



REPORT

Coordination Committee Meeting

Tuesday 19 March 2019

commencing at 11.50am

Caboolture Chambers
2 Hasking Street, Caboolture

ENDORSED GM20190319

CHAIRPERSON'S REPORT

The recommendations contained within this report of the Coordination Committee meeting held 19 March 2019 are recommended to the Council for adoption.

COUNCILLOR MIKE CHARLTON (DEPUTY MAYOR)
CHAIRPERSON
COORDINATION COMMITTEE

Membership = 13
Mayor and all Councillors

Quorum = 7

12.1 Coordination Committee Meeting - 19 March 2019 - Items considered separately

ITEM 2.2: DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1

Conflict of Interest - Declaration - Cr Brooke Savige

Pursuant to s175E of the *Local Government Act 2009*, Cr Brooke Savige declared a personal interest in Item 2.2 as a complaint was lodged by Mr Robert Comiskey, a Director of Bribie Waters Pty Ltd, the applicant of Item 2.2 in 2018 about the Councillor's conduct as a Councillor which was dismissed by the regional conduct review panel, and Mr. Comiskey's subsequent interactions with the Councillor at a photo opportunity in September 2018.

However the Councillor has considered her position and advice received by the Integrity Commissioner and is firmly of the opinion that the Councillor does not have a conflict of interest and therefore would like to remain and participate in the debate and recommendations on the matter in the public interest. However in the interests of transparency the Councillor raised this personal interest for discussion and determination by Council as per the *Local Government Act 2009*.

Conflict of Interest - Declaration - Cr James Houghton

Pursuant to s175E of the *Local Government Act 2009*, Cr James Houghton declared a perceived conflict of interest in Item 2.2 as the Councillor received in kind support during the 2016 electoral campaign from Moreton Futures Trust on 19 March 2016 to the value of \$2,873. Rio Vista Security was one of nine contributors to Moreton Futures Trust and at the time of the 2016 election, Rio Vista Security was owned by the Comiskey Group being the applicant of Item 2.2.

Cr James Houghton has considered his position and will retire from the meeting.

Conflict of Interest - Declaration - Cr Peter Flannery

Pursuant to s175E of the *Local Government Act 2009*, Cr Peter Flannery declared a perceived Conflict of Interest in Item 2.2 as during the Councillors' 2016 Election campaign, he received in kind support of \$408.55 from Rio Vista Security whom were one of nine businesses in total who made a donation to Moreton Futures Trust. Rio Vista Security, which was owned by Mr Robert Comiskey is also part owner of Bribie Waters Pty Ltd who are the applicant for Item 2.2.

Cr Peter Flannery has considered his position and will retire from the meeting.

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 2.2 as he is a friend of Mr Robert Comiskey, a Director of Bribie Waters Pty Ltd, the applicant of Item 2.2.

Cr Darren Grimwade has considered his position and will retire from the meeting.

Councillors Peter Flannery, James Houghton and Darren Grimwade voluntarily retired from the meeting at 3.31pm.

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 Cr Brooke Savige'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 if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.

However as a quorum cannot be formed, no decision can be made on this matter.

ATTENDANCE

Councillors Peter Flannery, James Houghton and Darren Grimwade returned to the meeting at 3.32pm.

RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Peter Flannery

CARRIED 8/2

Cr Brooke Savige and Cr Adrian Raedel voted against the resolution

That the report and recommendation in relation to Item 2.2 of the Coordination Committee meeting held 19 March 2019, be adopted.

ITEM 4.4: PETRIE - PETRIE MILL REDEVELOPMENT - INTERNAL CIVIL WORKS STAGE 1 - DIVISION 7

Conflict of Interest - Declaration - Cr Mike Charlton (Deputy Mayor)

Pursuant to s175E of the *Local Government Act 2009*, Cr Mike Charlton declared a perceived conflict of interest in Item 4.4 as BMD Constructions were a contributor to Moreton Futures Trust in 2010. Cr Charlton advised that he received an interest free loan in the amount of \$5000 from Moreton Futures Trust in late September 2011 which was repaid in full on 25 January 2012. Cr Charlton has not received a donation since that time.

However, Cr Mike Charlton 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.

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 Cr Mike Charlton'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 if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.

Moved by Cr James Houghton

Seconded by Cr Koliانا Winchester

CARRIED 6/3

Cr Denise Sims, Cr Darren Grimwade and Cr Adrian Raedel voted against the matter

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

Cr Mike Charlton (Deputy Mayor) remained in the meeting.

RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Peter Flannery

CARRIED 10/0

That the report and recommendation for Item 4.4 of the Coordination Committee meeting held 19 March 2019, be adopted.

12.2 Coordination Committee Meeting - 19 March 2019 (Pages 19/400 - 19/477)

RESOLUTION

Moved by Cr Adrian Raedel

Seconded by Cr James Houghton

CARRIED 10/0

That the report and recommendations of the Coordination Committee meeting held 19 March 2019 be adopted, excluding Item 2.2 and Item 4.4. which have been considered separately.

LIST OF ITEMS

1 GOVERNANCE SESSION (Cr M Charlton, Deputy Mayor)

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- ITEM 2.2** 406
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- ITEM 2.3** 432
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3 CORPORATE SERVICES SESSION (Cr M Constance)

- ITEM 3.1** 451
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5 PARKS, RECREATION & SPORT SESSION (Cr K Winchester)

6 LIFESTYLE & AMENITY SESSION (Cr D Sims)

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

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CLOSURE

ATTENDANCE & APOLOGIES

Attendance:

Committee Members:

Cr Mike Charlton (Deputy Mayor) (Chairperson)
Cr Brooke Savige
Cr Peter Flannery
Cr Adam Hain
Cr James Houghton
Cr Koliana Winchester
Cr Denise Sims
Cr Matthew Constance
Cr Darren Grimwade
Cr Adrian Raedel

Officers:

Chief Executive Officer	(Mr Daryl Hitzman)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Infrastructure Planning	(Mr Andrew Ryan)
Senior Legal Officer	(Mr Kelvin Chin Fat)
Acting Manager Executive Services	(Mr Darren Dallinger)
Manager Development Services	(Ms Kate Isles)
Team Leader Planning	(Ms Tina Maltby-Wells)
Meeting Support	(Hayley Kenzler)
Meeting Support	(Kim Reid)

Apologies:

Cr Allan Sutherland (Mayor) who will be accompanying His Excellency the Honourable Paul de Jersey AC, Governor of Queensland during his visit to the Moreton Bay Region.
Cr Julie Greer
Cr Mick Gillam

The Mayor is the Chairperson of the Coordination Committee.

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

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

1 GOVERNANCE SESSION

(Cr M Charlton, Deputy Mayor)

ITEM 1.1

LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND LTD'S GENERAL MEETING - DELEGATE - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A18316568 : 13 March 2019
Responsible Officer: LK, Executive Support Officer (CEO Executive Services)

Executive Summary

The purpose of this report is to recommend that Council nominate a Delegate to attend the Local Government Association of Queensland Ltd (LGAQ) General Meeting in Brisbane on Tuesday 2 April 2019.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Peter Flannery

CARRIED 10/0

That Cr Allan Sutherland (Mayor) be Council's Delegate to the Local Government Association of Queensland General Meeting in Brisbane on Tuesday 2 April 2019.

ITEM 1.1 LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND LTD'S GENERAL MEETING - DELEGATE - REGIONAL - A18316568 (Cont.)

OFFICER'S RECOMMENDATION

That Cr Allan Sutherland (Mayor) be Council's Delegate to the LGAQ General Meeting in Brisbane on Tuesday 2 April 2019.

REPORT DETAIL

1. Background

A Notice of General Meeting has been received from the Local Government Association of Queensland Ltd (LGAQ) for Tuesday 2 April 2019 in Brisbane. At this General Meeting, Moreton Bay Regional Council will be entitled to a total of 10 votes.

2. Explanation of Item

The business of this LGAQ General Meeting is to amend the LGAQ Policy Statement to address the Queensland Government's proposed legislative changes to the *City of Brisbane Act 2010*, *Local Government Act 2019* and *Local Government Electoral Act 2011*, and to direct the President, Chief Executive Officer and Policy Executive of the LGAQ to inform the Queensland Government of the membership's position in relation to this matter at the earliest opportunity.

3. Strategic Implications

3.1 Legislative/Legal Implications

There are no legislation/legal implications directly arising from this report.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

There are no policy implications arising from this report.

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

There are no delegated authority implications arising from this report.

3.6 Financial Implications

Funds have been provided in the 2018/19 Budget.

3.7 Economic Benefit

There are no delegated authority implications arising from this report.

3.8 Environmental Implications

There are no environmental implications arising from this report.

3.9 Social Implications

There are no social implications arising from this report.

3.10 Consultation / Communication

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

ATTENDANCE

Ms Kate Isles and Ms Tina Maltby-Wells attended the meeting at 11.51am for discussion on Item's 2.1 - 2.3.

2 PLANNING & DEVELOPMENT SESSION

(Cr M Charlton, Deputy Mayor)

ITEM 2.1 - WITHDRAWN

MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR CHILD CARE CENTRE - 54-66 OLD BAY ROAD, DECEPTION BAY - DIVISION 2

APPLICANT: DL & ASSOCIATES PTY LTD

OWNER: AUGUSTA ELC PTY LTD

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A18212535 : 19 March 2019 – Refer Supporting Information A18212546, A18255770 & A18256078

Responsible Officer: JL / GH, Principal Planner (PED Development Services)

This item was withdrawn as the applicant has made representations to stop the decision-making. The matter will therefore return to committee when the applicant has recommenced the decision stage.

ATTENDANCE

Mr Kelvin Chin Fat and Mr Darren Dallinger attended the meeting at 12.11pm during Item 2.2.

ITEM 2.2 - DECLARATION OF INTEREST

Conflict of Interest - Declaration - Cr Brooke Savige

Pursuant to s175E of the *Local Government Act 2009*, Cr Brooke Savige declared a personal interest in Item 2.2 as a complaint was lodged by Mr Robert Comiskey, a Director of Bribie Waters Pty Ltd, the applicant of Item 2.2 in 2018 about the Councillor's conduct as a Councillor which was dismissed by the regional conduct review panel, and Mr. Comiskey's subsequent interactions with the Councillor at a photo opportunity in September 2018.

However the Councillor has considered her position and advice received by the Integrity Commissioner and is firmly of the opinion that the Councillor does not have a conflict of interest and therefore would like to remain and participate in the debate and recommendations on the matter in the public interest. However in the interests of transparency the Councillor raised this personal interest for discussion and determination by Council as per the *Local Government Act 2009*.

Conflict of Interest - Declaration - Cr James Houghton

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Cr James Houghton has considered his position and will retire from the meeting.

Conflict of Interest - Declaration - Cr Peter Flannery

Pursuant to s175E of the *Local Government Act 2009*, Cr Peter Flannery declared a perceived Conflict of Interest in Item 2.2 as during the Councillors' 2016 Election campaign, he received in kind support of \$408.55 from Rio Vista Security whom were one of nine businesses in total who made a donation to Moreton Futures Trust. Rio Vista Security, which was owned by Mr Robert Comiskey is also part owner of Bribie Waters Pty Ltd who are the applicant for Item 2.2.

Cr Peter Flannery has considered his position and will retire from the meeting.

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 2.2 as he is a friend of Mr Robert Comiskey, a Director of Bribie Waters Pty Ltd, the applicant of Item 2.2.

Cr Darren Grimwade has considered his position and will retire from the meeting.

Councillors Peter Flannery, James Houghton and Darren Grimwade voluntarily retired from the meeting at 11.59am.

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 Cr Brooke Savige'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 if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.

However as a quorum cannot be formed, no decision can be made on this matter.

ATTENDANCE

Cr Peter Flannery and Cr Darren Grimwade returned to the meeting at 12.00pm.
Cr James Houghton returned to the meeting at 12.01pm.

Moreton Bay Regional Council

As four of the Councillors at the meeting of Council have informed the meeting about personal interests in Item 2.2 under section 175E(2) of the Act, and a quorum cannot be formed, section 175E(7)(a) of the Act is enlivened permitting all Councillors (including those declaring a conflict of interest) to vote for the purpose of delegating deciding the matter.

All Councillors remained in the meeting as permitted under section 175E(7)(a) of the Act to delegate the following matter.

ITEM 2.2

DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1

APPLICANT: BRIBIE WATERS PTY LTD
OWNER: BRIBIE WATERS PTY LTD

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A18268553: 28 February 2019 – Refer Supporting Information A18307046, A18307091, A18309420, A18309726, A18160764 & A18257711
Responsible Officer: BB, Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Bribie Waters Pty Ltd
Lodgement Date:	15 November 2018
Properly Made Date:	3 December 2018
Confirmation Notice Date:	7 December 2018
Information Request Date:	21 December 2018
Info Response Received Date:	16 January 2019
Public Notification Dates:	Start date: 15 January 2019 End date: 8 February 2019
No. of Submissions:	Properly Made: 245 Not Properly Made: 76
Decision Due Date:	29 March 2019
Prelodgement Meeting Held:	No

PROPERTY DETAILS	
Division:	Division 1
Property Address:	1780-1820 Bribie Island Road, Sandstone Point
RP Description	Lot 6 SP281368
Land Area:	32.4906ha
Property Owner	Bribie Waters Pty Ltd

STATUTORY DETAILS	
Planning Legislation:	<i>Planning Act 2016</i>
Planning Scheme:	Moreton Bay Regional Council Planning Scheme
Planning Locality / Zone	General Residential Zone - Next generation precinct Rural
Level of Assessment:	Impact and Policy Neutral

The application seeks a Change (Other) to the existing Development Permit for a Material Change of Use - Outdoor Sport and Recreation situated at 1780-1820 Bribie Island Road, Sandstone Point, on land described as Lot 6 SP281368. The application seeks to change the existing approval by increasing the number of Major Outdoor Events (concert) events from nine (9) to twelve (12) (Condition 5). In addition to increasing the number of events, the applicant seeks the inclusion of multi-day events (spanning a maximum of two (2) days) to be considered as one (1) event (Condition 7). As presented, this could incur up to a maximum of twenty-four (24) individual days of concert events from the Hotel within a single calendar year.

The application was publicly advertised with 321 submissions received. The proposed development is considered to accord with the intent of the Moreton Bay Regional Council's Planning Scheme, and is recommended to be approved, subject to conditions.

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

RECOMMENDATION - DELEGATION TO DECIDE MATTER

Moved by Cr Adam Hain

Seconded by Cr Matt Constance

LOST 4/6

Cr Peter Flannery, Cr James Houghton, Cr Koliana Winchester, Cr Denise Sims, Cr Mike Charlton (Deputy Mayor) and Cr Darren Grimwade and voted against the Recommendation

That in accordance with section 175E(6) of the *Local Government Act 2009* (the Act), as four councillors at the meeting of Council have informed the meeting about personal interests in Item 2.2 under section 175E(2) of the Act, Council delegates power under section 257 of the Act to the next Coordination Committee meeting as Council's Standing Committee to decide this matter.

COMMITTEE RECOMMENDATION - DELEGATION TO DECIDE MATTER

Moved by Cr Peter Flannery

Seconded by Cr James Houghton

CARRIED 6/4

Cr Brooke Savige, Cr Adam Hain, Cr Matt Constance and Cr Adrian Raedel voted against Committee's Recommendation

That in accordance with section 175E(6) of the *Local Government Act 2009* (the Act), as four councillors at the meeting of Council have informed the meeting about personal interests in Item 2.2 under section 175E(2) of the Act, Council delegates power under section 257 of the Act to the Chief Executive officer to decide the matter.

