provided to community organisations towards their delivery of services or activities has been included under</p>

ITEM 5.3 COMMUNITY GRANTS POLICY REVIEW - A20096347 (Cont.)

Proposed amendment	Detail
	the provisions of Council's Community Grants Policy and framework.
Removal of the Road Safety Grant	Discontinued at the commencement of the 2019/20 financial year due to low subscription rates, provision for a dedicated road safety grant program has been removed from the Policy.  Road safety related projects and initiatives remain eligible under Council's existing Community Activities Grant and the proposed new Local Community Support Grant.
Removal of annual funding limit impacts for auspice organisations.	The policy has been amended to further support eligible community organisations which auspice grants for unincorporated / informal community groups.  Where a community organisation auspices a grant for an unincorporated / informal community group, those grant funds will no longer form part of the auspicing organisation's annual funding limits.

This report recommends that Council adopts the Community Grants Policy, as amended and appearing in supporting information #1 of this report.

In relation to the Local Community Support Grant and Annual Celebrations Grant, the report further recommends that the Chief Executive Officer (CEO) be delegated to:

- determine whether Council is satisfied that a grant will be used for a purpose that is in the public interest;
- determine whether the community organisation meets the criteria stated in the amended Community Grants Policy; and
- give a grant consistent with the amended Community Grants Policy.

The provision of this new delegation to the CEO will add to existing delegations (No. 142 and 155) approved by Council at its 24 September 2019 and 25 March 2020 General Meetings for the following grants which remain under the amended Policy:

- Community Activities Grant;
- Community Facilities Grant;
- Individual Achievement Grant;
- Regional Arts Development fund (RADF);
- COVID-19 Community Infrastructure Revitalisation Grant; and
- COVID-19 Community Organisation Hardship and Assistance Grant.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

In accordance with Sections 194 and 195 of the Local Government Regulation 2012, in order to award community grants a local government must prepare and adopt a policy about local government grants to community organisations (a community grants policy), which includes the criteria for a community organisation to be eligible for a grant from the local government. The recommendations in this report will amend, Council's existing Community Grants Policy (N0.2150-030).

ITEM 5.3 COMMUNITY GRANTS POLICY REVIEW - A20096347 (Cont.)

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Healthy and supportive communities - a healthy and inclusive community.

3.3 Policy Implications

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

This report recommends that Council approve a series of amendments to its Community Grants Policy (2150-030) resulting from a recent policy review process.

3.4 Risk Management Implications  Nil identified

3.5 Delegated Authority Implications

This report recommends that, in relation to the Local Community Support Grant and Annual Celebrations Grant, the CEO be delegated to:

- determine whether Council is satisfied that a grant will be used for a purpose that is in the public interest;
- determine whether the community organisation meets the criteria stated in the amended Community Grants Policy; and
- give a grant consistent with the amended Community Grants Policy.

3.6 Financial Implications

Budgetary allocations to granting programs provided for under Council's Community Grants Policy (No. 2150-030) are determined as part of Council's annual budget deliberations.

3.7 Economic Benefit Implications

Council's community grant programs facilitate the delivery of community projects and events that contribute to the local economy through increased tourism and community activity.

3.8 Environmental Implications

Council's community grant programs facilitate the delivery of environmental projects such as revegetation and environmental education initiatives in the community.

3.9 Social Implications

Council's community grant programs build the capacity of local community organisations to deliver a variety of community services and programs that respond to the needs of the Moreton Bay community.

3.10 Human Rights Implications  Nil identified

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human rights implications relevant to Council's decision.

3.11 Consultation / Communication

Council Briefing - 21 May 2020

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**6 FINANCE & CORPORATE SERVICES SESSION**

**(Cr M Constance)**

Declarations of interest statement

*There are no personal interests to be declared for items in this session.*

**ITEM 6.1  
MONTHLY REPORTING PACKAGE - APRIL 2020**

*Meeting / Session: 6 FINANCE & CORPORATE SERVICES  
Reference: A20048519 : 18 May 2020 - Refer Supporting Information A20047050  
Responsible Officer: CP, Accountant (FCS Accounting Services)*

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 30 April 2020.

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**RESOLUTION**

**Moved by Cr Jodie Shipway  
Seconded by Cr Tony Latter**

**CARRIED 13/0**

**That the Financial Reporting Package for the year to date period ending 30 April 2020 be received.**

*ITEM 6.1 MONTHLY REPORTING PACKAGE - APRIL 2020 - A20048519 (Cont.)*

## OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 30 April 2020 be received.

## **REPORT DETAIL**

### **1. Background**

The Financial Reporting Package for the month ending 30 April 2020 is contained within the supporting information to this report.

