



REPORT

Coordination Committee Meeting

Tuesday 26 March 2019
commencing at 10.38am

Strathpine Chambers
220 Gympie Road, Strathpine

ENDORSED GM20190326

CHAIRPERSON'S REPORT

The recommendations contained within this report of the Coordination Committee meeting held 26 March 2019 are recommended to the Council for adoption.

COUNCILLOR MIKE CHARLTON (ACTING MAYOR)
CHAIRPERSON
COORDINATION COMMITTEE

Membership = 13
Mayor and all Councillors

Quorum = 7

Adoption Extract from General Meeting – 26 March 2019 (Page 19/480)

**12.1 Coordination Committee Meeting - 26 March 2019
(Pages 19/482 - 19/534)**

RESOLUTION

Moved by Cr Adrian Raedel

Seconded by Cr Denise Sims

CARRIED 11/0

That the report and recommendations of the Coordination Committee meeting held 26 March 2019 be adopted.

LIST OF ITEMS

1 GOVERNANCE SESSION (Cr A Sutherland, Mayor)

- ITEM 1.1** 483
DELEGATION - BUILDING REGULATION 2006 - REGIONAL
COMMITTEE RECOMMENDATION
REPORT DETAIL

2 PLANNING & DEVELOPMENT SESSION (Cr M Gillam)

- ITEM 2.1** 486
DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR
MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP &
BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD &
DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESPLANADE,
CLONTARF – DIVISION 6
COMMITTEE RECOMMENDATION
REPORT DETAIL

3 CORPORATE SERVICES SESSION (Cr M Constance)

4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr A Hain)

- ITEM 4.1** 524
2019/20 FEES AND CHARGES SCHEDULE - ENGINEERING, CONSTRUCTION AND
MAINTENANCE DIVISION (EXCLUDING WASTE) - REGIONAL
COMMITTEE RECOMMENDATION
REPORT DETAIL

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

- ITEM 5.1** 527
NEW LEASE - PENINSULA AND DISTRICTS FOOTBALL AND SPORTING CLUB INC -
DIVISION 6
COMMITTEE RECOMMENDATION
REPORT DETAIL

- ITEM 5.2** 530
NEW LEASE - PINE RIVERS MUSICAL ASSOCIATION INCORPORATED (PRIMA) -
DIVISION 8
COMMITTEE RECOMMENDATION
REPORT DETAIL

6 LIFESTYLE & AMENITY SESSION (Cr D Sims)

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

8 REGIONAL INNOVATION (Cr D Grimwade)

Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING
26 March 2019

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Report

9 GENERAL BUSINESS

ITEM 9.1 **533**
REGIONAL EVENTS

COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

ITEM 9.2 **534**
CR JULIE GREER

COMMITTEE RECOMMENDATION

CLOSURE

ATTENDANCE & APOLOGIES

Attendance:

Committee Members:

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

Officers:

Chief Executive Officer	(Mr Daryl Hitzman)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Infrastructure Planning	(Mr Andrew Ryan)
Manager, Development Services	(Ms Kate Isles)
Team Leader Planning	(Ms Amy White)
Meeting Support	(Kim Reid)
Team Leader Meeting Support	(Kathrine Crocker)

Apologies:

Cr Allan Sutherland (Mayor) who is participating in the Taiwan Smart City Summit
Cr Julie Greer

The Mayor is the Chairperson of the Coordination Committee.

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

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

1 GOVERNANCE SESSION

(Cr A Sutherland, Mayor)

ITEM 1.1

DELEGATION - BUILDING REGULATION 2006 - REGIONAL

Meeting / Session: 1 GOVERNANCE

Reference: A18346598 : 20 March 2019 - **Refer Supporting Information A18346636**

Responsible Officer: DD, Acting Manager Executive Services (CEO Executive Services)

Executive Summary

This report recommends that Council delegate certain of its powers under the Building Regulation 2006 to the Chief Executive Officer (CEO), in order that the CEO may sub-delegate powers as required to appropriately qualified employees or contractors of the Council.

COMMITTEE RECOMMENDATION

Moved by Cr Denise Sims

Seconded by Cr James Houghton

CARRIED 11/0

That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers under the Building Regulation 2006 as specified in supporting information #1 to this report.

ITEM 1.1 DELEGATION - BUILDING REGULATION 2006 - REGIONAL - A18346598 (Cont.)

OFFICER'S RECOMMENDATION

That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers under the Building Regulation 2006 as specified in supporting information #1 to this report.

REPORT DETAIL

1. Background

Council has certain powers under the Building Regulation 2006.

It is appropriate to delegate certain of those powers to the Chief Executive Officer (CEO) in order that the CEO may sub-delegate powers as required to appropriately qualified employees or contractors of the Council.

It must be noted that a delegation of the Council's powers does not prevent the Council from exercising any of those powers itself.

2. Explanation of Item

Pursuant to section 257 of the *Local Government Act 2009*, the Council may resolve to delegate certain statutory powers to the CEO. Subsequently, section 259 of the *Local Government Act 2009* provides that the CEO may delegate his/her powers to appropriately qualified employee/s or contractor/s of the local government.

It is recommended that the powers under the Building Regulation 2006 as recommended and set out in supporting information #1 to this report, be delegated to the CEO in order that the CEO may sub-delegate powers as required to appropriately qualified employees or contractors of the Council.

The delegation relates to the combustible cladding amendments recently made to the Building Regulation 2006.

3. Strategic Implications

3.1 Legislative/Legal Implications

Delegations made under section 257 of the *Local Government Act 2009* must be reviewed by the Council annually.

A delegation of the Council's powers does not prevent the Council from exercising any of those powers itself.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

There are no policy implications that are directly related to this report.

3.4 Risk Management Implications

There are no risk management implications that are directly related to this report.

3.5 Delegated Authority Implications

The CEO will be delegated authority to exercise various powers of Council under the Building Regulation 2006.

The CEO may sub-delegate these powers to appropriately qualified employees or contractors of the Council.

3.6 Financial Implications

There are no financial implications that are directly related to this report.

ITEM 1.1 DELEGATION - BUILDING REGULATION 2006 - REGIONAL - A18346598 (Cont.)

3.7 Economic Benefit

There are no economic benefits that are directly related to this report.

3.8 Environmental Implications

There are no environmental implications that are directly related to this report.

3.9 Social Implications

There are no social implications that are directly related to this report.

3.10 Consultation / Communication

Consultation has been carried out with the Chief Executive Officer, Director and Managers of Community & Environmental Services, Regulatory Services and Legal Services.

ATTENDANCE

Ms Kate Isles and Ms Amy White attended the meeting at 10.41am for discussion on Item 2.1

2 PLANNING & DEVELOPMENT SESSION

(Cr M Gillam)

ITEM 2.1

DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP & BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD & DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESPLANADE, CLONTARF – DIVISION 6

**APPLICANT: HASTONE AUSTRALIA PTY. LTD. C/- SAUNDERS HAVILL
OWNER: HASTONE AUSTRALIA PTY. LTD.**

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A18270067 : 26 March 2019 – Refer Supporting Information A18270066, A18293869, A18293877, A18293881 & A18293882
Responsible Officer: GH, Principal Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Hastone Australia Pty Ltd
Lodgement Date:	31 August 2018
Properly Made Date:	10 September 2018
Confirmation Notice Date:	13 September 2018
Information Request Date:	26 September 2018
Info Response Received Date:	20 November 2018
Public Notification Dates:	22 November 2018 until 17 December 2018
No. of Submissions:	Properly Made: 2 Not Properly Made: Nil
Decision Due Date:	27 March 2019
Prelodgement Meeting Held:	Yes (PRE/4533)

PROPERTY DETAILS	
Division:	6
Property Address:	92, 94-96 Hornibrook Esplanade, CLONTARF QLD 4019
RP Description	Lot 2 RP 84520, Lot 3 RP 51637, Lot 1 RP 97183, Lot 4 RP 51637
Land Area:	2,481m ²
Property Owner	Hastone Australia Pty Ltd

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	MBRC Planning Scheme (version 3)
Planning Locality / Zone	General Residential Zone Urban Neighbourhood Precinct
Level of Assessment:	Impact Assessment (Consistent)

ITEM 2.1 DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP & BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD & DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESP - A18270067 (Cont.)