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves a Change (Other) to a Material Change of Use - Development Permit for Outdoor Sport and Recreation at 1780-1820 Bribie Island Road, Sandstone Point, described as Lot 6 SP281368, subject to the following conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	12001-DA01-01(C)	KP Architects	June 2016 (received 5 July 2017)

Conditions

CONDITION		TIMING
DEVELOPMENT PLANNING		
APPROVED PLANS/DOCUMENTS		
1.	Approved Plans	
	Undertake development generally in accordance with the approved plans. These plans will form part of the approval, unless otherwise amended by conditions of this approval.	To be maintained after the commencement of the use.
2.	Amended Plan Required	
	(a) Submit an amended Site plan incorporating the following: <ul style="list-style-type: none"> (i) Remove the note from the Outdoor Sport & Recreation heading of the 'Legend'; (ii) Remove the "temporary container bar. (b) Obtain approval from Council for the amended Site plan in accordance with (a) above. (c) Implement the requirements and recommendations of the approved plan. The approved amended plan will form part of the approval. Note: this condition has been complied with through DA/31643/2016/XC/1.	(a) & (b) & (c) Prior to commencement of use.
3.	Commencement of Use	
	In accordance with s346(1)(b) of the <i>Sustainable Planning Act 2009</i> , the use may not commence until a Request to Change an Existing Approval for the current approval over the site (DA/26871/2012/V2K) to delete the Entertainment and Recreation (Outdoors) use is approved by Council. Note: this condition has been complied with through DA/26871/2012/VCHG/3.	Prior to the commencement of the use.
MAJOR OUTDOOR EVENT		

Moreton Bay Regional Council

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

	CONDITION	TIMING
	DEVELOPMENT PLANNING	
	APPROVED PLANS/DOCUMENTS	
4.	Major Outdoor Event	
	Major Outdoor Events have more than 3000 people to the site at any one time or a sound pressure level in accordance with Condition 8(a) or (b) and are operated in accordance with the requirements of Condition 5.	At all times
5.	Major Outdoor Event - Use	
	<p>(a) Limit the use to a maximum of nine (9) Major Outdoor Events (Concerts) in any calendar year. Major Outdoor Events (Concerts) have noise levels in accordance with Condition 8 (a).</p> <p style="margin-left: 20px;">a. Of the nine (9) Major Outdoor Events (Concerts), a maximum of three (3) events may be considered multi-day event.</p> <p style="margin-left: 40px;">A multi-day event must not span more than two (2) consecutive days.</p> <p style="margin-left: 40px;">A multi-day, Major Outdoor Events (Concerts) must comply with noise levels in accordance with Condition 8 (b).</p> <p>Note: In any calendar year, the total number of days for a Major Outdoor Events (Concerts) cannot exceed twelve (12) calendar days.</p> <p>(b) Other Major Outdoor Events undertaken on site are to have a noise level in accordance with Condition 8 (c).</p> <p>(c) No Major Outdoor Event is to occur unless an Event Management Plan is approved by Council.</p>	(a), (b), and (c) At all times
6.	Outdoor Event Management Plan (OEMP)	
	<p>1. Submit to Council for approval an OEMP for each Major Outdoor Event. Each plan is to include:</p> <p style="margin-left: 20px;">(a) The date and name of the event.</p> <p style="margin-left: 20px;">(b) The category of event i.e. if the event is a single day or multi-day event.</p> <p style="margin-left: 20px;">(c) The duration of the event.</p> <p style="margin-left: 20px;">(d) The duration of time to set up for the event and dismantle the site after the event (including the removal of temporary structures).</p> <p style="margin-left: 20px;">(e) The maximum number of patrons expected for the event.</p> <p style="margin-left: 20px;">(f) A detailed site plan showing –</p> <p style="margin-left: 40px;">i. details and drawings of buildings and or other structural elements of the entertainment event; and</p> <p style="margin-left: 40px;">ii. location, type and numbers of all ablution facilities for both male and female patrons on the site; and</p> <p style="margin-left: 40px;">iii. type of lighting (including floodlights) on the site; and</p> <p style="margin-left: 40px;">iv. parking areas; and</p> <p style="margin-left: 40px;">v. access to the site; and</p>	1. No later than 45 days prior to the commencement of the Major Outdoor Event or such other period as agreed in writing by Council.

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

CONDITION		TIMING
DEVELOPMENT PLANNING		
APPROVED PLANS/DOCUMENTS		
	<ul style="list-style-type: none"> vi. the proposed location and description of any signs associated with the event; and vii. location and description of any safety equipment (if applicable); and viii. buffer zones, landscaping and screening of the site (if applicable); and ix. the direction and approximate distance from the site to areas likely to be affected by the operation of the outdoor event; and x. location of temporary fencing that may be required for each event; and xi. defined stage area for each event including the orientation of the stage. <p>(g) A risk management plan that includes traffic management, waste management, emergency first aid, emergency evacuation, setting up and dismantling plan, dust suppression, security, post event rehabilitation, and noise management.</p> <p>(h) A noise management plan that identifies noise limits for the event, monitoring procedures and real-time management actions to ensure that limits are met. The plan is to address any non-compliance issues identified in Condition 10 - Noise Monitoring Outcomes - Major Outdoor Events (Concerts).</p> <p>(i) A waste and litter management plan.</p> <p>(j) Identification of any issues that arose from the previous and/or similar event. Details of how this issue has been addressed and managed for the proposed event.</p> <p>(k) Procedures for notifying relevant stakeholders, including Queensland Police Service, Department of Transport and Main Roads, Queensland Fire Service etc., as to the date, time, duration and contact details for the event. Notification is to occur at least 1 month prior to the event date, unless required earlier by the relevant stakeholders.</p> <p>(l) Procedures for notifying all potentially affected residents, within a 1.3 kilometre radius of the event location, as to the date, time, duration, firework displays (if applicable), anticipated time of sound checks and contact details for the event. Notification is to occur 2 weeks prior to the event date.</p> <p>(m) If any animals are to be used at the event, the manner and places where the animals are proposed to be tethered, caged or kept and details of the use to which the animal(s) will be put, and the manner and frequency of collection, storage and removal of faeces.</p> <p>(n) A contact telephone number on which the applicant may be reached at all times.</p> <p>(o) Contact numbers and procedures for complaint handling, including a complaint register in which all telephone, SMS, email and written complaints shall be registered. The complaint register shall be maintained for a minimum period of 12 months after each event and shall be provided to MBRC within 5 business days following</p>	

Moreton Bay Regional Council

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

CONDITION	TIMING
DEVELOPMENT PLANNING	
APPROVED PLANS/DOCUMENTS	
<p>each event. Note: The complaints register is to be maintained and provided to Council in an approved format.</p> <p>(p) Any additional information required by the Council designated officer.</p> <p>2. Demonstrate that consultation with all relevant stakeholders (including DTMR, QPS, QFRS and any other relevant authority required or expected to be impacted upon by the proposed outdoor event) has occurred and their requirements have been incorporated into the OEMP. Written confirmation that each stakeholder has reviewed and endorsed or is otherwise satisfied with the OEMP for each Major Outdoor Event is to be provided to Council at time of submitting an OEMP.</p> <p>3. Implement the approved OEMP for each Major Outdoor Event.</p> <p>4. Publish on the Sandstone Point Hotel website a Major Outdoor Event schedule which is to include, as a minimum:</p> <ul style="list-style-type: none"> (a) The date and name of the event; (b) The category of event i.e. if the event is a single day or multi-day event; (c) The duration of the event; (d) The anticipated time of sound checks; (e) If fireworks are to be used and their anticipated time; <p>The schedule is to be updated on an ongoing basis with previous events maintained in the schedule for a minimum twelve (12) month period.</p> <p>To remove any doubt, the schedule is only required for events held after the Change (Other) development approval takes effect.</p>	<p>2. Prior to submitting OEMP to Council</p> <p>3. At all times.</p> <p>4. Update the event schedule no later than 20 days prior to the commencement of the Major Outdoor Event or such other period as agreed in writing by Council.</p>
6A. Traffic Management Plan	
<p>1. At the time of submitting the OEMP required by Condition 6, submit to Council for approval a stand-alone Traffic Management Plan (TMP), prepared by a suitably qualified and experienced person that has been endorsed by the relevant authorities, that:</p> <ul style="list-style-type: none"> (a) Includes specific measures that will be implemented during the event to maintain the safe and efficient operation of the road network, including traffic control personnel/signs/devices internal and external to the site, shoulder/lane closures and posted speed limit reductions. (b) Demonstrates how peak flows will be managed through a detailed traffic impact assessment prepared by a suitably qualified RPEQ. (c) Addresses public passenger transport (bus, taxi and rail), active transport (pedestrian and cyclist pathways) as well as private vehicles (passenger setdown, car parking, access and the like). (d) Demonstrates that a 20 metre buffer has been provided between the overflow carpark and existing on-site remnant vegetation. 	<p>1.No later than 45 days prior to the commencement of the Major Outdoor Event or such other period as agreed in writing by Council.</p>

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

CONDITION		TIMING										
DEVELOPMENT PLANNING												
APPROVED PLANS/DOCUMENTS												
	<p>(e) Sufficient signage and traffic control to restrict the instances where patrons are travelling over the Bribie Island Bridge and utilising the Benabrow Avenue/Eucalypt Street roundabout to perform a u-turn to access the event.</p> <p>2. In addition to the TMP the following must be demonstrated to Council:</p> <p>a. Sufficient signage has been placed along Bribie Island Road and Bestmann Road, at least ten (10) business days prior to an event notifying residents of the upcoming event (including event days and times).</p> <p>b. Patrons are notified of alternative transport options that reduce the reliance on private vehicle trips, including Translink operated buses and event shuttle services.</p>	2. At the time of submission of the TMP to Council.										
7.	Major Outdoor Event Duration											
	<p>(a) Limit the duration of each Major Outdoor Event to a 7am to 10pm period except on a Sunday where the day is not followed by a Public Holiday where the Major Outdoor Event is limited to a duration of 7am to 8pm;</p> <p>(b) In any 7-day period spanning Sunday to Sunday there is to be no more than two (2) calendar days of Major Outdoor Events.</p>	At all times.										
ACOUSTICS												
8.	Noise Management - Major Outdoor Events											
	<p>(a) <u>Major Outdoor Events (Concerts) - single events</u> The sound pressure level for amplified sound/music when measured external to the most sensitive receptor must not exceed the following amounts for the duration of the Major Outdoor Event - Concert:</p> <table border="0"> <tr> <td style="padding-right: 20px;"><u>Time Period (excluding Sunday where not followed by a Public Holiday)</u></td> <td><u>Sound Pressure Level</u></td> </tr> <tr> <td>7am to 10pm</td> <td>70 dB(A) (measured as LAeq adj where T is no greater than 5 mins)</td> </tr> <tr> <td> </td> <td></td> </tr> <tr> <td><u>Time Period - Sunday where not followed by a Public Holiday</u></td> <td><u>Sound Pressure Level</u></td> </tr> <tr> <td>7am to 8pm</td> <td>70 dB(A) (measured as LAeq adj where T is no greater than 5 mins)</td> </tr> </table> <p>(b) <u>Major Outdoor Events (Concerts) - Multi-day events that are being considered one (1) event</u></p>	<u>Time Period (excluding Sunday where not followed by a Public Holiday)</u>	<u>Sound Pressure Level</u>	7am to 10pm	70 dB(A) (measured as LAeq adj where T is no greater than 5 mins)	 		<u>Time Period - Sunday where not followed by a Public Holiday</u>	<u>Sound Pressure Level</u>	7am to 8pm	70 dB(A) (measured as LAeq adj where T is no greater than 5 mins)	(a), (b) & (c) To be maintained at all times
<u>Time Period (excluding Sunday where not followed by a Public Holiday)</u>	<u>Sound Pressure Level</u>											
7am to 10pm	70 dB(A) (measured as LAeq adj where T is no greater than 5 mins)											
<u>Time Period - Sunday where not followed by a Public Holiday</u>	<u>Sound Pressure Level</u>											
7am to 8pm	70 dB(A) (measured as LAeq adj where T is no greater than 5 mins)											

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

CONDITION	TIMING														
DEVELOPMENT PLANNING															
APPROVED PLANS/DOCUMENTS															
<p>The sound pressure level for amplified sound/music when measured external to the most sensitive receptor must not exceed the following amounts for the duration of the Major Outdoor Event - Concert:</p> <table border="0"> <tr> <td data-bbox="347 667 730 763"><u>Time Period (excluding Sunday where not followed by a Public Holiday)</u></td> <td data-bbox="756 667 1026 698"><u>Sound Pressure Level</u></td> </tr> <tr> <td data-bbox="347 763 507 795">7am to 10pm</td> <td data-bbox="756 763 1139 860">65 dB(A) (measured as LAeq adj where T is no greater than 5 mins)</td> </tr> <tr> <td data-bbox="347 887 730 983"><u>Time Period - Sunday where not followed by a Public Holiday</u></td> <td data-bbox="756 887 1026 918"><u>Sound Pressure Level</u></td> </tr> <tr> <td data-bbox="347 983 507 1014">7am to 8pm</td> <td data-bbox="756 983 1139 1079">65 dB(A) (measured as LAeq adj where T is no greater than 5 mins)</td> </tr> </table> <p>(c) <u>Other Major Outdoor Events</u> When a major outdoor event is not regulated by the Office of Liquor and Gaming Regulation (OLGR), the following provisions will apply:</p> <p>The sound pressure level for amplified sound/music from a Major Outdoor Event other than a Concert when measured at a noise sensitive receptor must not exceed the following for the duration of the event:</p> <table border="0"> <tr> <td data-bbox="331 1346 480 1377"><u>Time Period</u></td> <td data-bbox="751 1346 1018 1377"><u>Sound Pressure Level</u></td> </tr> <tr> <td data-bbox="331 1377 539 1408">Day (7AM - 6PM)</td> <td data-bbox="751 1377 1134 1438">Background noise (LAbg,10min) + 10 dB(A)</td> </tr> <tr> <td data-bbox="331 1438 596 1469">Evening (6PM -10PM)</td> <td data-bbox="751 1438 1134 1498">Background noise (LAbg,10min) + 10 dB(A)</td> </tr> </table> <p>Note: Noise measurements to be recorded external to the nearest noise sensitive receptor as defined in the <i>Environmental Protection (Noise) Policy 2008</i>.</p> <p>The sound pressure level, LOCT 10, in a full octave band with centre frequencies from 63 Hz to 2 kHz when measured indoors at any sensitive land use must not exceed the background sound pressure level (LOCT 90,T) by more than the following amount in one or more octave bands:</p> <p>Time Period Sensitive Land Use Night (10PM - 7AM) Background noise (LOCT 90,T) +8 dB</p> <p>Note: If insects or frogs are dominant contributors to the measured noise levels then the spectral bands of the insect or frog noise are to be excluded from the measured noise levels.</p>	<u>Time Period (excluding Sunday where not followed by a Public Holiday)</u>	<u>Sound Pressure Level</u>	7am to 10pm	65 dB(A) (measured as LAeq adj where T is no greater than 5 mins)	<u>Time Period - Sunday where not followed by a Public Holiday</u>	<u>Sound Pressure Level</u>	7am to 8pm	65 dB(A) (measured as LAeq adj where T is no greater than 5 mins)	<u>Time Period</u>	<u>Sound Pressure Level</u>	Day (7AM - 6PM)	Background noise (LAbg,10min) + 10 dB(A)	Evening (6PM -10PM)	Background noise (LAbg,10min) + 10 dB(A)	
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7am to 10pm	65 dB(A) (measured as LAeq adj where T is no greater than 5 mins)														
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7am to 8pm	65 dB(A) (measured as LAeq adj where T is no greater than 5 mins)														
<u>Time Period</u>	<u>Sound Pressure Level</u>														
Day (7AM - 6PM)	Background noise (LAbg,10min) + 10 dB(A)														
Evening (6PM -10PM)	Background noise (LAbg,10min) + 10 dB(A)														