This package contains a number of financial statements with relevant commentary to provide a breakdown of key financial data and includes:

- ✓ Financial Statements
  - Statement of Comprehensive Income shows all income and expenditure as at the end of the April period.
  - The Statement of Financial Position highlights Council's position at the end of April and itemises assets, liabilities and community equity.
  - Statement of Cash Flows which represents the cash inflows and outflows during the month.
  - Statement of sources and applications of capital funding.
- ✓ Treasury Report
  - The Treasury Report highlights key areas of performance relating to Council's investments and borrowings.

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

The financial results for the month of April are complete. A commentary is provided on significant matters that occurred during the month.

#### Impacts of the Coronavirus Pandemic

Council's investment with Queensland Investment Corporation (QIC) declined from a high of \$112 million as at the end of January to just under \$100 million as at the end of March. For the month of April, the investment recovered slightly and is now sitting at about \$100 million. This is a long term investment and it is anticipated that in time it should recover and increase in value.

#### Fees and Charges

Revenues associated with fees and charges have been impacted by the following:

- refunding food licencing fees (\$730,000);
- closure of Council facilities such as pools, caravan parks, sport centres, entertainment centres; and
- a general slight decline in some fees across the board.

#### Operating Expenditure

Council had committed to bringing forward certain maintenance works and providing community infrastructure and hardship grants in response to the pandemic.

### **3. Strategic Implications**

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

Part 9, section 204 of the Local Government Regulation 2012, (regulation) states the following:

- (1) The local government must prepare a financial report.
- (2) The chief executive officer must present the financial report—
  - (a) if the local government meets less frequently than monthly—at each meeting of the local government; or
  - (b) otherwise—at a meeting of the local government once a month.

ITEM 6.1 MONTHLY REPORTING PACKAGE - APRIL 2020 - A20048519 (Cont.)

(3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Compliance to the Council's Investment Policy is confirmed for the month of April.

3.4 Risk Management Implications

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. Risks are documented and evaluated as part of the operational plan preparation in conjunction with the annual budget cycle and are monitored throughout the year.

3.5 Delegated Authority Implications

Nil identified

3.6 Financial Implications

As at the end of April 2020, Council's operating result is \$134.9 million and the capital expenditure incurred amounted to \$157.58 million.

The Coronavirus pandemic continues to impact some of Council's revenues and contribute toward additional operating costs as Council brings forward certain maintenance works and provides assistance through community infrastructure and hardship grants.

All of these considerations have been taken into account in reviewing the 2019/20 budget position and the formulation of the draft budget for 2020/21.

3.7 Economic Benefit Implications

Nil identified

3.8 Environmental Implications

Nil identified

3.9 Social Implications

Nil identified

3.10 Human Rights Implications

Nil identified

3.11 Consultation / Communication

Director Finance and Corporate Services and Accounting Services Manager.



**ITEM 6.2**  
**REVENUE POLICY 2020/21**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* A20082213 : 27 May 2020 - **Refer Supporting Information A20082190**  
*Responsible Officer:* JL, Financial Operations Manager (FCS Financial Operations)

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**Executive Summary**

Pursuant to section 104 of the *Local Government Act 2009* (Act) and section 193 of the Local Government Regulation 2012 (Regulation) Council is required to prepare a Revenue Policy on an annual basis.

The policy must be prepared in sufficient time to allow an annual budget that is consistent with the revenue policy to be adopted for the next financial year.

The Revenue Policy is a key component of the system of financial management established by Council in accordance with the Act.

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**RESOLUTION**

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**Moved by Cr Denise Sims**

**Seconded by Cr Mark Booth**

**CARRIED 13/0**

**That the 2020/21 Revenue Policy be adopted, as tabled.**

ITEM 6.2 REVENUE POLICY 2020/21 - A20082213 (Cont.)

**OFFICER'S RECOMMENDATION**

That the 2020/21 Revenue Policy be adopted, as tabled.

**REPORT DETAIL**

**1. Background**

The Revenue Policy is a key component of the Financial Policies required under the *Local Government Act 2009* and will provide guidance during the development of the 2020/21 budget.

**2. Explanation of Item**

In accordance with the requirements set out under section 193 of the Local Government Regulation 2012, the Revenue Policy must incorporate:

- (a) the principles that the local government intends to apply in the financial year for—
  - I levying rates and charges; and
  - ii. granting concessions for rates and charges; and
  - iii. recovering overdue rates and charges; and
  - iv. cost-recovery methods; and
- (b) if the local government intends to grant concessions for rates and charges - the purpose for the concessions; and
- (c) the extent to which physical and social infrastructure costs for a new development are to be funded by charges for the development.