This application seeks a Material Change of Use - Development Permit for Multiple Dwelling (93 Dwellings), Food & Drink Outlet and Shop and Building Works - Development Permit for Multiple Dwelling, Food & Drink Outlet and Shop, located at 92 and 94-96 Hornibrook Esplanade Clontarf, on land described as Lot 2 RP 84520, Lot 3 RP 51637, Lot 1 RP 97183, Lot 4 RP 51637.

It is proposed to construct a new nine-storey mixed-use building containing ninety-three (93) dwellings and a 90m² commercial tenancy at ground level. The proposed building has an overall building height of 27.85m (31.65m AHD), exceeding the suggested maximum building height of 21m as shown on Overlay map - Building height. Despite exceeding the mapped building height, the proposed building is a consistent height, bulk and scale with existing and approved buildings on adjacent properties to the west.

The application was publicly advertised with two (2) properly made submissions received. The proposed development is considered to accord with the intent of the Moreton Bay Regional Council Planning Scheme, and is recommended to be approved, subject to conditions.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Darren Grimwade

CARRIED 10/1

Cr Koliانا Winchester voted against Committee's Recommendation

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

ITEM 2.1 DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP & BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD & DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESP - A18270067 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Multiple Dwelling (93 Dwellings), Food & Drink Outlet and Shop and Building Works - Development Permit for Multiple Dwelling, Food & Drink Outlet and Shop at 92 and 94-96 Hornibrook Esplanade Clontarf, on land described as Lot 2 RP 84520, Lot 3 RP 51637, Lot 1 RP 97183, Lot 4 RP 51637, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Building Perspectives	17567 SK-900	Mode	15/11/2018
Building Perspectives	17567 SK-901	Mode	15/11/2018
Building Perspectives	17567 SK-902	Mode	15/11/2018
Building Perspectives	17567 SK-903	Mode	15/11/2018
Building Perspectives	17567 SK-904	Mode	15/11/2018
Building Perspectives	17567 SK-905	Mode	15/11/2018
Building Perspectives	17567 SK-906	Mode	15/11/2018
Street Context Perspective	17567 SK-907	Mode	15/11/2018
Street Context Perspective	17567 SK-908	Mode	15/11/2018
Site Cover Analysis	17567 SK-010	Mode	15/11/2018
Basement Level	17567 SK-101	Mode	15/11/2018
Ground Level 01	17567 SK-102	Mode	15/11/2018
Level 02	17567 SK-103	Mode	15/11/2018
Level 03	17567 SK-104	Mode	15/11/2018
Level 04	17567 SK-105	Mode	15/11/2018
Level 05	17567 SK-106	Mode	15/11/2018
Level 06	17567 SK-107	Mode	15/11/2018
Level 07	17567 SK-108	Mode	15/11/2018
Level 08	17567 SK-109	Mode	15/11/2018
Level 09	17567 SK-110	Mode	15/11/2018
Roof Plan	17567 SK-111	Mode	15/11/2018
Building Elevations – South	17567 SK-200	Mode	15/11/2018
Building Elevations – East	17567 SK-201	Mode	15/11/2018
Building Elevations – West (A1)	17567 SK-202	Mode	15/11/2018
Building Elevations - West (A2)	17567 SK-203	Mode	15/11/2018
Building Elevations – North	17567 SK-204	Mode	15/11/2018
Building Elevations – West (A3)	17567 SK-205	Mode	15/11/2018
Street Elevations	17567 SK-210	Mode	15/11/2018
Building Sections	17567 SK-300	Mode	15/11/2018
Building Sections	17567 SK-301	Mode	15/11/2018
Building Sections	17567 SK-302	Mode	15/11/2018
Building Sections	17567 SK-303	Mode	15/11/2018
Stormwater Management Plan	13809	RMA Engineers	20/12/2018
Traffic Engineering Assessment Report	BMC18146	BMC Traffic	20/11/2018

Amended Documents Required			
Plan / Document Name	Reference Number	Prepared By	Dated
Noise Impact Assessment Report	18BRA0134 RO1_1	TTM	19/11/2018
Waste Management Program	-	Mode	-

ITEM 2.1 DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP & BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD & DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESP - A18270067 (Cont.)

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 or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
2	Amended Noise Impact Assessment	
A	Submit an amended Noise Impact Assessment incorporating the following: <ul style="list-style-type: none"> • Review the identified 'receivers' and associated recommendations (note - there are two 'receiver 2's'); • Address the conflict of the acoustic barrier proposed across the Lane Street driveway. 	Prior to any approval of Building Works.
B	Obtain approval from Council for the amended Noise Impact Assessment in accordance with (A) above.	Prior to any approval of Building Works.
C	Implement the requirements and recommendations of the approved Noise Impact Assessment. The approved Noise Impact Assessment will form part of the approval.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
3	Amended Waste Management Plan	
A	Submit an amended Waste Management Plan incorporating the following having regard to Council's Waste Management Policy: <ul style="list-style-type: none"> • Amend the calculation of required waste volumes for dwellings; • Include waste volumes from commercial uses; • Review dimensions of the bin storage area; • Show the location of the garbage chute. Note: the garbage chutes are not to be used for recycling. 	Prior to any approval of Building Works.
B	Obtain approval from Council for the amended Waste Management plan in accordance with (A) above.	Prior to any approval of Building Works.
C	Implement the requirements and recommendations of the approved Waste Management Plan. The approved amended Waste Management Plan will form part of the approval.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first

ITEM 2.1 DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP & BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD & DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESP - A18270067 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
		and to be maintained at all times.
4	Community Management Statement	
	Ensure that the Community Management Statement for the development reflects the following: 1. Car parking provisions; 2. Landscaping requirements; 3. Communal Open Space and Recreation areas; 4. Bin storage requirements and collection locations; and 5. Stormwater Management requirements;	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
5	Extent of Dwellings	
	Develop the Dwellings on the site as follows: 1. 27 dwellings containing 1 bedroom; 2. 58 dwellings containing 2 bedrooms; and 3. 8 dwellings containing 3 bedrooms.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
6	On-Site Car Spaces	
A	Provide on site car parking as generally shown on the approved plans.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first 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 or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
7	Bicycle Parking Facilities	
	Install secure bicycle parking facilities for a minimum of 94 bicycles. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
8	Configuration of Lots	
	Amalgamate Lot 2 RP 84520, Lot 3 RP 51637, Lot 1 RP 97183, Lot 4 RP 51637 OR Reconfigure the lots in accordance with a Standard Format Plan or a Building Format Plan.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
9	Electrical Transformer	
	Ensure that where electrical transformers are located in the front setback (only where an internal road is not proposed) it is screened so that the transformer is not visible from any road frontage and achieves the following: <ol style="list-style-type: none"> 1. A combination of screening device and landscaping; 2. The screening device is constructed of durable, weather resistant materials; and 3. Is integrated with the design of the development and positively contributes to the streetscape. Where an internal road is proposed the transformer is to be located at the end of the roadway internal to the site with provision made for maintenance access through the site. Note: The use of barbed wire or metal prongs is not permitted	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
10	Clothes Drying Facilities	
	Provide external clothes drying facilities that are screened from adjoining properties and the street or provide an electric clothes dryer within each dwelling.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
11	Privacy Screening	
A	Provide privacy screening or alternate treatments where: <ol style="list-style-type: none"> 1. Habitable room windows or balconies of above ground floor dwellings directly face another habitable room or balconies on the same site or an adjoining site that are within 9m; and/or 2. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site. 	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.

ITEM 2.1 DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP & BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD & DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESP - A18270067 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
B	Treatments may consist of one or more of the following: <ol style="list-style-type: none"> 1. Sill heights at a minimum of 1.5 metres above floor level; or 2. Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading between the floor level of the dwelling or balcony and 1.5m for windows and 1.2m for balconies; or 3. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency. 	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
12	Materials and Finishes to Driveway and External Car Parking Spaces	
	Construct the driveway and visitor parking spaces of materials and finishes to soften the visual impact of these areas. In order to achieve the above, one or a combination of the following is to be used: <ol style="list-style-type: none"> 1. coloured aggregate; 2. coloured asphalt; 3. brick pavers; 4. approved porous surfacing; and/or 5. banding patterns in the surface design. Notes: <ol style="list-style-type: none"> 1. Council may approve other materials and finishes that are compatible with the objectives of this requirement. 2. Driveways and parking areas must not be surfaced with the same material, unless different colours, textures or borders are used to differentiate between them. 3. The use of a plain concrete finish for the driveways and parking areas is not acceptable. 	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
13	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 or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
14	Internal Fire System	
A	External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first

ITEM 2.1 DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP & BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD & DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESP - A18270067 (Cont.)

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

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	Standard AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.	
15	Front Fencing	
	Ensure that any front fencing constructed has a maximum height of 1.2m metres.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
16	Screen Fencing	
A	Construct a screen fence along the eastern and northern boundaries of the site (excluding where any approved acoustic fencing is required) as generally shown on the approved plans, where a suitable screen fence does not already exist. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber. Fencing along the eastern side of the site that extends beyond the main building line is to taper to 1.2 metres; and	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
B	Construct a screen fence between the private open spaces of each dwelling at ground level. The screen fence is to be 1.8 metres in height and constructed of treated timber.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
17	External Lighting	
A	Install external lighting in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
18	Pedestrian Lighting	

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
19	Landscaping	
A	Provide landscaping on site generally in accordance with Planning Scheme Policy - Integrated Design Appendix D – Landscaping. Landscaping must also include species which: a. complements the coastal landscape character and amenity; b. have known resilience and robustness in the coastal environment.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
C	Maintain the landscaping.	At all times
20	On Site Services	
	Ensure garbage bin areas, rainwater tanks, hot water tanks, gas bottles and air conditioners are: 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. Note: Rainwater tanks are not permitted within easements.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
21	Water and/or Sewerage	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming: 1. a reticulated water supply network connection is available to the land; and	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.

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

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
24	Electricity	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an electricity supply network has or will be constructed to the development.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
B	Underground all existing overhead powerlines for the full frontage of the site.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
C	Provide an underground electricity supply connection to the building.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
D	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that: <ol style="list-style-type: none"> 1. any electricity supply connection to an existing building or a private property pole is wholly contained in the lot it serves; and 2. any electricity connections and infrastructure made redundant by the development is removed with the land reinstated. 	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
25	Storage Facilities (residential)	
	Provide a storage area of 8m ³ per dwelling. Each storage area must be clearly allocated to individual dwellings. Note - Storage areas can be co-located in garages, allocated car park areas in basements; or incorporated into building design. This storage area is not located within the dwelling.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained
26	Shop front glazing	
	Ensure a minimum a of 50% of the ground floor Shop tenancy is incorporates windows or glazing that is to remain uncovered and free of signage.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained.
27	Premises Hours of Operation	
A	Limit the hours of operation for the commercial uses to between 6am and 10pm Monday to Sunday only.	At all times.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
B	Limit on-site delivery activities to between 7am and 10pm only.	At all times.
CONCURRENCE AGENCY		
28	Concurrence Agency	
A	Comply with the conditions of Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) response dated 30 October 2018 (reference: 1809-7335 SRA) or as amended.	At all times.
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of DSDMIP have been met.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
DEVELOPMENT ENGINEERING		
29	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 commencement of use or endorsement of any community management statement, whichever occurs first.
30	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 commencement of use or endorsement of any community management statement, whichever occurs first.
31	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.
32	Stormwater Management	
A	Implement and maintain the works identified in the approved Stormwater Management Plan.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first and to be maintained at all times.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
B	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Stormwater Management Plan.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
33	Pathway	
	Construct, at no cost to Council, a full width reinforced concrete pathway along the full development frontage to Hornibrook Esplanade (entire verge with the exception of street tree locations). This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
34	Construction Management Plan	
A	Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following: <ul style="list-style-type: none"> • Material delivery and storage locations • Waste locations and collection details • Construction office accommodation • Contractor / tradesman vehicle parking arrangements • Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday. <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ul style="list-style-type: none"> • Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs) • Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable • Materials unloading and loading must occur on-site unless prior written approval is given by Council. • All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site. 	Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
35	Erosion and Sediment Control	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
36	Acid Sulfate Soils	
A	Prepare an Acid Sulfate Soil Investigation Report and if required an Acid Sulfate Soils Management Plan. The reports and analysis are to be undertaken in accordance with the MBRC Planning Scheme and prepared by a suitably qualified person.	Prior to the commencement of works.
B	Implement the requirements and recommendations of the Acid Sulfate Soil Management Plan. All testing and monitoring is to be undertaken in accordance with the MBRC Planning Scheme.	While site works are occurring.
C	Provide certification from a suitably qualified person that all works have been undertaken in accordance with the Acid Sulfate Soil Management Plan.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
	Note: Council will only accept a 'suitably qualified person' as being either a Registered Professional Engineer of Queensland (RPEQ) or Environmental/Soil Scientist with current professional membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) and has obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.	
37	Driveway Crossover	
A	Construct driveway crossovers to Lane Street and Hornibrook Esplanade in accordance with the approved plans and documents of development, MBRC Standard Drawing RS-051 and state referral agency conditions. Provide signage and line marking in accordance with the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD) and the approved Traffic Engineering Assessment Report.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
38	Existing Driveway Crossover	
	Remove completely all redundant driveway crossovers fronting the development site on both road frontages. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
39	Access, Internal Roadways, Parking and Servicing Areas	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first and to be maintained at all times.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

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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>
3	Food Premises - Food Business Licence Advice
	<p>In accordance with the Food Act 2006 the following must be submitted to Council prior to the commencement of construction or fit out of any licensable food business:</p> <ol style="list-style-type: none"> 1. An application for food business licence. 2. Plans and elevations (refer to note below). 3. Supporting documentation. 4. Relevant fee. <p>Note: The application is assessed against the provisions of the <i>Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent)</i>.</p>

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ADVICES	
4	Food Premises - Commercial Exhaust Canopy
	A food business may require a commercial exhaust canopy that would be required to comply with AS 1668.2-2012 The use of ventilation and airconditioning in buildings - Mechanical ventilation in buildings. An exhaust canopy can have an impact on the visual amenity of a building and cause noise and vibration issues that may affect the location and design of a food business.

- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That 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	(a) Material Change of Use - Development Permit for Multiple dwelling (93 units), Food & drink outlet and Shop; and (b) Building Works - Development Permit for Multiple dwelling, Food & drink outlet and shop
Relevant Period of Approval	Material Change of Use (including Building Works)– 6 years
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	<ul style="list-style-type: none"> • Operational Works – Development Permit • Building Works (under the Building Act) – Development Permit
Codes for Accepted Development	Not applicable
Referral Agencies	Department of State Development, Manufacturing, Infrastructure and Planning
Submissions	There were two (2) properly made submissions about this application.

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REPORT DETAIL

1. Background

On 14 September 1999, a Material Change of Use - Development Permit for Multiple Dwelling (22 dwelling units in an 8-storey building plus a basement car park) was approved by Council's Delegate (DA/415257/1999/DA).

On 28 July 2003, a Request to Extend the Relevant Period (DA/415257/2003/EXT) by one (1) year was approved by Council's Delegate. On 14 September 2004, this approval lapsed.

On 12 December 2005, a Development Permit (DA/416330/2005/DA) for a Material Change of Use for a Multiple Dwelling (containing thirty-four (34) dwelling units in a nine (9) storey building with two (2) basement car parks) was approved by Council's Delegate. It is noted that as measured under the current MBRC Planning Scheme, the building had a height of approximately 28.5m.

On 29 September 2009, a Request to Extend the Relevant Period (DA/20875/2009/CHG) by two (2) years was approved by Council's Delegate. The currency period for the approval was extended until 31 January 2012.

On 3 July 2012, a Request to Extend the Relevant Period by two years and Change to the Development Application (DA/20875/2009/EXT/1) was approved by Council's Delegate. The relevant period for the approval was extended to 31 January 2014.

On 14 January 2014, a Request to Extend the Relevant Period of the Development Approval was approved by Council's delegate (DA/20875/2009/VEXT/1). The relevant period for the approval was extended to 31 January 2016.

On 1 December 2015, a Request to Extend the Relevant Period of the Development Approval was lodged with Council (DA/20875/2009/VEXT/1). This request was later withdrawn, and the approval lapsed on 31 January 2016.

On 4 June 2018, a prelodgement meeting (PRE/4533) was held to discuss a proposal for Material Change of Use - Development Permit for Multiple dwelling (108 dwellings).

2. Explanation of Item

2.1 Proposal Description

The application seeks a Material Change of Use - Development Permit for Multiple dwelling (93 units), Food & drink outlet and Shop and Building Works - Development Permit for Multiple dwelling, Food & drink outlet and Shop, located at 92, and 94-96 Hornibrook Esplanade, Clontarf.

The application proposes a new nine-storey mixed use building. The ground floor of the building is proposed to contain a 90m² commercial tenancy at ground level, intended to be occupied by either a Food and drink outlet or Shop and four (4) residential dwellings. Above, ground level, eight (8) residential floor levels are proposed, containing the remaining eighty-nine (89) dwellings. Overall, the proposed ninety-three (93) dwellings, consist of twenty-seven (27) one-bedroom, fifty-eight (58) two-bedroom and eight (8) three-bedroom dwellings.

The proposed building has an overall building height of 27.85m (31.65m AHD), exceeding the suggested maximum building height of 21m as shown on Overlay map - Building height. Despite exceeding the mapped building height, the proposed building is a consistent height, bulk and scale with existing and approved buildings on adjacent properties to the west. An assessment of the proposed building height, bulk and scale is contained within section 2.4 of this report.

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Access to the site is proposed via a new left-in, left-out access driveway from Hornibrook Esplanade and a new one-way exit to Lane Street. A total of 104 car parking spaces are proposed, including five (5) spaces allocated to the retail/commercial tenancy at ground level, which exceeds the suggested minimum number of car parking spaces suggested by the Planning Scheme by seven (7) spaces. The car parking spaces are proposed across a basement level containing seventy-five (75) spaces and at ground level within an undercroft car park containing twenty-nine (29) spaces (including 1 PWD space).

Each proposed dwelling is provided with private open space area, proposed in the form of a courtyard for ground level and a balcony or balconies for dwellings above ground level. All private open space areas exceed the minimum area and dimensions as suggested by the planning scheme. A communal open space area is proposed on Level 6 of the building, having an area of 211m². The communal open space area is proposed to consist of a swimming pool, pergola, recreation deck and lawn area.

A Minor Change was made to the application on 20 December 2018, involving the submission of a Stormwater Management Plan after the response to Council's Request was given. This change did not affect the assessment process however the current period was stopped for a period of fifteen (15) business days between 18 January and 11 February 2019 to allow Council to assessment the report.

2.2 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	General residential zone, Urban neighbourhood precinct	Detached house
South	N/A	Clontarf Beach Park
East	General residential zone, Urban neighbourhood precinct	Detached house
West	General residential zone, Urban neighbourhood precinct	Detached house (approved Multiple dwelling - 9 storeys), Multiple dwelling (9 storeys)

2.3 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

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2.3.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently. (2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied. (3) Fire hydrants are suitable identified so that fire services can locate them at all hours.	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply, subject to the recommend reasonable and relevant conditions.
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from (a) altered stormwater quality and hydrology (b) waste water (c) the creation or expansion of non-tidal artificial waterways (d) the release and mobilization of nutrients and sediments. (2) Development achieves the applicable stormwater management design objectives	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.

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	outlined in tables A and B (appendix 2) (3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.	
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <p>(a) coastal dependent development; or</p> <p>(b) temporary, readily relocatable or able to be abandoned development; or</p> <p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply. The site is not located in the Coastal Management District. The site is impacted by the Flood Hazard Overlay (Balance Area) and Coastal Hazard Overlay (Balance Area) and the proposal is consistent with such.</p>

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	<p>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
No	None	Not applicable

2.3.2 *South East Queensland Regional Plan*

The site is located in the Urban Footprint designation.

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

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

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

2.4.1 *Strategic Framework*

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

2.4.2 *Assessment of Applicable Codes*

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General residential Zone Code – Urban neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO5, PO8, PO24

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Overlay Codes		
Flood hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
Coastal hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
Development Codes		
Residential uses code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO8, PO10

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

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
General residential zone code, Urban neighbourhood precinct	
<p>PO3 Buildings and structures have a height that:</p> <ul style="list-style-type: none"> a. is consistent with the medium to high rise character of the Urban neighbourhood precinct; b. responds to the topographic features of the site, including slope and orientation; c. is not visually dominant or overbearing with respect to the streetscape; d. responds to the height of development on adjoining land where contained within another precinct or zone. 	<p>E3 Building height:</p> <ul style="list-style-type: none"> a. is within the minimum and maximum mapped on Overlay map – Building heights; or b. for domestic outbuildings, including free standing carports and garages, 4m and a mean height not exceeding 3.5m.
<i>Performance Outcome Assessment</i>	
<p>The proposed Building height is 27.85m, exceeding the suggested maximum building height of 21m. The proposed building height complies with Performance Outcome PO3, as:</p> <ul style="list-style-type: none"> a. The building is consistent with the medium to high rise character of the Urban neighbourhood precinct. Planning Scheme Policy - Residential design describes as 'medium rise building' as having a typical height of between 4-6 storeys and a 'high-rise building' as having atypical height of 7 or more storeys. The proposed building containing 9-storeys is consistent with the form of a 'high-rise' character (7+ storeys) intended for the Urban neighbourhood precinct. 	

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Performance Outcome	Example
<p>b. The building is responsive to the topography of the site.</p> <p>c. The proposed building is not visually dominant or overbearing with respect to the streetscape. The proposed building will be 750mm lower than the existing nine (9) storey building at 80-84 Hornibrook Esplanade and will be 120mm higher than the approved (not yet constructed) nine-storey building at 88-90 Hornibrook Esplanade. The proposed building will be consistent with the Hornibrook Esplanade streetscape.</p> <p>d. The site does not adjoin land contained in another zone or precinct. All adjoining land is contained within the same zone and precinct, General residential zone, Urban neighbourhood precinct.</p>	
<p>PO5</p> <p>Residential buildings and structures are setback to:</p> <ul style="list-style-type: none"> a. be consistent with medium to high density Urban neighbourhood precinct character where buildings are positioned close to the footpath to create active frontages; b. maintain private open space areas that are of a size and dimension to be usable and functional; c. maintain the privacy of adjoining properties; d. ensure parked vehicles do not restrict pedestrian and traffic movement and safety; e. limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties; f. ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties; g. Provide adequate separation to particular infrastructure and water bodies to minimise adverse impacts on people, property, water quality and infrastructure. <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p>E5.1</p> <p>Setbacks (excluding built to boundary walls) comply with Table 6.2.6.4.3 'Setbacks' - Setback (Residential uses).</p> <p>Note - Greater setbacks may be required if the lot adjoins an environmental corridor or area (Refer to values and constraints for details).</p>

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Performance Outcome	Example														
<i>Performance Outcome Assessment</i>															
<p>The side boundary setbacks satisfy the example with the suggested minimum setbacks across all levels, with the expectation of a minor encroachment at Level 9 on the western side boundary. The proposed western side boundary setback at Level 9 is proposed to be 5.25m to outermost projection in lieu of 5.5m, however a typical setback of 6m is maintained to the wall of the building.</p> <p>The proposal complies with the Performance Outcome as the proposed setbacks:</p> <ul style="list-style-type: none"> • Are consistent with the medium to high density Urban neighbourhood precinct; • maintain useable private open space areas; • maintain the privacy of adjoining properties; • would not result in obstructions to pedestrians or traffic movement or safety; • limits the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties; • ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties. • provide adequate separation to infrastructure. <p>In addition, the recommendations of this report include a reasonable and relevant condition requiring privacy treatments to be incorporated into the building, prior to commencement of use to ensure a suitable level of privacy is maintained for adjoining properties.</p>															
<p>PO8</p> <p>Residential buildings and structures will ensure that site cover:</p> <ol style="list-style-type: none"> a. does not result in a site density that is inconsistent with the character of the area; b. does not result in an over development of the site; c. does not result in other elements of the site being compromised (e.g. Setbacks, open space etc); d. ensures that buildings and structures reflect the attached medium to high density urban character. 	<p>E8</p> <p>Site cover (excluding eaves, sun shading devices, patios, balconies and other unenclosed structures) does not exceed the specified percentages in the table below.</p> <table border="1" data-bbox="911 1417 1437 1910"> <thead> <tr> <th data-bbox="911 1417 1198 1554">Building height</th> <th data-bbox="1198 1417 1437 1554">Lot Size</th> </tr> <tr> <td></td> <th data-bbox="1198 1462 1437 1554">Greater than 2501m²</th> </tr> </thead> <tbody> <tr> <td data-bbox="911 1554 1198 1621">8.5m or less</td> <td data-bbox="1198 1554 1437 1621">60%</td> </tr> <tr> <td data-bbox="911 1621 1198 1688">>8.5m to 12.0m</td> <td data-bbox="1198 1621 1437 1688">50%</td> </tr> <tr> <td data-bbox="911 1688 1198 1756">>12.0m to 21m</td> <td data-bbox="1198 1688 1437 1756">40%</td> </tr> <tr> <td data-bbox="911 1756 1198 1823">>21m to 27m</td> <td data-bbox="1198 1756 1437 1823">35%</td> </tr> <tr> <td data-bbox="911 1823 1198 1910">Greater than 27m</td> <td data-bbox="1198 1823 1437 1910">25%</td> </tr> </tbody> </table>	Building height	Lot Size		Greater than 2501m ²	8.5m or less	60%	>8.5m to 12.0m	50%	>12.0m to 21m	40%	>21m to 27m	35%	Greater than 27m	25%
Building height	Lot Size														
	Greater than 2501m ²														
8.5m or less	60%														
>8.5m to 12.0m	50%														
>12.0m to 21m	40%														
>21m to 27m	35%														
Greater than 27m	25%														
<i>Performance Outcome Assessment</i>															
<p>The application includes an alternative to the example with respect to site cover on the following levels.</p>															

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Performance Outcome	Example
<ul style="list-style-type: none"> • Building height 8.5m or less <ul style="list-style-type: none"> - Level 1 - 1787m² or 71% (suggested maximum 60%); • Building height >8.5m to 12m <ul style="list-style-type: none"> - Level 4 - 1478m² or 59% (suggested maximum 50% • Building height 12m to 21m <ul style="list-style-type: none"> - Level 5 - 1484m² or 59% (suggested maximum 40%); - Level 6 - 1270m² or 51% (suggested maximum 40%) - Level 7 - 1277m² or 51% (suggested maximum 40%) • Building height greater than 21-27m <ul style="list-style-type: none"> - Level 8 - 1120m² or 42% (suggested maximum 35%) - Level 9 - 130m² or 45% (suggested maximum 35%). <p>The proposed building and associated site cover complies with the Performance Outcome as:</p> <ol style="list-style-type: none"> a. the site density is consistent with the character of the urban neighbourhood precinct and existing and approved buildings on adjacent land; b. does not result in an over development of the site; c. does not result in other elements of the site being compromised. It is noted the proposed building complies with open space provision and results in a minor encroachment of boundary setbacks at level 9 on the western boundary only. d. the proposed building reflects the medium to high density urban character and is generally consistent with existing and approved buildings on adjacent land. 	
<p>PO24</p> <p>The layout of the development does not compromise:</p> <ol style="list-style-type: none"> a. the development of the road network in the area; b. the function or safety of the road network; c. the capacity of the road network. <p>Note - The road hierarchy is mapped on Overlay map - Road hierarchy.</p>	<p>E24.1</p> <p>Direct vehicle access for residential development does not occur from arterial or sub-arterial roads or a motorway.</p> <p>Editor's note - Residential developments should consider amalgamation with the lot to the rear and gaining access via a laneway.</p> <p>Note - The road hierarchy is mapped on Overlay map - Road hierarchy.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The application proposes a performance solution by proposing direct vehicular access from Hornibrook Esplanade, a State-controlled sub-arterial road.</p> <p>The application was referred to the Department of Transport and Main Roads (through State Assessment and Referral Agency) as a Concurrence agency for matters relating to State-Controlled Roads. On 30 October 2018, Council was advised that DTMR through SARA has no issue with the proposed access arrangement, subject to conditions including limiting the access to left-in and left out only and a 'Type D' vehicle crossover being constructed in the approved access location.</p> <p>The proposal complies with the Performance Outcome as the proposed access arrangements would not compromise:</p> <ol style="list-style-type: none"> a. the development of the road network in the area; b. the function or safety of the road network; c. the capacity of the road network. 	

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Performance Outcome	Example
Residential uses code	
<p>PO8</p> <p>Driveways, pedestrian entries and internal access ways are located and designed to:</p> <ul 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; j. allow for garbage collection and street infrastructure. <p>Note - Refer to Planning scheme policy - Integrated design for details and examples.</p>	<p>E8.2</p> <p>Development provides crossovers with:</p> <ul style="list-style-type: none"> a. a maximum width of 5.5m for a shared driveway; or b. a maximum of 1, 3m wide crossover for every 7.5m of primary road frontage. <p>Note - Refer to Planning scheme policy - Integrated design for details and examples.</p> <p>Note - Development on a laneway provides access from the lane only in accordance with laneway development provisions.</p>
<i>Performance Outcome Assessment</i>	
<p>The application proposes a performance solution of providing a 9.5m vehicular cross (16m at kerb) to Hornibrook Esplanade, in lieu of the suggested maximum width of 5.5m for a shared access driveway.</p> <p>The proposal complies with the Performance Outcome as the driveway provides for lawful access, does not detract from the streetscape, does not negatively impact on adjoining properties, does not result in excessive crossovers or hardstand areas having regard to the</p>	

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Performance Outcome	Example				
<p>wide frontage, does not compromise services, street trees or refuse collection or street infrastructure.</p> <p>It addition to this, the application was referred to the Department of Transport and Main Roads (through State Assessment and Referral Agency) as a Concurrence agency for matters relating to State-Controlled Roads. On 30 October 2018, Council was advised that DTMR through SARA has no issue with the proposed access arrangement and imposed a condition requiring access to be left-in and left out only and a 'Type D' vehicle crossover being constructed in the approved access location.</p>					
<p>PO10</p> <p>Development includes landscaping that:</p> <ul style="list-style-type: none"> a. provides unobstructed deep planting zones; b. enhances the character of the streetscape; c. enhances the quality of buildings, communal areas (for Rooming accommodation⁽⁶⁹⁾, Retirement facility⁽⁶⁷⁾ with dependant living or Tourist park⁽⁸⁴⁾) and private open space areas; d. contributes to a pleasant and safe environment; e. complies with crime prevention through environmental design (CPTED) principles; f. contributes to reducing the urban heat island effect and improve micro-climate conditions; g. emphasises a clear pedestrian entry point and allows for the overlooking of the public and communal spaces; <p>retains mature trees wherever possible.</p>	<p>E10.1</p> <p>Development that is setback from the street incorporates:</p> <ul style="list-style-type: none"> a. landscaped strip with a minimum dimension of: <table border="1" data-bbox="842 976 1417 1581"> <thead> <tr> <th data-bbox="849 981 1134 1093">Zone, precinct, sub-precinct</th> <th data-bbox="1134 981 1410 1093">Minimum dimension</th> </tr> </thead> <tbody> <tr> <td data-bbox="849 1093 1134 1576"> General residential zone: <ul style="list-style-type: none"> o Urban neighbourhood precinct Caboolture West local plan: <ul style="list-style-type: none"> o Town centre precinct - Residential north sub-precinct </td> <td data-bbox="1134 1093 1410 1576" style="text-align: center; vertical-align: middle;">1.0 metre</td> </tr> </tbody> </table> b. shade and canopy trees consistent with Planning scheme policy - Integrated design. 	Zone, precinct, sub-precinct	Minimum dimension	General residential zone: <ul style="list-style-type: none"> o Urban neighbourhood precinct Caboolture West local plan: <ul style="list-style-type: none"> o Town centre precinct - Residential north sub-precinct 	1.0 metre
Zone, precinct, sub-precinct	Minimum dimension				
General residential zone: <ul style="list-style-type: none"> o Urban neighbourhood precinct Caboolture West local plan: <ul style="list-style-type: none"> o Town centre precinct - Residential north sub-precinct 	1.0 metre				
<i>Performance Outcome Assessment</i>					
<p>The application includes a performance solution of not providing the suggested minimum 1m wide landscaping strip within the front setback adjoining the Hornibrook Esplanade street frontage.</p> <p>In this instance, it is noted the application proposes a mixed-use building with a commercial tenancy at ground level fronting Hornibrook Esplanade with a 3m area allocated for outdoor</p>					

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Performance Outcome	Example
	<p>dining beneath an awning. The provision 1m landscaping strip along the frontage would conflict with the achievement of an active frontage associated with the commercial tenancy at ground level.</p> <p>The proposed landscaping solution provided as part of the development complies with the Performance Outcome as it:</p> <ul style="list-style-type: none"> a. provides unobstructed deep planting zones along the northern boundaries of the site; b. contributes to and enhances the character of the streetscape, through the provision of street trees and landscape planter boxes; c. contributes to a pleasant and safe environment; d. complies with crime prevention through environmental design (CPTED) principles; e. contributes to reducing the urban heat island effect f. would allow for clearly identifiable building entrances and allow for overlooking of public spaces.

2.5 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council’s Charges Resolution No. 8 commencing on 14 August 2019 (CR).

2.5.1 *Levied Charge*

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

2.5.2 *Levied Charge Credit*

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

(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 an existing Dwelling House on one of the four allotments. Accordingly, the credit available under this option is \$17,21535.

(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 \$68,861.40 for the four (4) existing lots, based proportional split stated in Table 3 of the CR.

2.5.3 *Levied Charge Offset or Refund*

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

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2.5.4 Additional Trunk Infrastructure Costs

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

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

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

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

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

2.7 Referrals

2.7.1 Council Referrals

2.7.1.1 Development Engineering

Traffic, Access & Parking

A traffic engineering assessment report was provided by BMC Traffic dated 20 Nov 2018. The report demonstrated that the traffic generated by the development is capable of being accommodated by the surrounding road network and servicing arrangements were modified to remove proposed reversing on to Hornibrook Esplanade.

The proposed traffic, access and parking arrangements are acceptable to Development Engineering.

Stormwater / Flooding

Council requested a detailed investigation of the localised overland flow paths and provision of further details on the proposed stormwater discharge. A report by RMA Engineers dated 20 Dec 2018 has been provide in support of the proposal. The report demonstrated that the proposal will not cause drainage problems to neighbouring properties, that no onsite stormwater detention was required, and that best management stormwater quality practice is required.

The proposed stormwater management measures proposed are acceptable to Development Engineering.

2.7.1.2 Environmental Health

Noise Impact Assessment

A Noise Impact Assessment Report by TTM dated 19 November 2018 has been provided as part of the application. The report has considered noise impacts from sources including vehicles movements, parking activities, outdoor dining, waste collection, deliveries and mechanical plant.

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The report generally assesses the relevant noise impacts to surrounding sensitive uses and provides attenuation measures that are for the most part acceptable. These include construction of acoustic barriers, construction of an awning, limiting waste collection to between 7am and 10pm, fixing driveway grates and protective covers, specified construction requirements for speed bumps and further assessment and certification of mechanical plant. It is also considered appropriate that deliveries be limited to between 7am and 10pm only. It is noted the assessment of noise from the commercial tenancy was based on operating from 6am to 10pm.

The submitted report contained the following deficiencies:

- Two (2) "Receiver 2's" have been nominated and barrier attenuation has been applied to both. This appears questionable on the basis that the development sites driveway is not screened with respect to the eastern most receiver; and
- The report shows an acoustic barrier running across the Lane Street driveway.

It is recommended that an amended acoustic report be provided with consideration to the above identified issues.

Waste Management

A waste management program was provided in support of the development application. Aspects of the program are not in accordance with requirements of the Planning scheme policy - Waste. The following issues have been identified:

- Incorrect calculation of required waste volumes for dwellings;
- Waste from commercial uses does not appear to have been considered;
- The bin storage area appears inadequately dimensioned;
- A garbage chute is proposed however the location is not shown on the submitted plans. It should also be noted that garbage chutes are not used for recycling.

It is recommended that an amended waste management plan be provided with consideration to the above identified issues.

2.7.2 Referral Agencies

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

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

- (a) Matters relating to State-Controlled Roads. Council was advised on 30 October 2018 (reference: 1809-7335 SRA) that DILGP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice.

2.7.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.7.2.3 Third Party Agencies

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 22 November 2018.

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- (b) The development application was advertised in the Redcliffe and Bayside Herald on 22 November 2018.
- (c) A notice in the prescribed form was posted on the relevant land on 22 November 2018 and maintained for a period of fifteen (15) business days until 17 December 2019.

2.8.2 Submissions Received

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		2
	Petition		Nil
Not Properly Made	Letter, Email, Fax		Nil
	Petition		Nil
Total			2

The matters raised within the submissions are outlined below:

Assessment of Submissions
<p>Issue - Inclusion of neighbouring land within development proposal</p> <ul style="list-style-type: none"> • We as adjoining land owners wish to seek contact with the developer to negotiate inclusion of our property in development as we feel it will stronger benefit the development as a whole.
<p>Discussion</p> <p>The submitter has requested that their property at 30 Lane Street, Clontarf (1/RP64531) be included within the development proposal and believes the inclusion of their property would benefit the development as a whole. In response to this matter, a Council officer contacted the applicant and requested that the owner/developer make contact directly with the submitter to discuss inclusion of their property in the application. Council officers understand the developer’s agent made contact with the submitter however details of the discussion were not disclosed and the development proposal has remained unchanged. It is also important to note that at the time of public notification, the development application is well advanced and would result in significant additional time and costs to redesign the proposal. In addition, in the event that additional land was to be included in the proposal, the development application would be required to be changed and restart the assessment process.</p> <p>As demonstrated on the proposal plans and within the application material, the proposed development is located on a lot which has an area and dimensions capable of accommodating a well-designed and integrated building and associated facilities incorporating vehicle access, parking and manoeuvring areas, useable communal and private open space and landscaped areas and adequate separation to adjacent properties. Furthermore, it is considered the proposal would not compromise the development potential of the submitter’s property.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Amenity Impacts</p> <ul style="list-style-type: none"> • If we are unable to seek inclusion of our property within the proposal, we dispute the proposal as it will strongly affect our family’s quality of life and financial wellbeing.

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Assessment of Submissions

- The proposed development will have severe impact on the enjoyment of our lot having particular reference to:
 - (a) This is an extremely large unit development for Hornibrook Esplanade and has the potential to significantly affect a number of the adjoining lots;
 - (b) The street access from Hornibrook Esplanade is already a major issue and having congested traffic into a large unit development will increase this already substantial issue;
 - (c) This large development will significantly obstruct the views from our lot in this primary residential area; and
 - (d) The commercial aspect of the development will affect our lot during trading hours as will the traffic congestion.

Discussion

A submitter has stated that the if their property is not included within the development proposal, the development would affect their quality of life. The submitter has not qualified by what means their quality of life would be affected.

The development generally complies with the provisions of the Moreton Bay Regional Council Planning Scheme and only triggers Impact Assessment as the proposed building exceeds the suggested maximum building height of 21m (27.85m building height proposed). With respect to building height, the Building height complies with Performance Outcome PO3 which requires that Buildings and structures have a height that:

- a. is consistent with the medium to high rise character of the Urban neighbourhood precinct;
- b. responds to the topographic features of the site, including slope and orientation;
- c. is not visually dominant or overbearing with respect to the streetscape;
- d. responds to the height of development on adjoining land where contained within another precinct or zone.

The proposed Building height of 27.85m:

- a. Is consistent with the medium to high rise character of the Urban neighbourhood precinct. Planning Scheme Policy - Residential design described as 'medium rise building' as having a typical height of between 4-6 storeys and a 'high-rise building' as having atypical height of 7 or more storeys. The proposed building containing 9-storeys is consistent with the form of a 'high-rise' character (7+ storeys) intended for the Urban neighbourhood precinct.
- b. The building is responsive to the topography of the site.
- c. The proposed building is not visually dominant or overbearing with respect to the streetscape. The proposed building will be 750mm lower than the existing nine (9) storey building at 80-84 Hornibrook Esplanade and will be 120mm higher than the approved (not yet constructed) nine-storey building at 88-90 Hornibrook Esplanade. The proposed building will be consistent with the Hornibrook Esplanade streetscape.
- d. The site does not adjoin land contained in another zone or precinct. All adjoining land is contained within the same zone and precinct, General residential zone, Urban neighbourhood precinct.

With respect to boundary setbacks, the building has been designed to be sympathetic to adjoining properties and generally complies with all boundary suggested setbacks. The rear boundary setback complies with the suggested minimum setback across all levels. For parts of the building up to 21m in height (Levels 1-7), the building maintains a minimum 5m boundary setback. For the part of the building exceeding 21m in height (between 21m and

ITEM 2.1 DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP & BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD & DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESP - A18270067 (Cont.)

Assessment of Submissions

27.85m (Levels 8 and 9)), the building is proposed to be setback 15m from the submitter's property, exceeding the suggested minimum rear boundary setback by 10m. The side boundary setbacks comply with the suggested minimum setbacks across all levels (both side boundaries), with the expectation of a minor encroachment at Level 9 on the western side boundary, proposed to be 5.25m to outermost projection in lieu of 5.5m, however a typical setback of 6m is maintained to the wall of the building. In addition, reasonable and relevant conditions can be included with respect to privacy treatments to maintain a suitable level of privacy for adjoining properties.

It is acknowledged that the proposed building may result in the loss of view corridors or increase in overshadowing given the height of the proposed building, however the building is consistent with the intended form of development within the Urban neighbourhood precinct.

The proposed building height is generally consistent with the existing and approved high-rise buildings on adjacent sites and the proposed setbacks allow for adequate separation between structures.

The site is located on Hornibrook Esplanade, a State-Controlled Sub-Arterial Road. The application was referred to the Department of State Development, Manufacturing, Infrastructure (DSDMIP) to assess matters relating to State-controlled road (Hornibrook Esplanade). DSDMIP provided a referral agency response on 30 October 2018, advising they have no issues with the proposed access arrangements and impacts on the road network, subject to conditions. The proposed development provides 104 car parking spaces, including five (5) spaces for the retail/commercial tenancy at ground level, which exceeds the minimum number of car parking spaces suggested by the Planning Scheme by seven (7) spaces. The proposed development is not expected to result in traffic unreasonable congestion.

The applicant has submitted a Noise Impact Assessment to assess the potential noise impacts from Hornibrook Esplanade on the proposed residential uses, as well as the impacts from the proposed commercial tenancies and onsite car parking areas on adjoining properties. The report recommends acoustic treatments to ensure compliance with relevant noise criteria including, a solid wall along the western boundary adjacent to the outdoor seating area associated with the commercial tenancy, a 2m high acoustic barrier to around the undercroft car parking area (where not a solid wall), acoustic treatments to the awning adjacent to Hornibrook Esplanade, limiting deliveries and waste collection between the hours of 7am and 10pm and acoustically treat all mechanical plant equipment. It is however noted that the submitted Noise Impact Assessment is recommends the provision of an acoustic barrier across the driveway entrance to Lane Street. The recommendations of this report include a condition of development to submit a new noise impact assessment to address this matter prior to any building works approval, to ensure future residents and adjoining properties are not subjected to unreasonable noise impacts.

A submitter has also stated that the proposed development would affect their financial well-being. Under the Planning Act 2016, section 45(5)(b) requires the assessment of an impact assessable application (may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise. On this basis, the financial matters are not a relevant planning consideration. Furthermore, the submitter has not provided any evidence to substantiate the claim the proposed development would result in a financial impact on their property.

ITEM 2.1 DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP & BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD & DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESP - A18270067 (Cont.)

Assessment of Submissions

This is not sufficient grounds for refusal of the application.

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 18 December 2018. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

It is noted that the submitted Notice of Compliance included evidence that all adjoining owners were given notice of the development application via registered mail on 22 November 2018. Despite this, an adjoining owner (2/RP51637) provided correspondence to Council, including a statutory declaration, that the notice was not received within their mailbox until 7 January 2019. On the basis of the statutory declaration, Council has elected to accept a 'late' submission from an adjoining owner as a 'properly made' submission.

2.9 Other Matters
Nil.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

Appropriate development supports a growing Moreton Bay region.

3.8 Environmental Implications

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

ITEM 2.1 DA/36805/2018/V2K - MATERIAL CHANGE OF USE DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (93 DWELLINGS), FOOD & DRINK OUTLET AND SHOP & BUILDING WORKS – DEVELOPMENT PERMIT FOR MULTIPLE DWELLING, FOOD & DRINK OUTLET AND SHOP, LOCATED AT 92 & 94-96 HORNIBROOK ESP - A18270067 (Cont.)

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.8.

ATTENDANCE

Ms Kate Isles and Ms Amy White left the meeting at 11.21am after Item 2.1

3 CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

ITEM 4.1

2019/20 FEES AND CHARGES SCHEDULE - ENGINEERING, CONSTRUCTION AND MAINTENANCE DIVISION (EXCLUDING WASTE) - REGIONAL

Meeting / Session: 3 CORPORATE SERVICES

Reference: A18318798 : 13 March 2019 - **Refer Supporting Information A18318799**

Responsible Officer: AM, Director Engineering, Construction and Maintenance (ECM Directorate)

Executive Summary

The proposed Schedule of Fees and Charges for the 2019/20 financial year for the Engineering, Construction and Maintenance division (excluding Waste) is submitted for adoption.

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel

Seconded by Cr Koliana Winchester

CARRIED 11/0

That the Schedule of Fees and Charges for the 2019/20 financial year for the Engineering, Construction and Maintenance division (excluding Waste), as tabled be adopted.

ITEM 4.1 2019/20 FEES AND CHARGES SCHEDULE - ENGINEERING, CONSTRUCTION AND MAINTENANCE DIVISION (EXCLUDING WASTE) - REGIONAL - A18318798 (Cont.)

OFFICER'S RECOMMENDATION

That the Schedule of Fees and Charges for the 2019/20 financial year for the Engineering, Construction and Maintenance division (excluding Waste), as tabled be adopted.

REPORT DETAIL

1. Background

A review of the proposed fees and charges applicable to the 2019/20 financial year for the Engineering Construction and Maintenance Division (excluding Waste) was undertaken at the Council workshop of 19 February 2019. The fees and charges, as reviewed at the workshop, are attached as supporting information.

It is prudent for Council to adopt its 2019/20 Schedule of Fees and Charges as early as possible to the start of the forthcoming financial year so that adequate communication to relevant stakeholders can be provided and that corporate systems can be updated.

2. Explanation of Item

The Schedule of Fees and Charges for 2019/20 represents the 2019/20 Fees and Charges as they relate to the Engineering Construction and Maintenance Division (excluding Waste) to be presented for adoption.

Circumstances can arise during the financial year whereby certain fees and charges may require amending. If this eventuates, a further report will be presented to Council with those proposed amendments.

3. Strategic Implications

3.1 Legislative/Legal Implications

All Other Fees identified in the attached schedule have been prepared in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Fees and charges represent a significant component of Council's operational revenues and feeds into Council's annual budget process.

3.7 Economic Benefit

There are no economic benefits 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.

ITEM 4.1 2019/20 FEES AND CHARGES SCHEDULE - ENGINEERING, CONSTRUCTION AND MAINTENANCE DIVISION (EXCLUDING WASTE) - REGIONAL - A18318798 (Cont.)

3.9 Social Implications

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

3.10 Consultation / Communication

Council, Director Engineering Construction and Maintenance, Manager Asset Maintenance, Manager Infrastructure Planning and Manager Integrated Transport Planning.

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

ITEM 5.1

NEW LEASE - PENINSULA AND DISTRICTS FOOTBALL AND SPORTING CLUB INC - DIVISION 6

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A18196986 : 13 February 2019 - **Refer Supporting Information A18197747**
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a trustee lease (lease) to Peninsula and Districts Football and Sporting Club Inc. at Bradley Park, 285-311 Victoria Avenue, Redcliffe (refer Supporting Information #1). The proposed lease will take effect following the group securing sufficient funding to complete the construction of a storage enclosure and prior to the commencement of construction works.

COMMITTEE RECOMMENDATION

Moved by Cr James Houghton

Seconded by Cr Adrian Raedel

CARRIED 11/0

1. **That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.**
2. **That, subject to recommendations 3 and 4, Peninsula and Districts Football and Sporting Club Inc. be granted a trustee lease over an area at 285-311 Victoria Avenue, Redcliffe (refer Supporting Information #1) for a period of five years.**
3. **That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.**
4. **That the grant of this lease be subject to the following:**
 - a) **Peninsula and Districts Football and Sporting Club Inc. securing sufficient funding to undertake the project referred to in this report;**
 - b) **the grant of this lease is prior to commencement of construction works; and**
 - c) **Peninsula and Districts Football and Sporting Club Inc. continues to utilise the Bradley Park sports fields.**
5. **That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.**

ITEM 5.1 NEW LEASE - PENINSULA AND DISTRICTS FOOTBALL AND SPORTING CLUB INC - DIVISION 6 - A18196986 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendations 3 and 4, Peninsula and Districts Football and Sporting Club Inc. be granted a trustee lease over an area at 285-311 Victoria Avenue, Redcliffe (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of this lease be subject to the following:
 - (a) Peninsula and Districts Football and Sporting Club Inc. securing sufficient funding to undertake the project referred to in this report;
 - (b) the grant of this lease is prior to commencement of construction works; and
 - (c) Peninsula and Districts Football and Sporting Club Inc. continues to utilise the Bradley Park sports fields.
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 1 October 2017, the Peninsula and Districts Football and Sporting Club Inc. has held a sports field permit with Council over the fields at 285-311 Victoria Avenue, Redcliffe (refer Supporting Information #1). The club has identified a need for an equipment storage enclosure located at the site to support its activities.

Community group tenants of Council facilities must submit an Improvement Works Application (IWA) to obtain Council approval for any improvements to the facility or site where they hold a lease, licence or permit. Council may approve, approve with conditions or refuse applications at its sole discretion.

2. Explanation of Item

The Peninsula and Districts Football and Sporting Club Inc. has lodged an IWA to Council, seeking to enclose an existing unutilised shelter (refer Supporting Information #1) on the site, to provide secure club storage. This application has been assessed by Council's key stakeholder departments, with no objections received.

To enable Peninsula and Districts Football and Sporting Club Inc. to proceed with its proposed project, Council would need to provide the group with a lease over the area where the facility is to be constructed. Accordingly, this report recommends that Council approve the provision of a lease, under the terms and conditions of Council's Community Leasing Policy, over the area identified in Supporting Information #1 for a period of five years. Further, it is proposed that this lease be subject to the group securing sufficient funding to complete its project, that the grant of this lease is prior to commencement of construction works and that the group continues to utilise the Bradley Park sports fields.

3. Strategic Implications

3.1 Legislative/Legal Implications

The proposed lease will be registered with the Department of Natural Resources, Mines and Energy in accordance with the *Land Act 1994*.

ITEM 5.1 NEW LEASE - PENINSULA AND DISTRICTS FOOTBALL AND SPORTING CLUB INC - DIVISION 6 - A18196986 (Cont.)

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

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

As per Officer's Recommendation 5 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary to execute the new lease.

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

The issuing of a lease to Peninsula and Districts Football and Sporting Club Inc. will provide the club with additional facilities to support its operations.

3.10 Consultation / Communication

Councillor Winchester (Division 6)
Relevant Council departments
Peninsula and Districts Football and Sporting Club Inc.
Redcliffe and Districts Touch Association Incorporated

**ITEM 5.2
NEW LEASE - PINE RIVERS MUSICAL ASSOCIATION INCORPORATED (PRIMA) -
DIVISION 8**

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A18259904 : 28 February 2019 - **Refer Supporting Information A18259920**
Responsible Officer: CM, Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a lease to Pine Rivers Musical Association Incorporated (PRIMA) at 750 Gympie Road, Lawnton (refer Supporting Information #1). The proposed lease would take effect prior to the commencement of works associated with the construction of a rehearsal shed.

COMMITTEE RECOMMENDATION

Moved by Cr Mick Gillam

Seconded by Cr Mike Charlton (Acting Mayor)

CARRIED 11/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Pine Rivers Musical Association Incorporated be granted a lease over an area at 750 Gympie Road, Lawnton (refer Supporting Information #1) for a period aligning with the expiry of its existing lease at this location (31 May 2021).
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.2 NEW LEASE - PINE RIVERS MUSICAL ASSOCIATION INCORPORATED (PRIMA) - DIVISION 8 - A18259904 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Pine Rivers Musical Association Incorporated be granted a lease over an area at 750 Gympie Road, Lawnton (refer Supporting Information #1) for a period aligning with the expiry of its existing lease at this location (31 May 2021).
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 1 June 2016, the PRIMA has held a lease with Council over a building at 750 Gympie Road, Lawnton (refer Supporting Information #1) which is used primarily for storage purposes. The organisation has identified a need for additional space to use as a rehearsal area, which would reduce its operational costs associated with the hire of facilities for this purpose.

Accordingly, the organisation has applied for, and been successful in receiving funding from the Queensland Government's Gambling Community Benefit Fund (GCBF) for the project.

Community group tenants of Council facilities must submit an Improvement Works Application (IWA) to obtain Council approval for any improvements to the facility or site where they hold a lease, licence or permit. Council may approve, approve with conditions or refuse applications at its sole discretion.

2. Explanation of Item

PRIMA has lodged an IWA to Council for the construction of a rehearsal shed, which is proposed to be located outside of its existing lease area (refer Supporting Information #1). This application has been assessed by Council's key stakeholder departments, with no objections received.

To enable PRIMA to proceed with its proposed project, Council would need to provide the group with an additional lease over the area where the new shed is to be constructed (refer Supporting Information #1).

This report recommends that Council approve the provision of a lease, under the terms and conditions of Council's Community Leasing Policy, over the area identified in Supporting Information #1. Further, it is recommended that the term of this lease be aligned with the term of the group's existing lease at this location (31 May 2021).

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

ITEM 5.2 NEW LEASE - PINE RIVERS MUSICAL ASSOCIATION INCORPORATED (PRIMA) - DIVISION 8 - A18259904 (Cont.)

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

The issuing of a lease to PRIMA will provide the club with additional facilities to support its operations.

3.10 Consultation / Communication

Councillor Mick Gillam (Division 8)
Relevant Council departments
Pine Rivers Musical Association Incorporated

6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

No items for consideration.

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION

(Cr P Flannery)

No items for consideration.

8 REGIONAL INNOVATION

(Cr D Grimwade)

No items for consideration.

9 GENERAL BUSINESS

**ITEM 9.1
REGIONAL EVENTS**

Cr Adrian Raedel reported on his attendance at the **Mt Mee Chaplaincy Dinner** held Friday, 22 March 2019. The dinner was well attended and supported by the community.

Cr Koliana Winchester together with Cr James Houghton attended the **Redcliffe Tigers AFC Ladies 1st Practice Match** on Saturday, 23 March 2019. This was the first home game in Rothwell and it was pleasing to see the team take away the win for the day against Kedron.

Cr Mick Gillam mentioned the completion of the **Pine Cup Rugby League** Competition won by Pine Central Holy Spirit Hornets against the Dayboro Cowboys. Cr Sims, Cr Flannery and Cr Charlton attended the final noting that the Cross River Trophy was also won by Pine Central Holy Spirit Hornets. Cr Sims reported that she had the pleasure of handing out the medals. Council were thanked for their continued support.

Cr Denise Sims referred to the **North Lakes Memorial Service** conducted on Saturday, 23 March 2019 held in honour of those lives recently lost in the **terrorist attack in Christchurch**. It was a moving ceremony, that saw a gathering of approximately 30 people from all walks of life and denominations. The Taiwhanake Youth Academy participated in the service singing a 'song of unity' and performing the haka.

COMMITTEE RECOMMENDATION

Moved by Cr Denise Sims

Seconded by Cr Mick Gillam

CARRIED 11/0

That a Mayoral letter of appreciation be sent to the Taiwhanake Youth Academy for their participation in the memorial service held at North Lakes supporting the victims of the recent Christchurch terrorist attack.

ITEM 9.1- REGIONAL EVENTS (Cont'd)

Cr Brooke Savige extended her thanks to the Director of Community and Environmental Services and his staff for the organisation of the **Get Ready Community Awareness Day** held at Donnybrook on Saturday, 23 March 2019. Many disaster management agencies were in attendance including, the SES and the Rural Fire Brigade, with an enjoyable time had by all.

Cr Peter Flannery together with Mike Charlton (Deputy Mayor) and Mr Shane King MP, State Member for Kurwongbah attended the opening of the refurbished **Burpengary Regional Leisure and Aquatic Centre** on Saturday, 23 March 2019. Over 1500 people attended the event and the gold coin donation totalling \$1,560 went to the Smith Family.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Adrian Raedel

CARRIED 11/0

That a Mayoral letter of appreciation be sent to St Eugene's Youth Leaders for their participation in the opening of the Burpengary Regional Leisure and Aquatic Centre event.

ITEM 9.2

CR JULIE GREER

Cr James Houghton advised of Cr Julie Greer's recent wedding and sought to extend Council's congratulations to her.

COMMITTEE RECOMMENDATION

Moved by Cr James Houghton

Seconded by Cr Koliana Winchester

CARRIED 9/2

Cr Adam Hain and Matt Constance voted against Committee's Recommendation

That a Mayoral letter of congratulations be sent to Cr Julie Greer on her recent nuptials.

CLOSURE

There being no further business the Chairperson closed the meeting at 11.38am.