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

CONDITION		TIMING
DEVELOPMENT PLANNING		
APPROVED PLANS/DOCUMENTS		
9.	Noise Monitoring - Major Outdoor Events (Concert)	
	<p>(a) The applicant shall fund the noise monitoring program in accordance with Condition 8. Noise monitoring shall be conducted throughout the Major Outdoor Event (Concert) by a suitably qualified person appointed by Council in accordance with Council's procurement policy at the following locations:</p> <ul style="list-style-type: none"> • The northern end of Clarke Terrace, or in nearby Howard Court, that adjoins the southern boundary of the subject site. • The south-eastern end of The Esplanade on the northern side of Bribie Island Road. • Along the Welsby Parade foreshore, in the vicinity of the boat ramp and car park at the Welsby Parade and Fifth Avenue roundabout. • A Front of House location, nominally 30m in front of the stage. <p>(b) The noise monitoring program is to include the following:</p> <p>(i) A weather station shall be set up in a suitable location on the site at a minimum height of 5 metres to record metrological conditions during the event. Weather data shall be recorded as a minimum each 10 minutes during the event.</p> <p>(ii) Both attended and unattended noise monitoring shall be conducted. The unattended noise logger at each location shall record noise levels continuously and provide time history plots on FAST response for the duration of the Major Outdoor Event (Concert). The noise data shall be digitally recorded, stored for a minimum period of 6 months after each event and provided to the Applicant in digital format after each concert.</p> <p>(iii) The attended monitoring shall be conducted in nominal periods of 15 minutes at each location. The instrumentation shall display a time history plot of FAST response maximum noise levels, preferably with a filter to remove insect or frog noise. If a non-compliance with the noise limit of 70dBA (measured as LAeq, 5 mins) is observed from amplified noise emissions or patron noise emissions from the event then the monitoring person is to immediately contact the Concert sound level controller (at the mixing desk) to have the noise emission level reduced to a compliant level. The planning of attended noise monitoring shall take account of expected prevailing meteorological conditions during the event.</p> <p>(iv) Investigation of any noise complaint received by the applicant/operator on the day of the event.</p> <p>(v) Allowance for a sound check for the maximum duration of 45 minutes no earlier than 2 hrs prior to the commencement of the concert.</p>	<p>(a) During any Major Outdoor Event - Concert</p> <p>(b) During any Major Outdoor Event - Concert</p>

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

CONDITION		TIMING
DEVELOPMENT PLANNING		
APPROVED PLANS/DOCUMENTS		
	<p>(c) The suitably qualified consultant undertaking the monitoring shall prepare an independent detailed Noise Monitoring Report for each Major Outdoor Event (Concert) which will contain the following information:</p> <ul style="list-style-type: none"> (i) Measurement of background noise levels including locations, durations, noise contributions to the levels, including extraneous noise sources, such as insects, frogs, traffic or other sources (ii) Record of noise levels measured during the attended noise monitoring at each monitoring location, including the times and duration of each recording, the presence of extraneous noise, whether extraneous noise was removed by filtering, the number and location of real-time communications with the mixing desk and whether noise reduction actions initiated as a result of the communication were measured to be effective. (iii) Record of noise level vs time plots of LAeq (5 min) levels for the duration of the event from the unattended noise loggers. (iv) Record of meteorological conditions measured on site during the event. (v) Results of any complaint investigation and actions undertaken on the day of the event. <p>Note: The noise monitoring report is to be provided to the applicant and Council.</p> <p>(d) The suitably qualified consultant undertaking the monitoring shall prepare and provide to the Council a noise monitoring summary for each Major Outdoor Event (Concert) that identifies as a minimum:</p> <ul style="list-style-type: none"> (i) If the event complied with relevant sound pressure levels; (ii) An overview of complaints forwarded for investigation and the outcomes of investigations; and (iii) Meteorological conditions for the event. 	<p>(c) 10 business days after any Major Outdoor Event (Concert)</p> <p>(d) 2 business days after any Major Outdoor Event (Concert)</p>
10.	Noise Monitoring Outcomes- Major Outdoor Events (Concert)	
	<p>Respond to the independent noise monitoring report required by Condition 9 (c) as follows:</p> <ul style="list-style-type: none"> (a) Provide detailed reasons as to why any non-compliance with the noise limits has occurred during any Major Outdoor Event (Concert), and include additional acoustic attenuation measures and/or procedures which shall be implemented in the OEMP for any subsequent Major Outdoor Event (Concert), to ensure that a non-compliance with the noise limit will not occur in future events. (b) Submit for Council approval any additional acoustic measures or procedures to address non-compliance with noise limits. 	<p>(a) 20 business days after any Major Outdoor Event (Concert) or 5 business days prior to the next Major Outdoor Event (Concert) whichever is sooner.</p>

Moreton Bay Regional Council

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

	CONDITION	TIMING					
	DEVELOPMENT PLANNING						
	APPROVED PLANS/DOCUMENTS						
	(c) Update any Event Management Plans for concerts already approved for the site.	(b) Prior to any further OEMPs being approved. (c) Prior to the Major Outdoor Event - Concert being held.					
11.	Funding of Noise Monitoring						
	(a) The applicant is to fund the noise monitoring required by condition 9. (b) The applicant shall pay the invoice.	(a) At all times (b) Within 20 business days.					
	MINOR OUTDOOR EVENT						
12.	Minor Outdoor Event						
	(a) Minor Outdoor Events: <ul style="list-style-type: none"> - have no more than 3000 people to the site at any one time; and - are not limited to a maximum number of events per calendar year; and - operate in accordance with the Noise Management provisions contained within Condition 13. (b) An event is not considered to be a Minor Outdoor Event if any of the items in (a) above are not complied with.	(a) & (b) At all times.					
	ACOUSTICS						
13.	Noise Management - Minor Outdoor Event						
	When a minor outdoor event is not regulated by the Office of Liquor and Gaming Regulation (OLGR), the following provisions will apply: The adjusted average maximum sound pressure level (measured as LA10 10min) from outdoor activities and/or amplified noise/music when measured external to the most sensitive receptor must not exceed the A-weighted background sound pressure level (LAbg,10min) by more than the following amounts:	To be maintained at all times					
	<table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left; border-bottom: 1px solid black;">Time Period</th> <th style="text-align: left; border-bottom: 1px solid black;">Sound Pressure Level</th> </tr> </thead> <tbody> <tr> <td>Day (7AM - 6PM)</td> <td>Background noise (LAbg,10min) + 10 dB(A)</td> </tr> <tr> <td>Evening (6PM - 10PM)</td> <td>Background noise (LAbg,10min) + 10 dB(A)</td> </tr> </tbody> </table> The sound pressure level, LOCT 10, in a full octave band with centre frequencies from 63 Hz to 2 kHz when measured indoors at any sensitive land use must not exceed the background sound pressure level (LOCT		Time Period	Sound Pressure Level	Day (7AM - 6PM)	Background noise (LAbg,10min) + 10 dB(A)	Evening (6PM - 10PM)
Time Period	Sound Pressure Level						
Day (7AM - 6PM)	Background noise (LAbg,10min) + 10 dB(A)						
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ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

CONDITION		TIMING
DEVELOPMENT PLANNING		
APPROVED PLANS/DOCUMENTS		
	90,T) by more than the following amount in one or more octave bands: Time Period Sensitive Land Use Night (10PM - 7AM) Background noise (LOCT 90,T) +8 dB	
AMENITY		
14.	Tall Structures	
	Restrict the height of structures such as light pylons, antennae, masts, aerials, telecommunication structure and any other structures ancillary to the proposal to a height and appearance that does not adversely impact on the existing landscape of the area and is in keeping with the established character of the area.	Prior to the commencement of the use and to be maintained at all times.
15.	Camping	
	There is to be no camping or temporary accommodation occurring on the site in association with the approved use. Note: Camping within the approved Caravan Park in accordance with it's separate Material Change of Use - Development Permit DA/27168/2016/VCHG/1 is not affected by this approval.	To be maintained at all times.
16.	Access via Clark Terrace	
	There is to be no access associated with the Outdoor Sport and Recreation use from Clark Terrace.	To be maintained at all times.
SAFETY/SECURITY		
17.	Identification Display Board	
	At suitable locations within the site: (a) Provide sufficient directional signage clearly directing users of the site and emergency vehicles to the proposed uses on site. (b) Signage shall be constructed from permanent and durable materials.	Prior to the commencement of the use and to be maintained at all times.
ENVIRONMENTAL		
VEGETATION		
18.	Vegetation Clearing – Extent Approved	

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

CONDITION		TIMING
DEVELOPMENT PLANNING		
APPROVED PLANS/DOCUMENTS		
	Clearing of native vegetation is not permitted under this Development Approval.	Prior to and during site works and to be maintained.
19.	Impacts on Pumicestone Passage	
	During any event, provide temporary event fencing along property boundaries that restricts patron access to the mangroves adjoining the subject site. Any temporary event fencing installed for an event is not to extend past property boundaries and is to be removed at the same time the remainder of any event equipment is removed/ dismantled from the site.	At all times
20.	Stockpiles Construction and Landscaping Materials	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines, outside TPZs 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.
DEVELOPMENT ENGINEERING		
21.	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) to a standard acceptable to Council's Director – Strategic, Planning and Development should this infrastructure be damaged as part of construction works.	Prior to commencement of the use.
22.	Alterations and Relocation of Existing Services	
	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried out with the development and at no cost to Council.	Prior to commencement of the use.
CONCURRENCE AGENCY		
23.	Concurrence Agency Conditions	
	(a) Comply with the conditions of the Department of Infrastructure, Local Government and Planning concurrence agency response dated 20 June 2016 (reference: SDA-0516-030047) or as amended.	At all times.

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

ADVICE	
ASSESSMENT CODES AND POLICIES	
1.	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act is administered by the Department of Environment and Resource Management (DERM). Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred at the proposed site need to be mindful of the Duty of Care requirement.</p> <p>Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact DERM's Cultural Heritage Coordination Unit to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>
2.	Water Restrictions Advice
	The use of potable water for dust suppression or construction purposes should be in accordance with current water restriction requirements. The location of Council's recycled water distribution points can be obtained by contacting Council's contact centre.
3.	Disability Access Advice
	The development must provide disabled access in accordance with <i>AS 1428</i> and must take into account the <i>Disability Discrimination Act</i> and the <i>Queensland Anti-Discrimination Act</i> .

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

Decision Notice information

	Details to Insert
Application Type	Material Change of Use Development Permit for Outdoor Sport & Recreation (Change (Other))
Relevant Period of Approval	Material Change of Use – 6 years

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

	Details to Insert
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	Not applicable
Codes for Accepted Development	Not applicable
Referral Agencies	Department of State Development, Manufacturing, Infrastructure and Planning
Submissions	There were 321 properly made submissions about this application.

REPORT DETAIL

1. Background

Previous Site History

On 18 December 2012, Council approved under the Caboolture ShirePlan a Material Change of Use - Development Permit for a Hotel, Shop, Entertainment & Recreation (Indoors) and Entertainment & Recreation (Outdoors) (DA/26871/2012/V2K). A request to suspend the appeal period was received by Council on 4 January 2013. A meeting was held with the applicant on 10 January 2013, with the applicant's final representation regarding the decision notice being received on 11 January 2013. A Negotiated Decision was approved by Council's delegate on 18 January 2013.

A Change to a Development Approval was approved by Council's delegate on 23 January 2014. This development approval allows for the use of part of the outdoor area beside the Hotel for Entertainment and Recreation (Outdoors) use (DA/26871/2012/VCHG/1), with a maximum of 12 events per year.

On 5 January 2016, an application was submitted to Council requesting to amend Condition 16 (Noise Management) of the existing approval for the Sandstone Point Hotel to resolve inconsistencies in how noise management is dealt with on the site under the Development Permit, the Office of Liquor and Gaming Regulation (OLGR) requirements, and the provisions of the Environmental Protection Act. However, it was determined that the proposed change was likely to cause a person to make a properly made submission objecting to the change if circumstances allowed and was therefore not a permissible change. Consequently, this application was withdrawn, and a new application lodged to deal with the noise management issue.

It is noted that the original approval was issued under the Caboolture ShirePlan and the use was defined as Entertainment and Recreation (Outdoors). The ShirePlan has since been superseded by the MBRC Planning Scheme 2016 and the use is now defined as Outdoor Sport and Recreation.

Current Development Approval

On 16 May 2017, Council approved a Material Change of Use - Development Permit for Outdoor Sport & Recreation over the site. This approval allowed for the applicant to hold multiple events over site. Specifically, the approval allowed for nine (9) Major Outdoor Events (Concerts) to be held per year, restricted to single day events.

It is noted that since the approval for events in 2017, only ten (10) Major Outdoor Events (Concert) have been held on the site with a further four (4) scheduled for 2019.

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

Further, it is acknowledged that past outdoor events held on the site have received complaints forwarded to the Council regarding noise, traffic, and event management. These topics were reflected in the submissions to the development application. In responding to these ongoing matters, Council has instigated a series of meetings with the applicant, and other relevant stakeholders (including QPS and DTMR) after events to discuss any issues from the events and where improvements could be made. In addition to noise, significant focus has been placed on traffic management at these meetings and it is important to note that the existing condition requiring an Outdoor Event Management Plan for each major outdoor event requires traffic and noise management to be considered.

On 15 November 2018, an application was submitted to Council requesting a Change (Other) to the Material Change of Use - Development Permit for Outdoor Sport & Recreation.

2. Explanation of Item

This application seeks to change the existing Material Change of Use - Development Permit for Outdoor Sport and Recreation by altering the approved number of Major Outdoor Event (Concert) that are to be held at the venue from nine (9) to twelve (12), in conjunction with a request to consider two (2) day Major Outdoor Event (Concert) events as a singular event. Based on the applicant's request, as proposed this could result in up to 24 calendar days per year of Major Outdoor Events (Concert). No other changes have been sought by the applicant.

The application lodged is an Other Change (an application that is not a Minor Change) that has been assessed in accordance with the *Planning Act 2016*. An Other Change provides the Council with the scope to consider the following matters, to the extent the matters are relevant in assessing and deciding the change application in the context of the development approval (section 82(4) of the *Planning Act 2016*):

- Assessment benchmarks;
- Referral agency matters; and
- Any other relevant matter other than a person's personal circumstances, financial or otherwise.

In assessing the applicant's proposal, Council Officers have had regard to this combination of aspects when determining the Other Change, such that the recommendations of this report include changes to conditions beyond those solely requested by the applicant on the basis they are relevant in deciding the change application, in the context of the existing development approval.

On this basis, the recommendations of this report provide support to maintain the number of Major Outdoor Events (Concerts) at nine (9) and include up to three (3) x two (2) day Major Outdoor Events (Concerts) to be considered a single event. In addition, it is proposed to limit the amount of Major Outdoor Events to a maximum of two (2) calendar days in any one week. Ultimately, the recommendations provide for up to twelve (12) calendar days of Major Outdoor Events (Concerts) per year which is an increase from the current approval which allows for 9 calendar days per year.

In providing this recommendation, to the extent relevant within the context of the development approval, other conditions are recommended to be amended to support the additional three calendar days per year. First and foremost, when a multi-day event is elected to be held that is to be considered a single event, the noise limit is recommended to be reduced to 65 dB(A) (down from single day events of 70 dB(A)). Other changes are proposed to the Outdoor Event Management Plan (OEMP), a new stand-alone Traffic Management Plan (TMP) condition that used to be a part of the OEMP condition and changes to the event duration on a Sunday.

2.1 Description of the Site and Surrounds

2.1.1 *Existing Use*

The site has an area of approximately 32.4ha and has three road frontages, being Bribie Island Road to the north, Bestmann Road East to the west and a minor road frontage to Clark Terrace to the south. The eastern boundary of the subject land adjoins the Pumicestone Passage.

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The land is improved by the Sandstone Point Hotel towards the north east corner of the site, with a large grassed open area to the north and north-west of the Hotel, currently used for outdoor events. An internal access road bisects the land and joins Bribie Island Road and Bestmann Road East. The land to the west of the internal roadway is primarily used for overflow parking.

The western portion contains dense mature vegetation. Large areas of the site, particularly to the north and north-east are largely cleared. The south-east corner of the site is improved by a Caravan Park that includes accommodation for 192 sites. It is not intended by this proposal to undertake additional clearing of vegetation on the land. The site also contains an existing boathouse, which has been recently renovated.

A Child Care Centre is located in the south-western corner of the site, fronting and gaining access from Bestmann Road East.

2.1.2 Topography

The site rises up from the water frontage, and is generally elevated. The outdoor use area is located on a part of the site that continues to rise in elevation. The application does not propose any further work to be undertaken on the site with no changes to be made to the current landform.

2.1.3 Surrounding Land Use

The adjoining land to the north and south of the site is currently developed for urban purposes. Residential apartments and a marina are located to the north of the site, with a Multiple Dwelling currently under construction. A large residential area is located to the south. According to the report submitted with the application, the closest residential buildings to the north-west of the site are more than 250 metres from the existing Hotel and the closest residential buildings to the south are about 470 metres from the Hotel.

The table below identifies the current zoning and land uses surrounding the subject land.

Direction	Planning Scheme Zone	Current Land Use
North (across Bribie Island Road)	General Residential (Next Generation Neighbourhood Precinct) and Recreation and Open Space	Multiple Dwellings, vacant land and a Marina. Open space along the foreshore.
South	General Residential (Suburban Neighbourhood Precinct) and Recreation and Open Space	Dwelling Houses, Park and open space along the foreshore.
East	Not Applicable	Pumicestone Passage
West (across Bestmann Road East)	Rural (Agriculture Precinct)	Large, heavily vegetated, undeveloped land.

2.2 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

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

2.2.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Erosion prone areas within a coastal management district: (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: (a) coastal dependent development; or (b) temporary, readily relocatable or able to be abandoned development; or (c) essential community infrastructure; or (d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned. (2) Development permitted in (1) above, mitigates the risks to people and	Part of the area where the Outdoor Sport and Recreation is to be located is within the erosion prone area within the coastal management district. The development achieves the solutions under the State Planning Policy as the proposal does not involve any permanent structures being located in these areas of the site.

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

	<p>property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes	None	Not applicable
<input checked="" type="checkbox"/> No		

2.2.2 South East Queensland Regional Plan

The site is located in the Urban Footprint and Regional Landscape and Rural Production Area.

The development proposal is for an urban activity in the Urban Footprint and is not assessable in the Regional Landscape and Rural Production area. Therefore, the proposal complies with the regulatory provisions.

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

2.3.1 Assessment of Applicable Codes

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General Residential Zone Code - Next Generation precinct	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	PO11, PO12
Rural Zone	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	
Overlay Codes		
Coastal Hazard Overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

It is important to note that the applicant did not provide any supporting information (code compliance or technical documentation) for the requests to change the current approval. As such, an assessment against Performance Outcomes relevant to the request have been detailed below.

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 2.3.2.

2.3.2 Performance Outcome Assessment

Specific Outcome	Probable solution
General Residential Zone Code (Next Generation Neighbourhood Precinct)	
<p>PO11 The amenity of the area and adjacent sensitive land uses are protected from the impacts of dust, odour, noise, light, chemicals and other environmental nuisances.</p> <p>PO12 Noise generating uses do not adversely affect existing or potential noise sensitive uses.</p> <p>Note – the use of walls, barriers or fences that are visible from or adjoin a road or public area are not appropriate noise attenuation measures unless adjoining a motorway, arterial road or rail line.</p> <p>Note – a noise impact assessment may be required to demonstrate compliance with this PO. Noise impact assessments are to be prepared in accordance with Planning scheme policy – Noise.</p>	No acceptable outcome provided.
<i>Performance Solution Assessment</i>	

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

Specific Outcome	Probable solution
PO11 & PO12	<p>The existing conditions implement noise management criteria consistent with the Environmental Protection Act for outdoor events. The existing conditions provide for a definitive noise level that can be measured at the nearest sensitive receptors. The applicant seeks to change the existing limit of nine (9) Major Outdoor Event (Concert to twelve (12) and allow two (2) day events to be held. Ultimately, this could enable 24 days of Major Outdoor Event (Concert) to be held on the site with a noise level of 70 dB(A). In providing the request to the Council, no substantial justification has been presented to support a significant departure from the current conditions and current limit of nine (9) Major Outdoor Events (Concert). Therefore, when assessing the proposal against PO11 and PO12, and based on the applicant's request the proposed increase to 24 days of Major Outdoor Event (Concert) does not accord with PO11 as it cannot be demonstrated the amenity of the area is protected and the noise generating use would not adversely impact noise sensitive uses.</p> <p>However, based on a review of previous events, case study review of other outdoor event venues, and the advice of the Council's acoustic expert, the recommendations of this report seek to provide for the existing nine (9) Major Outdoor Event (Concert) with an inclusion of up to three (3) two (2) day events to be considered a single event. This could result in up to twelve (12) calendar days of Concert events. In supporting these two-day events, the recommendations of this report provide for a reduced noise limit to be included for the multi-day events being 65 dB(A) (decreased from 70 dB(A)) to limit the noise exposure and noise intrusion to nearby residents for extended durations of Concert events (eg. 2 days).</p> <p>In addition, conditions are recommended that limit the number of calendar days for Concert events in any 7-day period to a maximum of two (2) calendar days. Further, a reduced time period is recommended to be included for Concert events that fall on a Sunday where a Public Holiday does not follow. The recommendation is to limit Concert events on these Sundays to an 8pm finish time. Further, separate requirements for a detailed traffic management plan are recommended. Lastly, the recommendations seek to provide changes to the OEMP to support the inclusion of up to three (3) multi-day events to require improved management of Concert events and improved resident notification from the applicant for Concert events.</p> <p>Therefore, based on the recommendations of this report, the proposal is determined to accord with Performance Outcome PO11 relating to amenity and PO12 relating to noise.</p>

2.4 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. 6 commencing on 3 July 2017 (CR).

Given the circumstances that this development proposal seeks to amend the noise management criteria only for existing outdoor events held on the land, with no increase in scale and or intensity, the matter of infrastructure charges is not relevant because it has been dealt with under the previous development approval. The proposal will not result in any additional aspects that could incur charges.

2.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

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2.6 Referrals

2.6.1 Council Referrals

2.6.1.1 Transport Planning

No traffic impact assessment has been completed to date that assesses the Major Outdoor Event (Concert) to understand the impacts on the State and Local road network. Therefore, in assessing the applicant's request to increase the number of Major Outdoor Event (Concert) and including multi-day events, it is recommended that the Traffic Management Plan (TMP) component of the Outdoor Event Management Plan be separated to a stand-alone condition that requires a TMP for each proposed Major Outdoor Event (Concert) prepared by a suitably qualified person that includes traffic management measures and notification to nearby residents of traffic impacts, amongst other matters. The recommendations of this report therefore include a new condition for a Traffic Management Plan.

2.6.1.2 External Specialist - Acoustic Engineer

The application has been referred to an acoustic specialist and their recommendations have been incorporated into the recommendations of this report.

2.6.2 Referral Agencies

2.6.2.1 Concurrence Agencies - Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)

The application was referred to the DSDMIP for the following;

- (a) Matters relating to State-Controlled Roads. Council was advised on 25 January 2019 that DSDMIP has no objection to the development application subject to advice being attached to Council's Decision Notice.

Note: No referral trigger was identified by the State Assessment and Referral Agency (SARA) that would have otherwise resulted in the application be referred to the Department of Environment and Science due to activities such as fireworks displayed on the site during events.

2.6.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.6.2.3 Third Party Agencies

The Office of Liquor and Gaming Regulation (OLGR)

Summary of consultation that has been undertaken with external stakeholders and the implications of that consultation for the assessment are outlined in their response. An extract of the response is outlined below:

"It is OLGR's view that should the application for the increase in number of events be approved, there may be an increase in adverse impact experienced by local residents in the neighboring area".

A copy of the full response is attached.

Council officers have had regard to the OLGR advice in formulating the recommendations of this report, such that an increase in the number of Major Outdoor Event (Concert) results in a decrease to the approved Sound Pressure Level to suitably balance the amenity of local residents and the operations of the Hotel.

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2.7 Public Consultation

2.7.1 *Public Notification Requirements under the Development Assessment Rules*

- (a) Public Notification was served on all adjoining landowners on 16 January 2019
- (b) The development application was advertised in the Caboolture Herald on 17 January 2019
- (c) A notice in the prescribed form was posted on the relevant land on 17 January and maintained for a period of 15 business days until 8 February 2019.

2.7.2 *Submissions Received*

Council received 321 submissions for the proposed development. The breakdown of submissions is provided below.

- Properly made: 245 (243 in objection and 2 in support)
- Not Properly Made: 76 (70 in objection and 6 in support)

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

Issue - Noise emanating from the events

Concerns were raised regarding the noise that presently emanates from the Hotel. Specifically, residents are concerned that the increase in frequency and potential increase in duration (Multi-day events) could have potential impacts on their amenity given the present number of concerts at the current approved decibel limit are already causing adverse impacts on their lifestyle.

In response to the above concerns, Council sought justification from the applicant to demonstrate that the proposed increase in number of events will not adversely impact on the privacy and amenity of adjoining residential development. In this regard, Council requested that the applicant provide a revised acoustic plan and monitoring program prepared by a suitably qualified and experienced person.

It is important to note the request from Council for this supporting information was not provided. Further, the applicant outlined their previous compliance with noise conditions and considered this to be sufficient justification.

To date, the Hotel has willingly provided Council with a copy of the acoustic report following each event. Further, the reports have consistently demonstrated that the Hotel has complied with all noise restrictions that are applied as part of the original approval granted by Council.

On the basis of the representations put forward by the applicant, it has not been suitably demonstrated to Council officers that an increase in Major Outdoor Event (Concert) to twelve (12) with two (2) day multi-day events should be supported on the site. However, on the basis of the existing conditions package which allows for nine (9) Major Outdoor Event (Concert) to be held at 70 dB(A), it is a reasonable position for Council officers to support a limited amount of multi-day Concert events, subject to a reduced sound pressure level presents a suitable balance between event operations and resident lifestyle and amenity.

On this basis, the recommendations of this report include conditions allowing a maximum of nine (9) Major Outdoor Event (Concert) inclusive of up to three (3) Concert events allowed to be two-day events and considered as a single event. The recommended conditions make clear that in any calendar year there is to be no more than twelve (12) calendar days of Concert events. Where single day events are proposed, the existing 70 dB(A) sound pressure level is maintained. Where multi-day events are proposed, a new reduced 65 dB(A) sound pressure level is recommended.

On the basis of the recommendations of this report, this is not sufficient grounds for refusal of the application.

Issue - Traffic generation from the events

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Concerns were raised regarding the traffic congestion at the intersections of Bribie Island Road and Bestmann Road East on event days due to the additional traffic generation to and from the venue.

In response to the above concerns, Council sought further justification and demonstration that the traffic impacts will not worsen or cause adverse impacts on local networks. In this regard, Council requested that the applicant demonstrate how the peak flows will be managed appropriately accounting for the existing commuter trips. Additionally, Council requested the applicant provide evidence that the increase in events will not have adverse impacts on the external road network.

It is important to note the request from Council for this supporting information was not provided. Further, the applicant outlined their previous compliance with Outdoor Event Management Plan, that includes information on their traffic management. The applicant did not supply further justification or demonstration that the increase in events will not worsen the current traffic movements or impacts on the external network.

The application required referral for a Concurrence Agency to provide a response for the proposed Change. The Department of Transport and Main Roads (DTMR) have provided a response to the application outlining *“under section 56(1)(a) of the Planning Act 2016, the department advises it has no requirements relating to the application”*. Further, the department has provided advice pertaining to the applicant providing a Traffic Management Plan to the department. The full response from the department is enclosed.

Further correspondence with DTMR have indicated that the department has undertaken a further review of the event management planning for Sandstone Point Hotel, and as a result, the department is of the understanding that there may be opportunities to make some material improvements to the Traffic Management Plan to reinforce the preferred vehicle movements into the site during events. Specifically, there may be opportunities to make the movement of event traffic via Bestmann Road to operate more efficiently, along with aspects to improve shuttle bus access that may make this a more attractive option for patrons.

Therefore, the change inclusive of up to three (3) Concert events that comprising of two-days will be and considered as a single event, a recommendation of this report is a separate and stand-alone condition that requires a TMP for each Major Outdoor Event (Concert) prepared by a suitably qualified person that includes traffic management measures and notification to nearby residents of traffic impacts, amongst other matters. This is a change from the current conditions whereby a limited section of the OEMP needs to address traffic management.

On the basis of the recommendations of this report, this is not sufficient grounds for refusal of the application.

Issue - Property value

Concerns were raised during the submission period regarding the potential detrimental affect an increase in number of events could have on the residential property values of the surrounding area due to excessive noise intrusion.

Property values are not a matter regulated by the MBRC Planning Scheme.

This is not sufficient grounds for refusal of the application.

Issue - Wildlife

Concerns were raised during the submission period regarding the potential detrimental affect an increase in number of events could have on the local fauna.

When assessed against the relevant assessment benchmarks including the State Planning Policy and local categorising instrument the proposal has been determined to accord with requirements regarding the impacts on the environment. Further, the recommendations limit the amount of Major Outdoor Events (Concerts) that can be held in any calendar year to minimise impacts on the environment and wildlife.

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This is not sufficient grounds for refusal of the application.

Issue - Others

Other concerns that have been raised during the submission are:

- Social and behavioural issues of attending patrons
- Event management
- Emergency service access to Bribie Island
- Rubbish generation

Many of these matters are regulated by OLGR through the liquor license and are not within the jurisdiction of Council. However, regarding event management and rubbish generation the recommendations of this report maintain the requirements of the Outdoor Event Management Plan (OEMP) to appropriately plan for and respond to these potential impacts. The OEMP has been consistently adhered to for previous Major Outdoor Event (Concert). Nevertheless, Council officers recognise improvements that could be made to the OEMP and that are reasonably required to support the inclusion of up to three (3) Concert events allowed to be two-day events and considered as a single event. Therefore, the recommendations of this report provide improvements to the OEMP and additional resident notification methods and more detail to be provided to residents to appropriately manage the Major Outdoor Event (Concert).

Traffic management has been addressed separately above.

This is not sufficient grounds for refusal of the application.

2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 10 February 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.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The proposal is 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 the potential risk implications to Council and the community.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

The proposal will generate employment and tourism opportunities in proximity to Bribie Island.

ITEM 2.2 DA/31643/2016/VCHG/1 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR OUTDOOR SPORT AND RECREATION (CHANGE OTHER) - DIVISION 1 - A18268553 (Cont.)

3.8 Environmental Implications

There are no environmental implications arising from this development application.

3.9 Social Implications

There are no social implications arising from this development application.

3.10 Consultation / Communication

Refer to clause 2.7.

ITEM 2.3

DA/37521/2018/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY AT 2 RIVERCHERRY AVENUE, BANKSIA BEACH (LOT 189 SP297427) - DIVISION 1

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

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A18270704 : 5 March 2019 – Refer Supporting Information A18278961 & A18278960
Responsible Officer: CS, Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Vizion Group QLD Pty Ltd C/- Emerge Planning and Development
Lodgement Date:	3 December 2018
Properly Made Date:	3 December 2018
Confirmation Notice Date:	14 December 2018
Information Request Date:	Not Applicable
Info Response Received Date:	Not Applicable
Public Notification Dates:	14 January 2019 - 5 February 2019
No. of Submissions:	Properly Made: 34 Not Properly Made: 0
Decision Due Date:	27 March 2019
Prelodgement Meeting Held:	No

PROPERTY DETAILS	
Division:	Division 1
Property Address:	2 Rivercherry Avenue, Banksia Beach
RP Description	Lot 189 SP297427
Land Area:	770m ²
Property Owner	Vercorp Pty Ltd

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	Moreton Bay Regional Council Planning Scheme
Planning Locality / Zone	General Residential Zone - Suburban Neighbourhood Precinct
Level of Assessment:	Impact Assessable

Executive Summary

This application seeks a Material Change of Use - Development Permit for Dual Occupancy situated at the abovementioned property. The Dual Occupancy comprises two (2) by three (3) bedroom units on the site. Each unit is provided with two (2) car spaces and rear facing private open space. The subject site is located in Stage 2B1 of the Golf Course Estate Development.

The application was publicly advertised with thirty-four (34) submissions received. The proposed development is considered to accord with the intent of the Moreton Bay Regional Council Planning Scheme and the 1992 Rezoning Deed applying to this portion of the Golf Course Estate. The application is recommended to be approved subject to conditions.

ITEM 2.3 DA/37521/2018/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY AT 2 RIVERCHERRY AVENUE, BANKSIA BEACH (LOT 189 SP297427) - DIVISION 1 - A18270704 (Cont.)

COMMITTEE RECOMMENDATION

Moved by Cr Brooke Savige

Seconded by Cr Peter Flannery

CARRIED 10/0

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

ITEM 2.3 DA/37521/2018/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY AT 2 RIVERCHERRY AVENUE, BANKSIA BEACH (LOT 189 SP297427) - DIVISION 1 - A18270704 (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 Dual Occupancy at 2 Rivercherry Avenue, Banksia Beach, described as Lot 189 SP297427, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Site Plan	Lot 189 Sheet 1/12	Vizion Group QLD	30 November 2018
Ground Floor Plan	Lot 189 Sheet 2/12	Vizion Group QLD	30 November 2018
Fence Plan	Lot 189 Sheet 5/12	Vizion Group QLD	30 November 2018
Landscape Plan	Lot 189 Sheet 6/12	Vizion Group QLD	30 November 2018
Elevations 1&2	Lot 189 Sheet 1/12	Vizion Group QLD	30 November 2018
Elevations 3&4	Lot 189 Sheet 1/12	Vizion Group QLD	30 November 2018

Conditions

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

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
4	On-Site Car Spaces	
A	Provide at least four (4) vehicle spaces on site.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	Prior to commencement of use and to be maintained at all times.
5	Street Numbering and Building Names	
	Install dwelling and street numbering and lockable mail boxes conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
6	Front Fencing	
	Ensure that any front fencing is constructed to no less than the following: 1. 0% transparency and does not exceed 1.2 metres in height; or 2. Minimum 50% transparent and does not exceed 1.5 metres in height; or 3. Minimum 85% transparent and does not exceed 1.8 metres in height.	Prior to commencement of the use and to be maintained at all times.
7	Screen Fencing	
	Construct screen fencing in accordance with the approved Fence Plan, drawn by Vizion Group QLD, dated 30 November 2018.	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
8	Pedestrian Lighting - Minor	
	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.
9	Waste Management	
	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
10	Landscaping Dual Occupancy	

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CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
DEVELOPMENT PLANNING	
Provide landscaping in accordance with the approved Landscape Plan, drawn by Vizion Group QLD, dated 30 November 2018.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
11 On Site Services	
<p>Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are:</p> <ol style="list-style-type: none"> 1. Located in the rear setback; or 2. located in the side setbacks and include screening (e.g. fencing or landscaping) from view of any road frontage; or 3. entirely underground where located in the front setback. <p>Note: Rainwater tanks are not permitted within easements.</p>	Prior to commencement of use and to be maintained.
12 Water and/or Sewerage	
<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming:</p> <ol style="list-style-type: none"> 1. a reticulated water supply network connection is available to the land; and 2. a sewerage network connection is available to the land; and 3. all the requirements of Unitywater have been satisfied. 	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
13 Fibre Ready Telecommunications – Single	
<p>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:</p> <ol style="list-style-type: none"> 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 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. 	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<p>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.</p> <p>Note: A template for certification is available from council for the purpose of this condition.</p>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
14 Telecommunications Internal Wiring	
<p>A Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network</p>	Prior to commencement of use or Council's

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide OR New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office.	endorsement of any Community Management Statement, whichever occurs first.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
DEVELOPMENT ENGINEERING		
15	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
16	Alterations and Relocation of Existing Services	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
17	Dual Accommodation (Duplex) Driveway Cross Over	
	Design and construct a driveway crossover from the constructed road to the site in accordance with IPWEAQ Standard Driveway Crossover Drawing RS-049 and 050. Note: The internal access works must be designed to ensure the correct line, level and layout is achieved for the driveway crossover.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) or commencement of use whichever occurs first.
18	Stormwater	
	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.

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ADVICES	
1	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government) for further information regarding the responsibilities of the developer.</p>
2	Adopted Charges
	<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 the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That the following information be included in the Decision Notice.

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Development Permit for Dual Occupancy
Relevant Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable

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	Details to Insert
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	Building Works – Development Permit
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There were 34 properly made submissions about this application.

REPORT DETAIL

1. Background

On 24 November 1992, Council (Caboolture Shire) consented to a Deed of Agreement across the site to rezone the development now known as the “Golf Course Estate”. The Deed of Agreement removed the land from the Rural Zone under the Town Planning Scheme, in effect at the time, and included the site in the Special Facilities zone. The purpose established for the Golf Course Estate was to provide for Detached Housing, Duplex Housing, Condominiums, Golf Course, Club House, Residential Club and Sports Complex. Given that the Golf Course Estate development has now commenced, the approval has effectively given affect to the rezoning Deed of Agreement, which will continue to run with the land.

The Deed of Agreement established the use rights for a range of housing types, including Duplex Housing, to occur within the Golf Course Estate in accordance with a Plan of Development. The Plan of Development, prepared for the Golf Course estate was ‘indicative only’ and did not establish separate assessment or design criteria for the listed uses. Instead the rezoning deed relied on the supporting provisions of the Caboolture Transitional Planning Scheme in effect at the time.

As these provisions are no longer current, the assessment falls to the current planning instrument, in place at the time the development is occurring. As such, the proposed Dual Occupancy is required to be assessed against the Table of Assessment and design criteria listed for a Dual Occupancy within General Residential zone - Suburban Precinct of the Moreton Bay Regional Council (MBRC) Planning Scheme and the Residential Uses Code.

It is noted that within the Golf Course Estate five other Dual Occupancy sites have been approved. Four of these were proposed by the same applicant being Vizion Group Queensland, and one by another developer:

- 11 Bearberry Street, Banksia Beach (DA/35500/2017/V2D)
- 1 Kamala Street, Banksia Beach (DA/35498/2017/V2D)
- 110 Foxtail Crescent, Banksia Beach (DA/35497/2017/V2D)
- 22 Caraway Crescent, Banksia Beach (DA/35501/2017/V2D)
- 2 Bearberry Crescent, Banksia Beach (DA/33844/2017/V2D)

Under the MBRC Planning Scheme, the site is located in the General Residential Zone - Suburban Neighbourhood Precinct. Dual Occupancies in the Suburban Neighbourhood Precinct are identified as requiring an Impact Assessable application where the minimum lot size of 1000m² is not achieved. The property at 2 Rivercherry Avenue, Banksia Beach is 770m² and has therefore triggered Impact assessment.

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2. Explanation of Item

2.1 Description of the Site and Surrounds

The subject site is vacant and has frontage to Rivercherry Avenue and Freshwater Drive. The following land uses surround the subject site:

Directions	Planning Scheme Zone	Current Land Use
North	General Residential Zone - Next Suburban Neighbourhood precinct	Vacant Land
South	General Residential Zone - Next Suburban Neighbourhood precinct	Vacant Land
East	General Residential Zone - Next Suburban Neighbourhood precinct	Park
West	General Residential Zone - Next Suburban Neighbourhood precinct	Detached Dwelling

2.2 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

2.2.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment

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

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2.2.2 South East Queensland Regional Plan

The site is located in the Urban Footprint.

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

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

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

2.3.1 Strategic Framework

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

2.3.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General Residential Zone Code - Suburban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO4, PO47
Development Codes		
Residential Uses Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO8

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

2.3.3 Performance Outcome Assessment

Performance Outcome	Example
General Residential Zone Code - Suburban Neighbourhood Precinct	
PO4 Residential buildings and structures are setback to: <ul style="list-style-type: none"> a. be consistent with the low density suburban character where buildings are positioned further away from footpaths 	E4.1 Setbacks (excluding built to boundary walls) comply with Table 6.2.6.3 - Setback (Residential uses).

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Performance Outcome	Example
<p>and further apart from each other and maximise private open space at the rear;</p> <ul style="list-style-type: none"> b. result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites; c. maintain private open space areas that are of a size and dimension to be usable and functional; d. maintain the privacy of adjoining properties; e. ensure parked vehicles do not restrict pedestrian and traffic movement and safety; f. limit the length, height and opening of boundary walls to maximise privacy and amenity on adjoining properties; g. provide adequate separation to particular infrastructure and waterbodies to minimise adverse impacts on people, property, water quality and infrastructure; h. built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties. 	
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an Alternate Solution to Performance Outcome PO4. Table 6.2.6.3 - Setback (Residential uses) requires that the building be setback from the primary street frontage:</p> <ul style="list-style-type: none"> (a) at least 4.5 metres from the wall, and (b) at least 3 metres from the outer-most projection (OMP), and <p>Table 6.2.6.3 - Setback (Residential uses) requires that the building be setback from the secondary street frontage:</p> <ul style="list-style-type: none"> (c) at least 3 metres from the wall, and (d) at least 2 metres from the OMP, and <p>The MBRC Scheme defines the primary frontage as the frontage to the road that is dominant. When ultimately complete Freshwater Drive will be the local collector road meeting the requirements of the definition for a primary frontage with Rivercherry being the lower order road.</p> <p>It is proposed to that at it's closest point to the front boundary the Dual Occupancy will be setback:</p> <ul style="list-style-type: none"> (a) 4.3 metres (walls) and 3.5 metres (OMP) from Rivercherry Avenue, and (b) 3.5 metres (walls) and 2.8 metres (OMP) from Freshwater Drive. <p>While the proposed development will comply with the setback requirements on Rivercherry Avenue, the front southeast corner of the building does not meet the setbacks for the primary frontage (Freshwater Drive). This is due to the truncation of the corner lot. All other setbacks comply with the required distance stated in the Example.</p>	

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Performance Outcome	Example
<p>The proposed Dual Occupancy building is single storey only and will not be visually dominant or overbearing with respect to the streetscape. The proposed setbacks are consistent with the low density suburban character of the area and the existing streetscape and setback pattern. The area of non-compliance being a small corner of the front of the building will be partially screened by the existing entry statement that is to be retained on the site and will therefore have no impact on Freshwater Drive.</p> <p>The proposed Alternate Solution is accepted as compliant with the Performance Outcome in this instance.</p>	
<p>PO47 Dual Occupancies are infrequent and dispersed within the streetscape and are not located within 200m (measured along the street alignment) of a lot containing an existing, approved or a properly made application for a Dual Occupancy.</p>	<p>E47 Are located on lots with an area of 1000m² or greater.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant proposes an Alternate Solution to Performance Outcome PO47. It is proposed to establish a Dual Occupancy on a lot of 770m².</p> <p>The proposed development is one of a total of six (6) approved or proposed Dual Occupancies within the Golf Course Estate. The site for this proposal is part of Stage 2B1, located in the western portion of the estate. All of the previously approved Dual Occupancies are located within Stage 6, which is in the eastern portion of the estate. The closest approved Dual Occupancy is located approximately 775 metres away when measured along the street alignment. Given the location of the site the proposed development is able to meet the required dispersion rate for a Dual Occupancy within the Suburban Neighbourhood precinct.</p> <p>The proposed Alternate Solution complies with the Performance Outcome in this instance.</p>	

Residential Uses Code	
<p>PO8 Driveways, pedestrian entries and internal access ways are located and designed to:</p> <ol style="list-style-type: none"> a. provide lawful access; b. not detract from the creation of active street frontages and positively contribute to the intended streetscape character; c. not negatively impact adjoining uses; d. provide a safe pedestrian environment; e. not result in excessive crossovers and hardstand areas; f. provide safe access onto an appropriate order road; g. not interfere with infrastructure owned by Council or a utility provider; h. allow adequate space for on-street parking; i. allow adequate space for street planting and street trees; 	<p>E8.1 Dual occupancies provide:</p> <ol style="list-style-type: none"> a. a maximum crossover width of 4m or for a shared driveway a maximum crossover width of 5m; b. a maximum of one crossover per street frontage; or where more than 1 crossover per street frontage, they are to be at least 12m apart to allow for on-street parking and street trees.

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Performance Outcome	Example
j. allow for garbage collection and street infrastructure.	
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an Alternate Solution to Performance Outcome PO8. It is proposed to have two (2) driveways, both with a width of five (5) metres at the frontage, reducing to four (4) metres wide at the verge. This exceeds the four (4) metre limit stated in the Example.</p> <p>The proposed driveways to the development provides sufficient siting to allow lawful access to each dwelling, do not detract from the streetscape or negatively impact on adjoining uses. There is only one driveway per frontage. The proposed driveways do not result in excessive crossovers or hardstand areas providing access to an appropriate order road. The driveways will not interfere with infrastructure owned by Council or similar utility provider and maintains sufficient on street car parking is also permitted. Provision of suitable space for garbage collection and street infrastructure provided for.</p> <p>The proposed Alternate Solution is accepted as compliant with the Performance Outcome in this instance.</p>	

2.4 Trunk Infrastructure

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

2.4.1 Levied Charge

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

2.4.2 Levied Charge Credit

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

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

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

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

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

The credit available under this option is \$17,215.35 based on the proportional split stated in Table 3 of the CR.

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2.4.3 Levied Charge Offset or Refund

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

2.4.4 Additional Trunk Infrastructure Costs

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

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

The development will impose additional trunk infrastructure costs on Council after taking into account the levied charge and any trunk infrastructure provided, or to be provided by the development.

In this instance, having assessed the proposed development, it does not warrant the imposition of an additional payment condition.

2.5 Recording of particular approvals on the MBRC Planning Scheme
Not Applicable in this instance.

2.6 Referrals

2.6.1 *Council Referrals*

2.6.1.1 Development Engineering

Development Engineering advised that the driveway location complies with Australian Standard and IPWEA Standard Drawing.

2.6.2 *Referral Agencies*

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

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

2.6.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.6.2.3 Third Party Agencies

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

2.7 Public Consultation

2.7.1 *Public Notification Requirements under the Development Assessment Rules*

- (a) Public Notification was served on all adjoining landowners on 11 January 2019.
- (b) The development application was advertised in the Bribie Weekly on 11 January 2019.
- (c) A notice in the prescribed form was posted on the relevant land on 11 January 2019 and maintained for a period of at least 15 business days until 5 February 2019.

2.7.2 *Submissions Received*

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

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Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		34
	Petition	-	-
Not Properly Made	Letter, Email, Fax		-
	Petition	-	-
Total			34

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

Assessment of Submissions
<p>Issue - Amenity</p> <p>The submissions state:</p> <ul style="list-style-type: none"> <i>I do not believe that the proposed new building is of a bulk or scale that positively contributes to the intended form and character of the local area and street context.</i> <i>I do not believe that the proposed setbacks and separation of the buildings at 3m and 4.5 m respectively contribute to the amenity of residents within and adjoining the site and that these proposed setbacks are not in keeping with the existing street frontage setbacks and do not relate to the existing streetscape and setback pattern.</i> <i>I do not believe that the proposed Dual Occupancy respects the intensity and form of the neighbourhood. There are no other Dual Occupancy residences on Rivercherry Avenue and I believe that this proposed Dual Occupancy will be an overbearing development and will have a negative Impact on the privacy of residents of the adjoining property.</i>
<p>Discussion</p> <p>The proposed Dual Occupancy is located on a corner block and will appear as a single dwelling to each street frontage. The proposed building has been designed so as not to detract or impact on the existing and planned streetscape. The site cover and height of the proposed Dual Occupancy are consistent with the requirements of the planning scheme.</p> <p>The walls of the proposed building are to be setback are 4.3 metres from Rivercherry Avenue, and 3.5 metres from Freshwater Drive. This results in a setback to Freshwater Drive that is less than the amount identified in Table 6.2.6.3 for a small section of the building. This reduction is due to the truncation of the corner lot. All other setbacks comply with the Example in the Planning Scheme.</p> <p>The proposed Dual Occupancy building is single storey only, and the setback to Freshwater Drive will be screened by the existing entrance feature that is to be maintained on site. As such the Dual Occupancy is not considered to create a visually dominant or overbearing development on the existing streetscape.</p> <p>The Dual Occupancy is a use that has previously been consented too under the provisions of the rezoning deed that remains current. Further under the current zoning of the MBRC Planning Scheme, Dual Occupancies are a use that is envisaged to be included within the Suburban Neighbourhood Precinct provided that they are suitably dispersed.</p> <p>There are five (5) existing Dual Occupancies on the eastern side of the Golf Course Estate. This is the first Dual Occupancy proposed in the immediate locality (western side of the estate) and is located approximately 775 metres from the nearest approved Dual Occupancy. As such, it is considered that the Dual Occupancy will be dispersed from the location of other existing or approved Dual Occupancies.</p>

ITEM 2.3 DA/37521/2018/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY AT 2 RIVERCHERRY AVENUE, BANKSIA BEACH (LOT 189 SP297427) - DIVISION 1 - A18270704 (Cont.)

<p>Assessment of Submissions</p>
<p><u>Issue - Amenity</u></p> <p>The submissions state:</p> <ul style="list-style-type: none"> • <i>I do not believe that the proposed new building is of a bulk or scale that positively contributes to the intended form and character of the local area and street context.</i> • <i>I do not believe that the proposed setbacks and separation of the buildings at 3m and 4.5 m respectively contribute to the amenity of residents within and adjoining the site and that these proposed setbacks are not in keeping with the existing street frontage setbacks and do not relate to the existing streetscape and setback pattern.</i> • <i>I do not believe that the proposed Dual Occupancy respects the intensity and form of the neighbourhood. There are no other Dual Occupancy residences on Rivercherry Avenue and I believe that this proposed Dual Occupancy will be an overbearing development and will have a negative Impact on the privacy of residents of the adjoining property.</i>
<p>This is not sufficient grounds for refusal of the application.</p>
<p><u>Issue - Traffic Safety</u></p> <p>The submissions state:</p> <ul style="list-style-type: none"> • <i>I am concerned that two driveways placed to service the Dual Occupancy dwellings on the corner block at 2 Rivercherry Avenue will present an additional traffic hazard given that a children's playground is directly opposite 2 Rivercherry Avenue on Freshwater Drive. This playground area currently has no provision for parking for visitors. This results in constant dangerous and obstructive parking on the verge grass near the playground despite several signs asking visitors to refrain from parking here. Two driveways in this area will exacerbate the problem and Impact negatively on the safety of residents and amenity of adjoining streetscapes.</i>
<p><u>Discussion</u></p> <p>Each proposed unit is provided with two (2) car spaces in accordance with the requirements of the MBRC Planning Scheme. It is anticipated that all proposed units will have sufficient on site car parking to cater for the residential use.</p> <p>The applicant has advised that both accesses and driveways are located and designed in accordance with the relevant Australian Standard (AS2890.1). This has been confirmed by Development Engineering. The development only creates one access to each road frontage. The equivalent outcome could result from a single detached dwelling.</p> <p>Furthermore, Freshwater Avenue has a sealed width of 10 metres, and is capable of supporting the additional traffic created by a Dual Occupancy at the site.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><u>Issue - Estate Covenant</u></p> <p>The submissions state:</p> <ul style="list-style-type: none"> • <i>The Covenant of Mahogany Shores which includes properties on Rivercherry Avenue does not allow for Dual Occupancy properties to be built. I therefore believe that this proposed Dual Occupancy at 2 Rivercherry Avenue is not in keeping with other dwellings in the street.</i>

ITEM 2.3 DA/37521/2018/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY AT 2 RIVERCHERRY AVENUE, BANKSIA BEACH (LOT 189 SP297427) - DIVISION 1 - A18270704 (Cont.)

Assessment of Submissions

Issue - Amenity

The submissions state:

- *I do not believe that the proposed new building is of a bulk or scale that positively contributes to the intended form and character of the local area and street context.*
- *I do not believe that the proposed setbacks and separation of the buildings at 3m and 4.5 m respectively contribute to the amenity of residents within and adjoining the site and that these proposed setbacks are not in keeping with the existing street frontage setbacks and do not relate to the existing streetscape and setback pattern.*
- *I do not believe that the proposed Dual Occupancy respects the intensity and form of the neighbourhood. There are no other Dual Occupancy residences on Rivercherry Avenue and I believe that this proposed Dual Occupancy will be an overbearing development and will have a negative impact on the privacy of residents of the adjoining property.*

Discussion

The applicant has advised that Covenant approval for the Dual occupancy was granted by the developer prior to lodgement of the Development application. Further, this is not a planning matter and cannot form grounds for objection.

This is not sufficient grounds for refusal of the application.

2.7.3 Notice of Compliance

The Notice of Compliance was received by Council 6 February 2019. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4 of the Development Assessment Rules.

2.8 Other Matters

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

The MBRC Planning Scheme, has carried over the Residential A zone intent, by implementing the General Residential Zone - Suburban Neighbourhood Precinct. The General Residential zone introduced dispersal requirements for Dual Occupancy's as well as providing for different types of Detached Housing products to be delivered including the ability for a secondary dwelling to be incorporated into the design of a dwelling house.

The recommendation of this report is to give weight to the existing Deed of Agreement by providing for this Dual Occupancy, on a suitable site within the Golf Course Estate. In this instance, the proposed Dual Occupancy also complies with the dispersion requirements and intent of the General Residential Zone Code - Suburban Neighbourhood Precinct of the MBRC Planning Scheme to provide for Dual Occupancies in this locality.

ITEM 2.3 DA/37521/2018/V2D - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR DUAL OCCUPANCY AT 2 RIVERCHERRY AVENUE, BANKSIA BEACH (LOT 189 SP297427) - DIVISION 1 - A18270704 (Cont.)

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

Not applicable.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

Infill development creating two houses in an established area.

3.8 Environmental Implications

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

3.9 Social Implications

The proposal has a neutral social impact on the community.

3.10 Consultation / Communication

Refer to clause 2.7.

ATTENDANCE

Ms Kate Isles and Ms Tina Maltby-Wells left the meeting at 12.52pm after consideration on Item 2.3.

3 CORPORATE SERVICES SESSION

(Cr M Constance)

**ITEM 3.1
MONTHLY REPORTING PACKAGE - FEBRUARY 2019 - REGIONAL**

Meeting / Session: 3 CORPORATE SERVICES
Reference: A18302805 : 11 March 2019 - **Refer Supporting Information A18302396**
Responsible Officer: AD, Management Accountant (CEO Accounting Services)

Executive Summary

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 28 February 2019.

COMMITTEE RECOMMENDATION

Moved by Cr Brooke Savige

Seconded by Cr Darren Grimwade

CARRIED 10/0

That the Financial Reporting Package for the year to date period ending 28 February 2019 be received.

ITEM 3.1 MONTHLY REPORTING PACKAGE - FEBRUARY 2019 - REGIONAL - A18302805 (Cont.)

OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 28 February 2019 be received.

REPORT DETAIL

1. Background

The Financial Reporting Package for the month ending 28 February 2019 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 February period.
 - The Statement of Financial Position highlights Council's position at the end of February 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 February are complete. A commentary is provided on significant matters that occurred during the month.

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.
- (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 February.

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.

ITEM 3.1 MONTHLY REPORTING PACKAGE - FEBRUARY 2019 - REGIONAL - A18302805 (Cont.)

3.5 Delegated Authority Implications

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

3.6 Financial Implications

As at the end of February 2019, Council's operating result is \$77.46 million and the capital expenditure incurred amounted to \$93.30 million (excluding the University Project).

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Chief Executive Officer, Manager Financial and Project Services and Accounting Services Manager.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

ITEM 4.1

MOUNT NEBO - MOUNT NEBO ROAD - ROAD SAFETY UPGRADE (2 SECTIONS) - DIVISION 11

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18246655 : 25 February 2019 - Refer **Confidential** Supporting Information **A18235323**
Responsible Officer: DM, Senior Project Manager (ECM Project Management & Construction)

Executive Summary

Tenders were invited for the 'Mount Nebo - Mount Nebo Road - Road Safety Upgrade (2 Sections) (MBRC008414)' project and closed on 21 February 2019, with two offers received, both of which were conforming. The works are funded by the Federal Government's Transport Infrastructure Development Scheme - Black Spot Program.

It is recommended that Council award the contract to Allroads Pty Ltd for the sum of \$716,736.20 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

COMMITTEE RECOMMENDATION

Moved by Cr Darren Grimwade

Seconded by Cr Matt Constance

CARRIED 10/0

1. That the tender for 'Mount Nebo, Mount Nebo Road - Road Safety Upgrade (2 Sections) (MBRC008414)' project be awarded to Allroads Pty Ltd for the sum of \$716,736.20 (excluding GST).
 - a) That the Council enters into an agreement with Allroads Pty Ltd as described in this report.
 - b) 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 Allroads Pty Ltd for 'Mount Nebo, Mount Nebo Road - Road Safety Upgrade (2 Sections) (MBRC008414)' project and any required variations of the agreement on Council's behalf.

ITEM 4.1 MOUNT NEBO - MOUNT NEBO ROAD - ROAD SAFETY UPGRADE (2 SECTIONS) - DIVISION 11 - A18246655 (Cont.)

OFFICER'S RECOMMENDATION

That the tender for 'Mount Nebo, Mount Nebo Road - Road Safety Upgrade (2 Sections) (MBRC008414)' project be awarded to Allroads Pty Ltd for the sum of \$716,736.20 (excluding GST).

- a) That the Council enters into an agreement with Allroads Pty Ltd as described in this report.
- b) 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 Allroads Pty Ltd for 'Mount Nebo, Mount Nebo Road - Road Safety Upgrade (2 Sections) (MBRC008414)' project and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The 'Mount Nebo, Mount Nebo Road - Road Safety Upgrade (2 Sections) (MBRC008414)' project comprises two projects with the following scope of works:

Section 1

1044 Mount Nebo Road Curve Upgrade, Jolly's Lookout - Road Safety Improvement Project:

The project is located over a 100-metre section of road at 1044 Mount Nebo Road, Jolly's Lookout. The project scope includes road widening on the outside of a bend, improving consistency of curve and application of superelevation, enhancing delineation and signage. This section of road has a high crash record and the project is funded through the Federal Government Transport Infrastructure Development Scheme - Black Spot Program. The objective of the project is to improve safety for all road users.

The work (both sections) is scheduled to commence in early April 2019 and be completed by July 2019 over a 15-week period, which includes an allowance for wet weather.

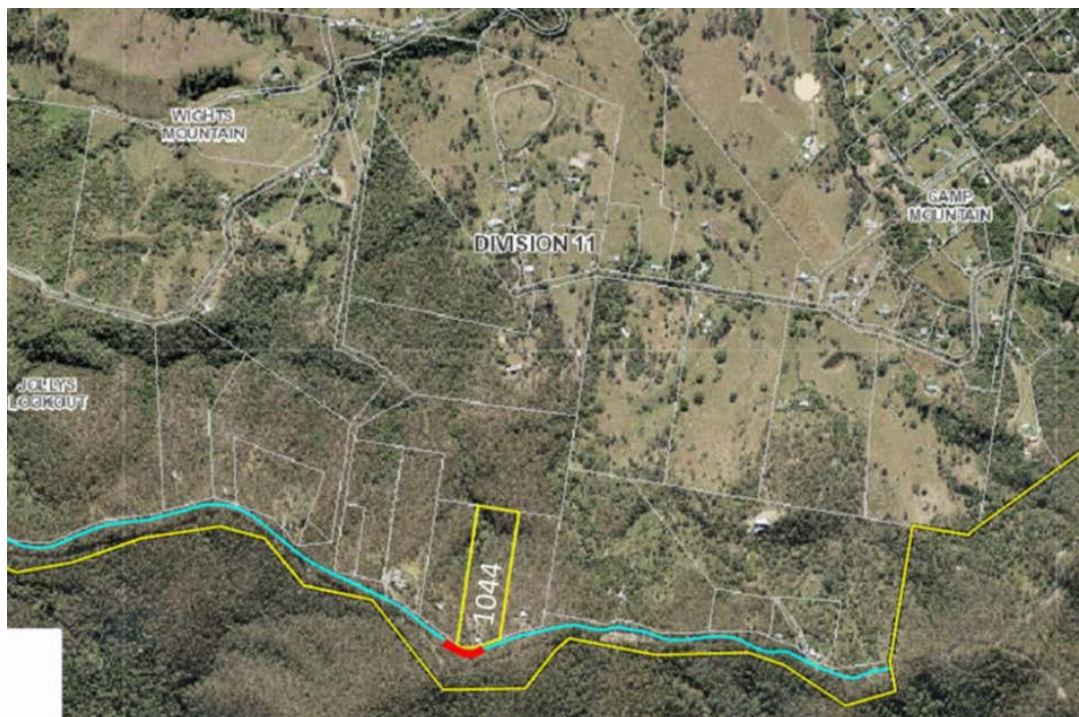


Figure 1: Location of works - 1044 Mount Nebo Road Curve Upgrade, Jolly's Lookout Road Safety Improvement Project

ITEM 4.1 MOUNT NEBO - MOUNT NEBO ROAD - ROAD SAFETY UPGRADE (2 SECTIONS) - DIVISION 11 - A18246655 (Cont.)

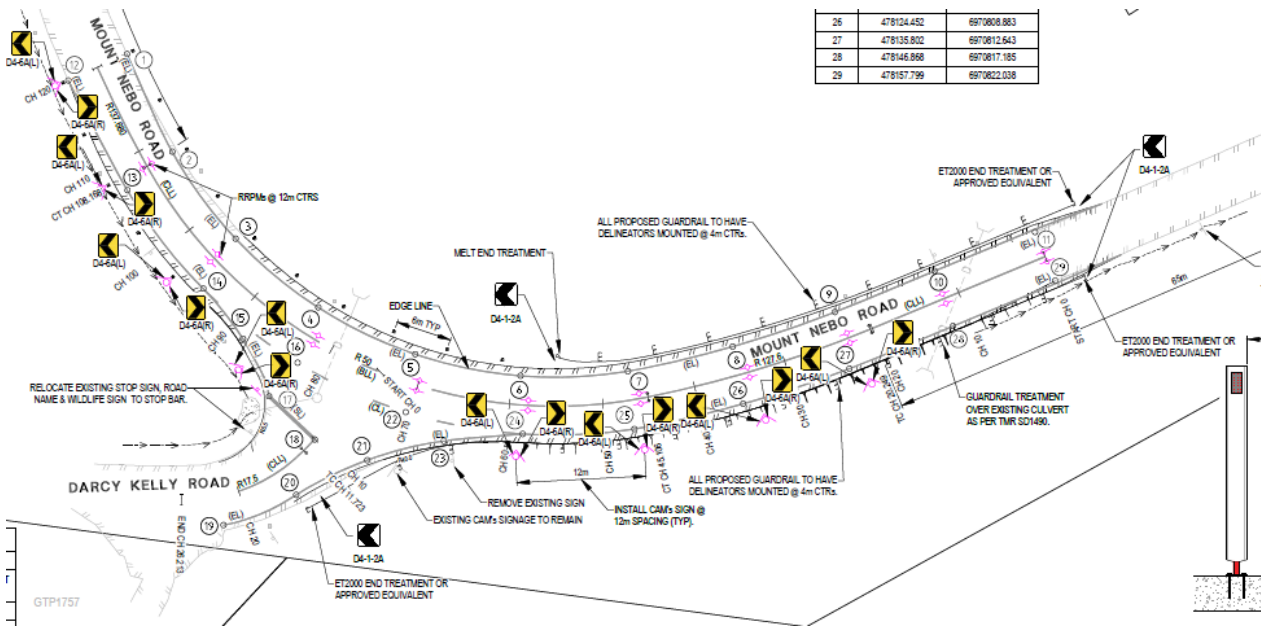


Figure 4: Plan section of the works, Mount Nebo Road near Darcy Kelly Road Intersection

2. Explanation of Item

Tenders for the 'Mount Nebo, Mount Nebo Road - Road Safety Upgrade (2 Sections) (MBRC008414)' closed on 21 February 2019 with two conforming tenders received.

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

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Allroads Pty Ltd	99.07
2	Civlec Pty Ltd T/A GRC Civil	94.48

Allroads Pty Ltd submitted a comprehensive and well-presented tender. A tender clarification meeting was held on 26 February 2019, at which Allroads Pty Ltd demonstrated its relevant experience, methodology, understanding of the project and capability in delivering the project. Allroads Pty Ltd has recently undertaken a number of projects for Moreton Bay Regional Council, including Albany Forest Drive, Albany Creek and Smiths Road intersection, Caboolture. Allroads have undertaken Redland Bay Road Wide Centreline Treatment, value \$3.1M; Cleveland Redland Bay Road and Giles Road Intersection Upgrade, value \$3.35M; and Bruce Highway Safety Program Pine River to Anzac Avenue, value \$4.3M for the Department of Transport and Main Roads.

Civlec Pty Ltd T/A GRC Civil submitted a comprehensive and well-presented tender, demonstrating relevant similar project experience; however, there were no additional benefits for the higher price.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

ITEM 4.1 MOUNT NEBO - MOUNT NEBO ROAD - ROAD SAFETY UPGRADE (2 SECTIONS) - DIVISION 11 - A18246655 (Cont.)

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

- Council's Procurement Policy 10-2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

A detailed risk management plan has been prepared. The project risk has been assessed and the following issues identified. The way in which the potential impact of these risks is minimised is detailed below.

Financial Risks:

A third-party review of financial status has been carried out on this contractor. The financial audit was based on a far greater contract value (\$9M - Old North Road) and Allroads Pty Ltd was rated '*conditionally acceptable*'.

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 it will manage and mitigate project construction risks.
- b. The recommended contractor has demonstrated their understanding of the project site and the need to manage the impact of the works and safety for pedestrians and vehicles.
- c. The recommended contractor has programmed the works and allowed for appropriate resources to be able to complete the project works efficiently.
- d. The contractor's methodology included construction activities to ensure two-way traffic is provided on weekends with contraflow during weekday construction works.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$982,600 for these projects; \$492,000 for section 1 (106776) and \$490,600 for section 2 (106778) in the 2018-19 Capital Projects Program. These two projects are fully funded by the Federal Government Black Spot Funding Program. All financials below are excluding GST.

Design 2018/19	\$ 90,764.00
Telstra relocation	\$ 38,625.00
Tender price (construction)	\$ 716,736.20
Contingency (10%)	\$ 71,680.00
Q Leave	\$ 3,404.00

Total Project Cost	\$ 921,209.20
	=====
 Estimated ongoing operational/maintenance costs	 \$12,500 per F/Y

The budget amount for this project is sufficient.

3.7 Economic Benefit

The project will improve the safety of an important link within the local road transport network.

ITEM 4.1 MOUNT NEBO - MOUNT NEBO ROAD - ROAD SAFETY UPGRADE (2 SECTIONS) - DIVISION 11 - A18246655 (Cont.)

3.8 Environmental Implications

The contractor is required to submit an Environmental Management Plan and comply with relevant State Government Environmental Policies. The contractor will be required to manage sediment and erosion controls during construction and these measures will be audited and monitored by Project Management staff.

3.9 Social Implications

Road crashes can result in significant trauma for those directly involved and the broader community. This project will address road safety concerns to the local area.

3.10 Consultation / Communication

A detailed communications plan has been prepared, which has taken into consideration the scope of works. Consultation has occurred with the Divisional Councillor and the Mount Nebo Residents Association (6 February 2019). Project notices and project signs will be distributed two weeks prior to commencement. The use of Variable Message Signs (VMS) will be placed to advise motorists of the works.

Residents directly affected by the staged works will be provided additional details with two days' notice of works. Weekly project updates via email will be provided to the Divisional Councillor who has been consulted and is supportive of the project. Weekly updates will also be provided via Council's website.

ITEM 4.2

MORETON BAY LOCAL DISASTER MANAGEMENT GROUP AND MORETON DISTRICT DISASTER MANAGEMENT GROUP - MEETING MINUTES FEBRUARY 2019 - REGIONAL

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18273803 : 4 March 2019 - **Refer Supporting Information A18234914 & A18244649**
Responsible Officer: CP, Coordinator Disaster Management (ECM Directorate)

Executive Summary

As a result of the potential impact from Tropical Cyclone Oma, the Moreton Bay Local Disaster Management Group (LDMG) and Moreton District Disaster Management Group (DDMG) held one Extraordinary meeting on 21 February 2019.

Additionally, the LDMG and DDMG held its regular Ordinary meeting on 27 February 2019.

The minutes of these meetings are provided for reference.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Koliana Winchester

CARRIED 10/0

That the following combined Moreton Bay Local Disaster Management Group (LDMG) and the Moreton District Disaster Management Group (DDMG) meeting minutes be adopted:

- a) **LDMG/DDMG Extraordinary Meeting minutes of 21 February 2019; and**
- b) **LDMG/DDMG Ordinary Meeting minutes of 27 February 2019.**

ITEM 4.2 MORETON BAY LOCAL DISASTER MANAGEMENT GROUP AND MORETON DISTRICT DISASTER MANAGEMENT GROUP - MEETING MINUTES FEBRUARY 2019 - REGIONAL - A18273803 (Cont.)

OFFICER'S RECOMMENDATION

That the following combined Moreton Bay Local Disaster Management Group (LDMG) and the Moreton District Disaster Management Group (DDMG) meeting minutes be adopted:

- a) LDMG/DDMG Extraordinary Meeting minutes of 21 February 2019; and
- b) LDMG/DDMG Ordinary Meeting minutes of 27 February 2019.

REPORT DETAIL

1. Background

In accordance with section 29 of the *Disaster Management Act 2003*, a local government is required to establish a Local Disaster Management Group for its local government area. Section 12 of the *Disaster Management Regulation 2014* states that 'disaster management group meetings must be held at least once in every six months at the times and places decided by the chairperson of the group'.

To meet these minimum requirements, the Moreton Bay LDMG and Moreton DDMG conducts Ordinary meetings every three months, generally during the months of February, July and November. Extraordinary meetings of the LDMG/DDMG are also held as required before, during or after disaster events.

The combined LDMG/DDMG held one extraordinary meeting on 21 February 2019 as a result of the threat from Tropical Cyclone Oma. Minutes from this meeting are attached.

The combined LDMG/DDMG also held its regular Ordinary meeting on 27 February 2019, the minutes for which are also attached.

2. Explanation of Item

This report is provided for the purpose of advising Council as to the issues discussed and any meeting outcomes/action items. The meeting minutes are contained within the supporting information to this report.

Combined meetings are chaired on a rotational basis. Since the Queensland Police Service (QPS) chaired the last meeting held in November 2018, the February meeting was chaired by MBRC. The next scheduled meeting will be chaired by QPS.

3. Strategic Implications

3.1 Legislative/Legal Implications

It is a requirement under section 18 of the *Disaster Management Regulation 2014* that a disaster management group must keep minutes of its meetings.

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Safe neighbourhoods - a safe and resilient community.

3.3 Policy Implications

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

3.4 Risk Management Implications

The Department of Agriculture and Fisheries provided a presentation on the impacts of the Foot and Mouth Disease outbreak in the United Kingdom in 2001. Throughout this presentation, the disastrous impacts of this disease across all five pillars of response and recovery - Human & Social, Environmental, Economic, Roads & Transport and Building were identified and acknowledged.

It was also noted that one of the major factors in Foot and Mouth Disease outbreaks is interaction of people - to the extent of even cancelling mass gathering events for significant periods of time i.e. up to one year, whilst the disease runs its course.

ITEM 4.2 MORETON BAY LOCAL DISASTER MANAGEMENT GROUP AND MORETON DISTRICT DISASTER MANAGEMENT GROUP - MEETING MINUTES FEBRUARY 2019 - REGIONAL - A18273803 (Cont.)

It was noted that although Biosecurity Queensland do not have a specific disaster management plan for Foot and Mouth Disease, it does have an extensive concept of operations that can be inserted into the MBRC Local Disaster Manager Plan (LDMP). This would provide information for agencies on what support is required if this type of event should be declared. The LDMP will be updated with this information during the next review period in 2019.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

As a result of the response required to Tropical Cyclone Oma, some workforce costs were incurred with the activation of Council staff to manage trees, road closures and protect exposed beaches from increased erosion. Whilst work is still underway across the rest of the region, the clean-up bill is expected to exceed \$100,000. These costs will be borne by Council, as within the event trigger amount.

3.7 Economic Benefit

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

3.8 Environmental Implications

Although Tropical Cyclone Oma did not cross the Queensland coastline, several indirect effects occurred due to its influence on coastal areas. Severe weather warnings were issued by the Bureau of Meteorology for Dangerous Surf, Abnormally High Tides and Damaging Winds. Most south-facing beaches along the coast suffered some erosion with the worst-affected areas being Woorim Beach and Sylvan Beach on Bribie Island, Margate and Clontarf on the Redcliffe Peninsula.

Sand stabilisation works by Asset Maintenance crews occurred at Woorim Beach during low tide periods and this helped prevent more significant erosion from taking place. Beach scraping to repair damage on Bribie Island and the Redcliffe Peninsula has also been very successful. Additionally, crews undertook work to clean-up windblown sand and washed-up debris.

Drainage, Waterways and Coastal Planning staff are in the process of preparing "Emergency Works" notifications to Queensland State departments.

Inspection of the red cliffs at Scarborough prior to and following the high tides and strong winds experienced during TC Oma has indicated very little change. Erosion of the thin veneer of beach sand and exposure of the underlying stiff clays and ironstone is evident in the northern area of the cliffs, but no destabilisation or collapse of cliff sections has occurred.

3.9 Social Implications

The lessons identified as a result of this potential disaster event and the projects underway to enhance community safety activities will continue to have a positive impact for the community for responding to future disaster events.

3.10 Consultation / Communication

Regular ongoing consultation/communication takes place between all members and advisors of the LDMG, DDMG and various State government entities the Office of the Inspector-General Emergency Management and the Queensland Reconstruction Authority.

ITEM 4.3

ARANA HILLS - LESLIE PATRICK PARK - ALL-ABILITIES PLAYGROUND DEVELOPMENT - DIVISION 10

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18033840 : 4 January 2019 - Refer **Confidential** Supporting Information A17939629 & A18298452
Responsible Officer: BB, Manager Project Management & Construction (ECM Project Management & Construction)

Executive Summary

Tenders were invited for the 'Arana Hills - Leslie Patrick Park - All-Abilities Playground Development (MBRC008175)' project. The request for tenders closed on 11 December 2018 with four tenders received, three of which were conforming including one alternate offer.

It is recommended that Council award the contract to Trelville Pty Ltd trading as Aspect Contractors for the sum of \$1,288,583.62 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Denise Sims

CARRIED 10/0

1. That the tender for 'Arana Hills - Leslie Patrick Park - All-Abilities Playground Development (MBRC008175)' project be awarded to Trelville Pty Ltd t/as Aspect Contractors for the sum of \$1,288,583.62 (excluding GST).
 - a) That the Council enters into an agreement with Trelville Pty Ltd t/as Aspect Contractors as described in this report.
 - b) 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 Trelville Pty Ltd t/as Aspect Contractors for the 'Arana Hills - Leslie Patrick Park - All-Abilities Playground Development (MBRC008175)' project and any required variations of the agreement on Council's behalf.
2. That to allow the project to continue, Council commits \$245,000 from the draft 2019/20 Capital Projects budget towards the project (Arana Hills - Leslie Patrick Park - All-Abilities Playground Development) in addition to the \$825,000 allocated from the 2019/20 Minor Capital Works Program.

ITEM 4.3 ARANA HILLS - LESLIE PATRICK PARK - ALL-ABILITIES PLAYGROUND DEVELOPMENT - DIVISION 10 - A18033840 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for 'Arana Hills - Leslie Patrick Park - All-Abilities Playground Development (MBRC008175)' project be awarded to Trelville Pty Ltd t/as Aspect Contractors for the sum of \$1,288,583.62 (excluding GST).
 - a) That the Council enters into an agreement with Trelville Pty Ltd t/as Aspect Contractors as described in this report.
 - b) 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 Trelville Pty Ltd t/as Aspect Contractors for the 'Arana Hills - Leslie Patrick Park - All-Abilities Playground Development (MBRC008175)' project and any required variations of the agreement on Council's behalf.
2. That to allow the project to continue, Council commits \$245,000 from the draft 2019/20 Capital Projects budget towards the project (Arana Hills - Leslie Patrick Park - All-Abilities Playground Development) in addition to the \$825,000 allocated from the 2019/20 Minor Capital Works Program.

REPORT DETAIL

1. Background

The project is located within Leslie Patrick Park, Olearia Street West, Arana Hills. The project scope includes the construction of an inclusive all-abilities playground and associated landscaping that will promote integrated and inclusive play opportunities for children of all abilities and their parents/carers. The playground will include spaces with a variety of sensory experiences, opportunities for gross motor skill development and elements to encourage imaginative play. The objective of the project is to provide facilities that encourage children, adults and seniors of all-abilities to interact with the play facility. This facility includes the provision of passive and recreation activities.

The project design will commence in April 2019, with construction programmed to commence in August 2019 and conclude December 2019.



Figure 1 – locality plan

ITEM 4.3 ARANA HILLS - LESLIE PATRICK PARK - ALL-ABILITIES PLAYGROUND DEVELOPMENT - DIVISION 10 - A18033840 (Cont.)

2. Explanation of Item

Tenders for the 'Arana Hills - Leslie Patrick Park - All-Abilities Playground Development (MBRC008175)' project closed on 11 December 2018 with four tenders received, three of which were conforming including one alternate offer. 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	Trelville Pty Ltd t/as Aspect Contractors	100.00
2	The Landscape Construction Company Pty Ltd	98.39
3	The Landscape Construction Company Pty Ltd (Alternate)	95.23
4	A_Space Australia Pty Ltd	Non-conforming

Trelville Pty Ltd t/as Aspect Contractors ('Trelville') submitted a comprehensive tender. A tender clarification meeting was held on 16 January 2019, at which Trelville demonstrated relevant experience, detailed methodology, understanding of the project and capability in effectively delivering the project in a timely manner. Trelville has undertaken construction work for the Moreton Bay Regional Council, including Deception Bay Community Centre Playground works (\$140,000), Redcliffe Settlement Cove Park playground infrastructure renewal (\$185,000) and Scarborough Beach park improvements (\$738,000) and is currently on the MBRC Pre-Qualified Landscape Construction Panel.

The Landscape Construction Company Pty Ltd submitted a comprehensive tender as well as an alternate tender, demonstrating relevant similar project experience; however, there were no additional benefits for the higher price.

The non-conforming tenderer did not provide the mandatory tender scope information.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: 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 10-2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

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

ITEM 4.3 ARANA HILLS - LESLIE PATRICK PARK - ALL-ABILITIES PLAYGROUND DEVELOPMENT - DIVISION 10 - A18033840 (Cont.)

Council will appoint an independent Occupational Therapist to work with the Contractor and conduct reviews throughout the design phase to ensure the required scope is met.

Financial Risks:

A third-party review of financial status has been carried out and the successful tenderer was rated '*marginal*'. The contractor will provide additional security of 10% in the form of retention. The contractor is currently on the Council Pre-Qualified Landscape Construction Panel.

Construction Risks

- a. The recommended contractor will provide a program of works, traffic management plan, safety management plan and environmental plan as part of the contract to identify and detail how they will manage and mitigate project construction risks.
- b. The recommended contractor has demonstrated their understanding of the project site and the need to manage the impact of the works and the safety of the parks users and visitors.
- c. The recommended contractor has indicated in their program of works that they have taken into consideration the provision of appropriate resources to complete the works effectively.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$1,202,034 with \$377,034 for design and the commencement of construction in the 2018-19 FY Minor Works Capital Program, and \$825,000 in the draft 2019-20 FY Minor Works Capital Projects Program for construction of this project. All financials below are excluding GST.

Design 2018/19	\$ 20,137.50
Tender price (construction)	\$1,288,583.62
Contingency (10%)	\$ 128,858.36
QLeave (0.475%)	\$ 6,120.77

Total Project Cost	\$1,443,700.25
	=====
 Estimated ongoing annual operational/maintenance costs	 \$18,772.00

The budget amount for this project is insufficient. Additional funds will be required from the 2019-20 FY Capital Projects Program of \$245,000 for this project to continue.

3.7 Economic Benefit

The development will attract visitors from within and external to the Moreton Bay Region. It is anticipated that some of these visitors will utilise the services and businesses within the Arana Hills CBD in conjunction with their visit to Leslie Patrick Park.

3.8 Environmental Implications

The project will contribute to improved local environment through the installation of new trees and landscaping. 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 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.

*ITEM 4.3 ARANA HILLS - LESLIE PATRICK PARK - ALL-ABILITIES PLAYGROUND DEVELOPMENT - DIVISION 10
- A18033840 (Cont.)*

3.10 Consultation / Communication

A detailed communication plan has been prepared. Project signage will be displayed prior to and throughout the works, including project notices distributed prior to the commencement of works.

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

ITEM 4.4 - DECLARATION OF INTEREST

Conflict of Interest - Declaration - Cr Mike Charlton (Deputy Mayor)

Pursuant to s175E of the *Local Government Act 2009*, Cr Mike Charlton declared a perceived conflict of interest in Item 4.4 as BMD Constructions were a contributor to Moreton Futures Trust in 2010. Cr Charlton advised that he received an interest free loan in the amount of \$5000 from Moreton Futures Trust in late September 2011 which was repaid in full on 25 January 2012. Cr Charlton has not received a donation since that time.

However, Cr Mike Charlton 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.

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 Cr Mike Charlton'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 if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.

Moved by Cr Adam Hain

Seconded by Cr Koliana Winchester

CARRIED 5/4

Cr Peter Flannery, Cr Denise Sims, Cr Darren Grimwade and Cr Adrian Raedel and voted against the matter

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

Cr Mike Charlton (Deputy Mayor) remained in the meeting.

ITEM 4.4

PETRIE - PETRIE MILL REDEVELOPMENT - INTERNAL CIVIL WORKS STAGE 1 - DIVISION 7

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A18252431 : 26 February 2019 - Refer **Confidential** Supporting Information A18309237
Responsible Officer: EP, Construction Engineer (ECM Major Projects - University)

Executive Summary

Tenders were invited for the 'Petrie Mill Redevelopment Internal Civil Works Stage 1 (MBRC007974)' for the construction of bulk earthworks, civil works, public utility services including smart city infrastructure, drainage, pavement and streetscape works. The tender closed on 14 February 2019 with four conforming tenders received.

It is recommended that Council award the contract to Shadforth's Civil Pty Ltd T/A Shadforth for the sum of \$22,723,669.60 (excl. GST), as this tender was evaluated as representing the best overall value to Council.

COMMITTEE RECOMMENDATION

Moved by Cr Denise Sims

Seconded by Cr Koliانا Winchester

CARRIED 10/0

That the tender for Petrie Mill Redevelopment Internal Civil Works Stage 1 (MBRC007974) be awarded to Shadforth's Civil Pty Ltd T/A Shadforth for the amount of \$22,723,669.60 (excluding GST).

- a) That the Council enters into an agreement with Shadforth's Civil Pty Ltd T/A Shadforth as described in this report.
- b) 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 Shadforth's Civil Pty Ltd T/A Shadforth for Petrie Mill Redevelopment Internal Civil Works Stage 1 (MBRC007974) and any required variations of the agreement on Council's behalf.

ITEM 4.4 PETRIE - PETRIE MILL REDEVELOPMENT - INTERNAL CIVIL WORKS STAGE 1 - DIVISION 7 - A18252431 (Cont.)

OFFICER'S RECOMMENDATION

That the tender for Petrie Mill Redevelopment Internal Civil Works Stage 1 (MBRC007974) be awarded to Shadforth's Civil Pty Ltd T/A Shadforth for the amount of \$22,723,669.60 (excluding GST).

- a) That the Council enters into an agreement with Shadforth's Civil Pty Ltd T/A Shadforth as described in this report.
- b) 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 Shadforth's Civil Pty Ltd T/A Shadforth for Petrie Mill Redevelopment Internal Civil Works Stage 1 (MBRC007974) and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The stage one internal civil works scope provides the main entry road and access roads required for the University of Sunshine Coast (USC) Foundation Building to open in 2020 and the remaining works to complete the road network for stage 1. The works will include bulk earthworks, services installation, smart city infrastructure, drainage works, road construction, and streetscaping.

The construction period is 45 weeks, which includes an allowance of 27 days for inclement weather. Works will commence on site in April 2019.

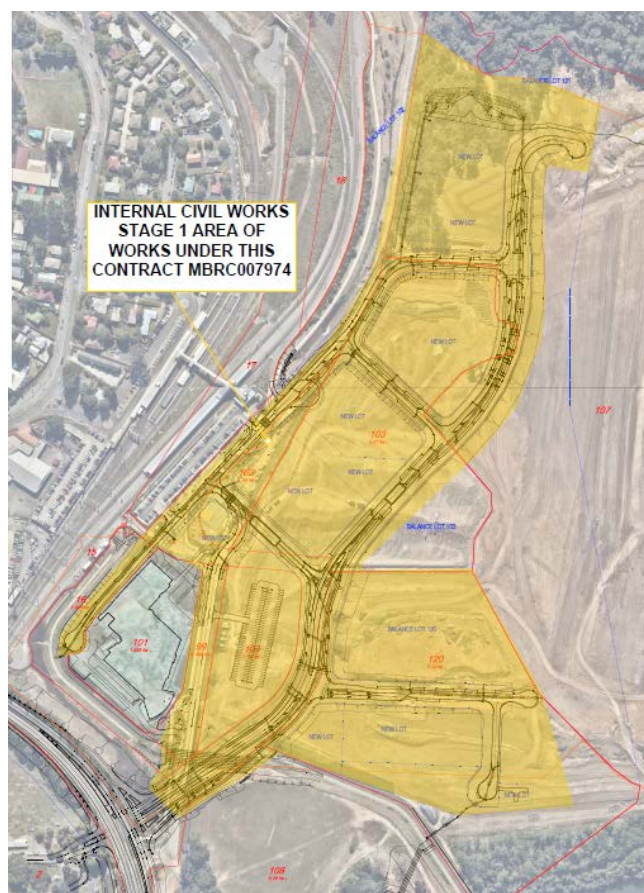


Figure 1 - Locality plan - areas of work under this contract

ITEM 4.4 PETRIE - PETRIE MILL REDEVELOPMENT - INTERNAL CIVIL WORKS STAGE 1 - DIVISION 7 - A18252431 (Cont.)

2. Explanation of Item

Tenders were invited for the 'Petrie Mill Redevelopment Internal Civil Works Stage 1 (MBRC007974)' for the construction of the bulk earthworks, civil works, public utility services infrastructure, drainage, pavement and streetscape. The tender closed on 14 February 2019 with four conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Shadforth's Civil Pty Ltd T/A Shadforth	100
2	Allroads Pty Ltd	92.59
3	BMD Urban Pty Ltd	88.82
4	Hazell Bros (QLD) Pty Ltd	79.48

Shadforth's Civil Pty Ltd T/A Shadforth submitted a comprehensive and detailed tender demonstrating their construction methodology and experience on projects of a similar scale and complexity. Shadforth's submission also nominated a high level of involvement of suitable personnel, including key project management staff. The tender submission program was detailed for all major activities in the contract scope of works and conformed with the required practical completion date which equated to a period of 45 weeks from contract award, including sufficient allowance for inclement weather and the mandatory milestone dates for the stages outlined in the contract.

At the clarification meeting held on 25 February 2019, Shadforth confirmed their pricing and detailed construction methodology and staging, with clear details on maintaining access to the Petrie Train Station, USC Foundation Building site and thorough pedestrian and cyclist management. Overall, Shadforth demonstrated an in-depth understanding of the project requirements and site constraints. The tender was the lowest priced and was considered by the panel to provide the best overall value and outcome for the project.

Allroads Pty Ltd submitted a suitably detailed tender and demonstrated their construction methodology and experience on projects of a similar scale and complexity. The nominated personnel have good experience in similar types of works. The tender submission program was detailed for all major activities in the contract scope of works and conformed with the construction practical completion date which equated to a period of 44 weeks from contract award, including sufficient allowance for inclement weather and the mandatory milestone dates for the stages outlined in the contract. At the clarification meeting held on 25 February 2019, Allroads confirmed their pricing and construction methodology and staging, with clear details on maintaining access to the Petrie Train Station, USC Foundation Building site and pedestrian and cyclist management. The tender did not provide any significant benefit to Council for the additional cost.

BMD Urban Pty Ltd submitted an appropriately detailed tender and demonstrated their construction methodology and experience on projects of a similar scale and complexity. The submitted program did not achieve the practical completion date outlined in the tender document. The tender did not provide any significant benefit to Council for the additional cost.

Hazell Bros (QLD) Pty Ltd submitted a tender which demonstrated their construction methodology and experience on projects. The submitted response on methodology, staging and program was not as strong as the other tenderers. This tender didn't progress to detailed tender clarification and was the highest of the tendered prices.

ITEM 4.4 PETRIE - PETRIE MILL REDEVELOPMENT - INTERNAL CIVIL WORKS STAGE 1 - DIVISION 7 - A18252431 (Cont.)

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

3.3 Policy Implications

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

- Council's Procurement Policy 10-2150-006
- *Local Government Act 2009*
- Local Government Regulation 2012 Chapter 6.

3.4 Risk Management Implications

The project risk has been assessed and the following issues identified.

Project Risks

The key risks associated with the Petrie Mill Redevelopment Internal Civil Works Stage 1 package have been assessed and the following outlines those risks and the way the possible impact of these risks can be minimised.

Weather:

The tender document requires the tenderers to include their own allowances for inclement weather and assume wet weather risk. If applicable, extensions of time due to inclement weather (at nil cost) will only be considered where the number of wet days has exceeded the included allowance and the tenderer will not be entitled to any payments as a result of delay due to unusually wet weather.

Traffic management:

The tender package includes requirements to maintain traffic lanes from Gympie Road to Petrie Train Station during daytime periods. The tenderer proposes to maintain the current operating lane configuration and complete any works requiring lane closures at night.

Financial Capacity

In accordance with Council's practice, a third-party review of financial status has been carried out on the recommended tenderer to ensure they have sufficient financial capacity to undertake the works. The recommended tenderer was rated B+.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated \$70M and \$30M in the 2018/2019 and 2019/20 financial years respectively for Stage 1 of the Petrie Mill Redevelopment project. The works associated with the Internal Civil Works Stage 1 package will be debited to Project Number 105223 and are within the allocation in the Stage 1 Cost Plan of \$24,742,903 (excluding contingency).

Tender price (construction)	\$ 22,723,669.60
Contingency (15% of tender price)	\$ 3,408,550.44
QLeave (0.475% tender price)	\$ 107,937.43

Total Project Cost	\$ 26,240,157.47
	=====

ITEM 4.4 PETRIE - PETRIE MILL REDEVELOPMENT - INTERNAL CIVIL WORKS STAGE 1 - DIVISION 7 -
A18252431 (Cont.)

3.7 Economic Benefit

This development has significant regional economic benefits and is a catalyst for overall outcomes for the site as part of the broader 'The Mill at Moreton Bay' PDA.

3.8 Environmental Implications

The Operational Works submission includes management plans for fauna, vegetation, acid sulphate and erosion and sediment. The recommended contractor will be required to implement a Construction Environmental Management Plan incorporating relevant provisions of these plans.

3.9 Social Implications

The overall Petrie Mill Development project will provide significant positive social benefit and will facilitate construction of a university campus along with other facilities.

3.10 Consultation / Communication

The works will be managed by Council's Major Projects team in line with communication policies and protocols.

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

No items for consideration.

6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

No items for consideration.

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

ITEM 7.1

PROPOSED CREATION OF EASEMENT E AND SURRENDER OF EASEMENT D AT 119 FARRY ROAD, BURPENGARY EAST - DIVISION 2

Meeting / Session: 7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM
Reference: A18191932 : 6 March 2019 - **Refer Supporting Information A18286430**
Responsible Officer: AS, A/MANAGER PROPERTY SERVICES (CES Property & Commercial Services)

Executive Summary

This report seeks Council's approval to extinguish an existing 2.702ha stormwater and drainage easement, located at 119 Farry Road, Burpengary, and replacing it with a drainage easement with a smaller footprint of 1259m².

COMMITTEE RECOMMENDATION

Moved by Cr Adam Hain

Seconded by Cr Matt Constance

CARRIED 10/0

1. That the creation of Easement E in favour of Council for drainage purposes over Lot 3 on SP263482, as shown in Supporting Information #2 of this report, be approved on the terms outlined in this report.
2. That the surrender of Easement D in favour of Council for drainage purposes over Lot 3 on SP263482, as shown in Supporting Information #1 of this report, be approved on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary to give effect to recommendations 1 and 2.

ITEM 7.1 PROPOSED CREATION OF EASEMENT E AND SURRENDER OF EASEMENT D AT 119 FARRY ROAD, BURPENGARY EAST - DIVISION 2 - A18191932 (Cont.)

OFFICER'S RECOMMENDATION

1. That the creation of Easement E in favour of Council for drainage purposes over Lot 3 on SP263482, as shown in Supporting Information #2 of this report, be approved on the terms outlined in this report.
2. That the surrender of Easement D in favour of Council for drainage purposes over Lot 3 on SP263482, as shown in Supporting Information #1 of this report, be approved on the terms outlined in this report.
3. That the Chief Executive Officer be authorised to take all action necessary to give effect to recommendations 1 and 2.

REPORT DETAIL

1. Background

On 6 August 2012, Council issued a development approval (DA/26647/2012/DA) to reconfigure one lot into three lots, at 115-121 Farry Road, Burpengary East, described as Lot 8 on RP107811.

Condition 17 of the Approval provided:

“(a) Provide drainage easements, free of cost and compensation in Council’s favour, over any land located within lots that is inundated by the 100 year ARI flood level.

“(b) Provide drainage easements with a minimum width of 4 metres wholly containing the proposed stormwater swale located inside the Lot 1 & 2 western boundaries and through the lot 3 access handle.”

In 2013, as a result of the approval, Lot 8 on RP107811 was cancelled and Lots 1, 2 and 3 on SP263482 were created. Concurrently, an easement (Easement D) was established on Lot 3 on SP263482 and covers an area of 2.702ha (see Supporting Information #1).

The owner of the property now seeks for Easement D to be surrendered and replaced with proposed Easement E on SP303665, a significantly smaller easement area of 1259m². (See Supporting Information #2)

2. Explanation of Item

Council officers do not object to the extinguishment of Easement D on the basis that regulation, use and development of the property will be protected by the Planning Scheme, and specifically the Flood Hazard Overlay.

The proposed extinguishment of Easement D, and the creation of Easement E will maintain a lawful point of discharge for Lots 1 and 2 on SP263482.

The terms of Easement E, will be in accordance with Council’s standard terms document, lodged with the Department of Natural Resources, Mines and Energy under Dealing Number 702748303.

3. Strategic Implications

3.1 Legislative/Legal Implications

Appropriate easement documentation will be prepared and lodged with the Titles Office.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

ITEM 7.1 PROPOSED CREATION OF EASEMENT E AND SURRENDER OF EASEMENT D AT 119 FARRY ROAD, BURPENGARY EAST - DIVISION 2 - A18191932 (Cont.)

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

That the Chief Executive Officer be delegated authority to do all things necessary to give effect to Recommendations #1 and #2.

3.6 Financial Implications

All costs associated with the preparation and lodgement of documents with the Titles Office will be borne by the applicant.

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Development Services
ECM Engineering
Environmental Services

8 REGIONAL INNOVATION

(Cr D Grimwade)

No items for consideration.

9 GENERAL BUSINESS

ITEM 9.1 CABOOLTURE TO WAMURAN RAIL TRAIL

Cr Adam Hain advised that he attended the official opening of the Caboolture to Wamuran Rail Trail on Saturday 16 March 2019, along with Cr Adrian Raedel. Cr Hain said that there had been a very good response from the community regarding the rail trail, and provided his special thanks to the Council staff and contractors who had been involved in the project.

ITEM 9.2 QUEENSLAND STEAM AND VINTAGE MACHINERY SOCIETY -30TH ANNIVERSARY

Cr Denise Sims attended the Queensland Steam and Vintage Machinery Society's 30th Anniversary on Saturday 16 March 2019 along with Cr Darren Grimwade, and Cr Sims presented them with a Certificate of Achievement.

COMMITTEE RECOMMENDATION

Moved by Cr Darren Grimwade

Seconded by Cr Denise Sims

CARRIED 10/0

That a Mayoral letter of congratulation be forwarded to Queensland Steam and Vintage Machinery Society on reaching their 30th Anniversary.

ITEM 9.3 POSITIVE FEEDBACK - MORETON BAY REGIONAL COUNCIL STAFF

Cr Koliana Winchester placed on record feedback she had received by the community on the great work both indoor and outdoor staff are completing around the Moreton Bay Region. In particular, Cr Winchester provided thanks to Director Engineering Construction & Maintenance and team.

CLOSURE

There being no further business the Chairperson closed the meeting at 1.45pm.