The Council must review the Revenue Policy annually and in sufficient time to allow an annual budget that is consistent with the Revenue Policy to be adopted for the next financial year.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Council is required to prepare a Revenue Policy under section 104 of the *Local Government Act 2009*. Section 193 of the Local Government Regulation 2012 outlines the requirements of the Revenue Policy.

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

The Revenue Policy is required under section 104 of the Local Government Act 2009.

**3.4 Risk Management Implications**

The risk to Council lies in the implementation and application of the Revenue Policy. Council must set rates and charges at a level that is sufficient to provide for both current and future community requirements. To mitigate this risk, Council undertakes long term financial modelling to inform decision making.

**3.5 Delegated Authority Implications                     Nil identified**

**3.6 Financial Implications**

The annual budget for the 2020/21 financial year must be consistent with the principles outlined in the Revenue Policy.

*ITEM 6.2 REVENUE POLICY 2020/21 - A20082213 (Cont.)*

3.7 Economic Benefit Implications  Nil identified

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

In preparing the amended Revenue Policy for the 2020/21 financial year, the Director Finance and Corporate Services, Financial Operations Manager and Manager Development Services were consulted.

**ATTENDANCE**

Mr Denis Crowe attended the meeting at 12.14pm for discussion on Item 6.3

**ITEM 6.3**  
**2020/21 SCHEDULE OF FEES AND CHARGES**

*Meeting / Session:* 6 FINANCE & CORPORATE SERVICES  
*Reference:* A20067428 : 21 May 2020 - Refer Supporting Information A20076173 & A20076693  
*Responsible Officer:* DC, Accounting Services Manager (FCS Accounting Services)

**Executive Summary**

A review of fees and charges has been undertaken in preparation for the 2020/21 budget process and the commencement of the new financial year.

The proposed 2020/21 Full Schedule of Fees and Charges is submitted for adoption.

**RESOLUTION**

Moved by Cr Jodie Shipway

Seconded by Cr Cath Tonks

CARRIED 13/0

1. That the 2020/21 Full Schedule of Fees and Charges be adopted as provided in Supporting Information #1, and commence from 1 July 2020.
2. That it be noted the Development Services Department will undertake industry consultation with regard to some of its application fees with a view to providing a briefing to Council on the outcomes of this consultation by the end of July 2020.
3. That it be noted the Development Services Schedule of Fees and Charges 2020/2021 as provided in Supporting Information #2 will be made available to industry and customers for their use in understanding the new fee structure applicable from 1 July 2020.
4. That it be noted a future report will be presented to Council in late 2020 to amend the Waste Services Department's Fees and Charges to take into account the \$5 per tonne increase in the Waste Levy applicable from 1 January 2021.

ITEM 6.3 2020/21 SCHEDULE OF FEES AND CHARGES - A20067428 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the 2020/21 Full Schedule of Fees and Charges be adopted as provided in Supporting Information #1, and commence from 1 July 2020.
2. That it be noted the Development Services Department will undertake industry consultation with regard to some of its application fees with a view to providing a briefing to Council on the outcomes of this consultation by the end of July 2020.
3. That it be noted the Development Services Schedule of Fees and Charges 2020/2021 as provided in Supporting Information #2 will be made available to industry and customers for their use in understanding the new fee structure applicable from 1 July 2020.
4. That it be noted a future report will be presented to Council in late 2020 to amend the Waste Services Department's Fees and Charges to take into account the \$5 per tonne increase in the Waste Levy applicable from 1 January 2021.

**REPORT DETAIL**

**1. Background**

A Council briefing was conducted on 19 May 2020 to enable further explanation/clarification to be provided to the Council on the proposed 2020/21 Schedule of Fees and Charges. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**19 May 2020 The CEO noted the way forward:**

**ECM**

*The Engineering Construction & Maintenance, Infrastructure Planning and Waste Services schedule of fees and charges 2020/21 were noted as presented by Director Engineering Construction & Maintenance.*

**CES**

*Community & Environmental Services schedule of fees and charges 2020/21 were reviewed with the following notes:*

*Redcliffe Entertainment Centre (REC):*

*The 'Redcliffe Entertainment Centre - Duty Manager - Monday to Friday - Up to 3 Additional Hours' line item wording be amended to reflect the rate of \$64.00, charged hourly.*

**Planning**

*The CEO will work through the timeframe and implementation of the Planning component of fees and charges to be adopted in order to provide the industry with 60 days' notice of changes.*

**Finance & Corporate Services**

*Accounting Services Manager will arrange for the 2020/21 schedule of fees and charges to be provided to Council for consideration (excluding the Planning component, to be provided at a later stage).*

*It was noted that the report to Council for the adoption of fees and charges will be in line with CPI increase.*

**2. Explanation of Item**

Council has in excess of 1000 fees and charges for specific services. These fees and charges are reviewed at least annually to ensure they are appropriate. The setting of separate fees and charges aligns with the user-pays philosophy of Council.

ITEM 6.3 2020/21 SCHEDULE OF FEES AND CHARGES - A20067428 (Cont.)

Fees and charges revenue represents a sizeable portion of the Council's overall operating revenues at approximately \$35 million per annum.

The majority of the proposed fees and charges for 2020/21 reflect an increase in line with the estimated Consumer Price Index (CPI). It should be noted that a number of new fees have been recommended, while it is proposed to discontinue others that are longer required.

The Development Services Department has reviewed its fees and charges with a view to reducing the complexity in calculating fees for specific Council services. In that regard the proposed schedule of fees and charges for 2020/21 includes the outcome of that process. Some fees have been set at 'price on application' with the intent to have targeted industry consultation. The results of the industry consultation will be brought back to a future Briefing Session of Council. It is proposed that Supporting Information #2 will be made available to industry and customers to assist them in better understanding the new fee structure.

The Waste Services Department's fees and charges as provided at the Briefing Session on 19 May factored in the State Government's anticipated \$5 per tonne increase in Waste Levy, applicable from 1 July 2020.

Recent correspondence from the State Government advises that the \$5 per tonne Waste Levy increase is to be postponed and will now take effect from 1 January 2021.

Accordingly, the Waste Services Department's fees and charges as presented for adoption, have been updated to remove the impacts of the \$5 per tonne Waste Levy increase that was expected on 1 July 2020.

However, given the Waste Levy will now increase by \$5 per tonne from 1 January 2021 a further report will be presented to Council towards the end of 2020 to amend the Waste Services Department's fees and charges to include the impacts of the \$5 per tonne Waste Levy increase applicable from 1 January 2021.

In general terms if any fees and charges require amending over the course of the financial year a report will be presented to Council with those proposed amendments.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

All cost recovery fees identified in the attached reports have been prepared in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

Nil identified

#### 3.4 Risk Management Implications

The key strategic risk for Council in the setting of fees and charges is the projected revenue stream that they generate. Fees and charges revenue represents a sizeable portion of the Council's overall operating revenues and as such there is an element of risk associated with forecasting the expected revenue as many fees and charges are dependent on the level of economic activity and/or demand for Council services.

To mitigate this risk, a conservative approach is taken as to the expected levels of revenue anticipated in the context of the fee and the current economic environment.

#### 3.5 Delegated Authority Implications

Nil identified

*ITEM 6.3 2020/21 SCHEDULE OF FEES AND CHARGES - A20067428 (Cont.)*

3.6 Financial Implications

Fees and charges represent a significant component of Council's operational revenues and feeds into Council's annual budget process. The revenue projections for 2020/21 are impacted by the ongoing uncertainty surrounding the economic downturn associated with the pandemic.

3.7 Economic Benefit Implications

Whilst the fees and charges do not drive any direct economic benefit to the region they do act as a barometer in terms of the level of economic activity in the region as their charging demonstrates the demand, or otherwise, for Council services.

3.8 Environmental Implications  Nil identified

3.9 Social Implications  Nil identified

3.10 Human Rights Implications  Nil identified

3.11 Consultation / Communication

Council, Executive Management Team and officers of Council.

## **ATTENDANCE**

Mr Denis Crowe left the meeting at 12.15pm after Item 6.3.

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**11. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE**

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**ITEM 11.1  
DEVELOPMENT APPLICATION - PACIFIC HARBOUR  
(BS)**

Cr Savige, following consideration on Item 4.3 requested that investigation be carried out on the capacity, efficiency and safety of the road access in to and out of the suburb of Banksia Beach.

Cr Savige said that Banksia Beach was much larger, serviced by one road and although preliminary investigations had been undertaken, it was timely to do a more thorough investigation.

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**RESOLUTION**

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**Moved by Cr Brooke Savige**

**Seconded by Cr Jodie Shipway**

**CARRIED 13/0**

**That the Chief Executive Officer investigate the capacity, efficiency and safety of the road access in to and out of the suburb of Banksia Beach and provide to a future Council Briefings.**

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**12. CLOSED SESSION**

*(s275 of the Local Government Regulation 2012)*

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**12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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No items for consideration.

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**12b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

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**CLOSURE**

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There being no further business the Chairperson closed the meeting at 12.20pm.



**CHIEF EXECUTIVE OFFICER'S CERTIFICATE**

I certify that minute pages numbered 20/867 to 20/1133 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 10 June 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

**CONFIRMATION CERTIFICATE**

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 24 June 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor