



# REPORT

## Coordination Committee Meeting

**Tuesday 11 June 2019**  
commencing at 10.37am

Caboolture Chambers  
2 Hasking Street, Caboolture

**ENDORSED GM20190611**

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### **CHAIRPERSON'S REPORT**

The recommendations contained within this report of the Coordination Committee meeting held 11 June 2019 are recommended to the Council for adoption.

COUNCILLOR MIKE CHARLTON (ACTING MAYOR)  
CHAIRPERSON  
COORDINATION COMMITTEE

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

**Adoption Extract from General Meeting – 11 June 2019 (Page 19/1095 - 19/1096)**

**12.1 Coordination Committee Meeting - 11 June 2019 - BALANCE OF ITEMS EXCLUDING ITEM 2.1 (CONT'D) (Pages 19/1098 - 19/1159)**

**RESOLUTION**

Moved by Cr Adrian Raedel

Seconded by Cr Peter Flannery

**CARRIED 11/0**

That the report and recommendations of the Coordination Committee meeting held 11 June 2019 be adopted excluding Item 2.1 (cont'd) to be considered separately.

**12.2 Coordination Committee Meeting - 11 June 2019: ITEM 2.1 (CONT'D) CONSIDERED SEPARATELY (Pages 19/1152 - 19/1159)**

**ITEM 2.1 (CONT'D) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK - DIVISION 11**

**Conflict of Interest - Declaration - Cr Denise Sims**

Pursuant to s175E of the *Local Government Act 2009*, Cr Denise Sims declared a perceived conflict of interest in Item 2.1 (cont'd) as Paul Smith who acted as the Auditor of Cr Sims' 2016 election return was a submitter to the Development Application DA/37146/2018/V2U.

Cr Denise Sims retired from the meeting at 4.00pm taking no part in the debate or recommendation regarding same.

**RESOLUTION - Item 2.1 (cont'd) of Coordination Committee - 11 June 2019**

Moved by Cr Mick Gillam

Seconded by Cr Adam Hain

**CARRIED 10/0**

*Cr Denise Sims had declared a Conflict of Interest and had retired from the Meeting*

That the report and recommendations for Item 2.1 (cont'd) of the Coordination Committee meeting held 11 June 2019, be adopted.

## LIST OF ITEMS

### 1 GOVERNANCE SESSION (Cr M Charlton, Acting Mayor)

**ITEM 1.1** 1099  
COUNCIL OPERATIONS - CHRISTMAS/ NEW YEAR 2019 - REGIONAL  
**COMMITTEE RECOMMENDATION**  
REPORT DETAIL

**ITEM 2.1 - DECLARATION OF INTEREST** 1102  
*Conflict of Interest - Declaration - Cr Denise Sims*

### 2 PLANNING & DEVELOPMENT SESSION (Cr M Gillam)

**ITEM 2.1 (ALSO CONSIDERED LATER IN THE MEETING REFER PAGE 19/1152)** 1102  
DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR  
TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -  
DIVISION 11  
**RECOMMENDATION - DECLARED LOST**  
REPORT DETAIL

### 3 CORPORATE SERVICES SESSION (Cr M Constance)

### 4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr A Hain)

**ITEM 4.1** 1141  
TOORBUL - ESPLANADE - AMENITIES RENEWAL - DIVISION 1  
**COMMITTEE RECOMMENDATION**  
REPORT DETAIL

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

### 6 LIFESTYLE & AMENITY SESSION (Cr D Sims)

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

### 8 REGIONAL INNOVATION (Cr D Grimwade)

### 9 GENERAL BUSINESS

**ITEM 9.1** 1146  
REGIONAL EVENTS

**ITEM 9.2** 1146  
2019 CABOOLTURE SHOW - DIVISION 3  
**COMMITTEE RECOMMENDATION**

**ITEM 9.3** 1146  
WITHOUT PREJUDICE MEETING - FAIRMONT GROUP PTY LTD - REGIONAL  
**RECOMMENDATION**

**CLOSED SESSION (Confidential items)**

**OPEN SESSION**

**ITEM C.1 – CONFIDENTIAL** 1148  
CARRY OUT ASSESSABLE DEVELOPMENT - COMMENCEMENT OF PROSECUTION -  
BUCKLEY ROAD, BURPENGARY EAST - DIVISION 2  
**COMMITTEE RECOMMENDATION**

**ITEM C.2 – CONFIDENTIAL** 1149  
MBRC PLANNING SCHEME - PROPOSED S18 TAILORED AMENDMENT STATE  
INTEREST REVIEW PROCESS AND PUBLIC CONSULTATION - REGIONAL  
**COMMITTEE RECOMMENDATION**

**ITEM C.3 – CONFIDENTIAL** 1150  
MBRC PLANNING SCHEME - PROPOSED AMENDMENTS TO PLANNING SCHEME  
POLICIES AND PUBLIC CONSULTATION - REGIONAL  
**COMMITTEE RECOMMENDATION**

**ITEM C.4 – CONFIDENTIAL** 1151  
PETRIE MILL REDEVELOPMENT STAGE 1 - PAPER AVENUE CULVERT EXTENSION -  
DIVISION 7  
**COMMITTEE RECOMMENDATION**

**ITEM 2.1 (CONT'D) - DECLARATION OF INTEREST** 1153  
*Conflict of Interest - Declaration - Cr Denise Sims*

**2 PLANNING & DEVELOPMENT SESSION (Cr M Gillam)**

**ITEM 2.1 (CONT'D)** 1153  
DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR  
TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -  
DIVISION 11  
**COMMITTEE RECOMMENDATION**

**CLOSURE**

## ATTENDANCE & APOLOGIES

### Attendance:

#### Committee Members:

Cr Mike Charlton (Acting Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Peter Flannery  
Cr Adam Hain  
Cr Julie Greer  
Cr James Houghton  
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 Planning & Economic Development	(Mr Mike Pickering)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Infrastructure Planning	(Mr Andrew Ryan)
Manager Development Services	(Ms Kate Isles)
Team Leader Planning	(Mr Greg Potter)
Manager Strategic Planning	(Mr David Hood)
Team Leader Strategic Planning & Economic Development	(Ms Lauren Fishburn)
Meeting Support	(Hayley Kenzler)

### Apologies:

Cr Allan Sutherland (Mayor) who is representing Council as part of the Queensland Government's Trade Mission to the 2019 BIO International Convention in Philadelphia, Pennsylvania.

Cr Koliانا Winchester

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**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:**

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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 M Charlton, Acting Mayor)

**ITEM 1.1**

**COUNCIL OPERATIONS - CHRISTMAS/ NEW YEAR 2019 - REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A18484495 : 4 June 2019  
*Responsible Officer:* BH, Director Community & Environmental Services (CES Directorate)

**Executive Summary**

The purpose of this report is to seek approval for Council's operations over the 2019 Christmas/New Year period, including a general closure period to occur from midday Tuesday, 24 December 2019 to 8.30am Thursday, 2 January 2020.

**COMMITTEE RECOMMENDATION**

Moved by Cr Mick Gillam

Seconded by Cr Denise Sims

CARRIED 11/0

1. That Council approve for its operations to close during the 2019 Christmas/New Year period from midday on Tuesday 24 December 2019 and re-opening at 8.30am on Thursday 2 January 2020, with continued operations to occur during this period in areas as determined by the Chief Executive Officer in consultation with the respective Director.
2. That the Chief Executive Officer arrange for the approved closure period to be appropriately advertised.

*ITEM 1.1 COUNCIL OPERATIONS - CHRISTMAS/ NEW YEAR 2019 - REGIONAL - A18484495 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Council approve for its operations to close during the 2019 Christmas/New Year period from midday on Tuesday 24 December 2019 and re-opening at 8.30am on Thursday 2 January 2020, with continued operations to occur during this period in areas as determined by the Chief Executive Officer in consultation with the respective Director.
2. That the Chief Executive Officer arrange for the approved closure period to be appropriately advertised.

## **REPORT DETAIL**

### **1. Background**

Moreton Bay Regional Council (MBRC) has historically ceased operations from midday Christmas Eve, 24 December, and re-opened on the business day following the New Years' Day public holiday.

During the general closure, service areas such as waste facilities, galleries and libraries continued to operate as normal. In addition, other key service teams such as customer services, local laws, rating services, payroll and public health operated in a limited manner and emergency crews were available to respond to urgent service-level matters.

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

For the 2019 Christmas/New Year period it is recommended that Council:

- close its operations from midday on Tuesday, 24 December 2019 and re-open at 8.30am on Thursday, 2 January 2020; however,
- continue to operate the after-hours service, emergency crews and other operational teams and key services as determined by the Chief Executive Officer in consultation with the respective Directors.

Details of Council's 2019 Christmas/New Year closure will be made available in Council facilities, on Council's website, and be advertised in local newspapers at the appropriate time prior to Christmas.

In line with normal practice, those officers not required to work over the Christmas/New Year period will be required to submit three days of leave or utilise banked RDOs to offset days taken (27, 30 and 31 December) during the closure period.

### **3. Strategic Implications**

#### 3.1 Legislative/Legal Implications

There are no legislative/legal implications arising as a direct result of this report.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

There are no policy implications arising 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

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

*ITEM 1.1 COUNCIL OPERATIONS - CHRISTMAS/ NEW YEAR 2019 - REGIONAL - A18484495 (Cont.)*

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Customer and Cultural Services

Regulatory Services

Waste Services

After-hours Service Providers

**ATTENDANCE**

Ms Kate Isles and Mr Greg Potter attended the meeting at 10.39am for discussion on Item 2.1.



**ITEM 2.1 - DECLARATION OF INTEREST**

**Conflict of Interest - Declaration - Cr Denise Sims**

Pursuant to s175E of the *Local Government Act 2009*, Cr Denise Sims declared a perceived conflict of interest in Item 2.1 as Paul Smith who acted as the Auditor of Cr Sims' 2016 election return was a submitter to the Development Application DA/37146/2018/V2U.

Cr Denise Sims retired from the meeting at 10.38am taking no part in the debate or recommendation regarding same.

**2 PLANNING & DEVELOPMENT SESSION**

**(Cr M Gillam)**

**ITEM 2.1 (also considered later in the meeting refer page 19/1152)  
DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR  
TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -  
DIVISION 11**

**APPLICANT: NBN C/- Aurecon Australasia**

**OWNER: Mr David J Merritt and Mrs Donna C Merritt**

*Meeting / Session:* 2 PLANNING & DEVELOPMENT

*Reference:* A18576724: 20 May 2019 – Refer Supporting Information A18577044,  
A18577042, A18577039, A18577040, A18577043, A18577123 & A18577122

*Responsible Officer:* CS, Senior Planner (PED Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	NBN C/- Aurecon Australasia
<b>Lodgement Date:</b>	16 October 2018
<b>Properly Made Date:</b>	25 October 2018
<b>Confirmation Notice Date:</b>	31 October 2018
<b>Information Request Date:</b>	14 November 2018
<b>Info Response Received Date:</b>	21 January 2019
<b>Public Notification Dates:</b>	25 February 2019 to 19 March 2019
<b>No of Submissions:</b>	Properly Made: 32 Not Properly Made: 3
<b>Decision Due Date:</b>	13 June 2019
<b>Prelodgement Meeting Held:</b>	No

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 11
<b>Property Address:</b>	230 Hipathites Road, Kobble Creek
<b>RP Description</b>	Lot 2 RP162985
<b>Land Area:</b>	16 Ha
<b>Property Owner</b>	Mr David J Merritt and Mrs Donna C Merritt

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>

# Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING  
11 June 2019

**PAGE 19/1103**  
Report

*ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)*

<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme
<b>Planning Locality / Zone</b>	Rural Zone
<b>Level of Assessment:</b>	Impact and Consistent

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

The application was publicly advertised with thirty-two (32) properly made submissions received. The proposed development is considered to satisfy the requirements of the Moreton Bay Regional Council Planning Scheme and is recommended to be approved subject to conditions.

## **RECOMMENDATION - DECLARED LOST**

**Moved by Cr James Houghton**

**Seconded by Cr Julie Greer**

**LOST 10/0**

*Cr Denise Sims had declared a Conflict of Interest and had retired from the Meeting*

**That the Officer's Recommendation be adopted.**

# Moreton Bay Regional Council

*ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)*

## OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for a Telecommunications Facility at 230 Hipathites Road, Kobble Creek, described as Lot 2 RP162985, subject to the following plans/documents and conditions:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Overall Site Plan	4DYB-51-06-SAMS-C2 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Site Setout Plan	4DYB-51-06-SAMS-C3 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Site Elevations and Details	4DYB-51-06-SAMS-C4 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
NBN Antenna Configuration and Setout Plan	4DYB-51-06-SAMS-A1(Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Earthworks Plan	4DYB-51-06-SAMS-C5 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Vegetation Management Plan	DA_36100_2018_V2U (Rev 2)	Aurecon Australasia Pty Ltd	14 May 2019
Landslide Risk Assessment Report	4DYB-51-06-SAMS-02	Aurecon Australasia Pty Ltd	14 March 2019

<b>Plans to be Amended</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Landscape Plan	2019.011 LP1.01 Issue C	Jeremy Ferrier	13 May 2019

## Conditions

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

ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
1. The landscaped buffer along the northern property boundary is to include at least one (1) row of Syzygium Resilience plants that are a minimum of 1.5 metres in height at the time of planting.	
B Obtain approval from Council for the amended Landscape Plan in accordance with (A) above.	Prior to works commencing on site.
C Implement the requirements and recommendations of the approved plan/s. The approved amended plan/s will form part of the approval.	Prior to and during site works and to be maintained at all times.
<b>3 Colour of Telecommunications Facility</b>	
<p>Ensure that the telecommunications facility and associated equipment shelter is painted with a colour that blends with the adjacent bushland vegetation and complies with the colour range detailed as follows unless otherwise approved by Council in writing:</p> <p>(a) Registered Colourbond 'Pale Eucalypt' non-reflective paint;</p> <p><b>OR</b></p> <p>(b) Acceptable colours from Australian Standard AS2700s - 1996 or equivalent that are appropriate for highly visible surfaces as they are harmonious with the natural landscape colours listed below.</p> <ul style="list-style-type: none"> <li>• G52 - Eucalyptus</li> <li>• G53 - Banksia</li> <li>• N45 - Koala Grey</li> <li>• N32 - Green Grey</li> <li>• G54 - Mist Green</li> <li>• Y63 - Khaki</li> <li>• N35 - Light Grey</li> <li>• G56 - Sage Green</li> <li>• G55 - Lichen</li> </ul>	Prior to commencement of use and to be maintained at all times.
<b>4 Warning Sign</b>	
Provide a warning information sign at the entrance to the lease area to prevent unauthorised entry.	To be maintained at all times after the commencement of the use.
<b>5 Security Fencing</b>	
Erect a black, chain wire mesh, security fence without barbed wire, with a maximum height of 2.4m, along all sides of the lease area, unless otherwise approved by Council in writing.	Prior to the commencement of the use and to be maintained at all times.
<b>6 Noise</b>	
Ensure air conditioning equipment is located, designed, installed and maintained to achieve a component noise level of 0dB(A) above background noise level when measured at an affected building for a noise sensitive use.	

*ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)*

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
	Notes: The component noise level for the equipment is to be measured as an LA90, T.  'Background Noise Level' means LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes using fast response.	
<b>7</b>	<b>No Net Loss of Fauna Habitat</b>	
	Development does not result in the net loss of fauna habitat. Where development does result in the loss of a Habitat Tree, development will provide replacement fauna nesting boxes at the following rate: <ol style="list-style-type: none"> <li>1. One (1) nest box for every hollow removed; or</li> <li>2. Where hollows have not yet formed in trees greater than 80cm in diameter at 1.3m in height, three (3) nest boxes are required for every habitat tree removed.</li> </ol>	Prior to the commencement of use.
<b>ENVIRONMENTAL PLANNING</b>		
<b>8</b>	<b>Vegetation and Fauna Management Plan</b>	
	To reduce potential impacts on native fauna and regulated vegetation, carry out wildlife management and vegetation clearing procedures and protection/enhancement of retained vegetation in accordance with the approved Vegetation Management Plan.	Prior to and during site works.
<b>9</b>	<b>Management of Wildlife</b>	
A	Carry out approved vegetation clearing under the supervision of a Fauna Spotter Catcher holding a valid Rehabilitation Permit from the relevant State Government Agency.	Prior to and during site works.
B	Provide an activity report, to be completed by the supervising Fauna Spotter Catcher, including: <ul style="list-style-type: none"> <li>• The number and species of any animals observed during clearing;</li> <li>• The actions taken to deal with observed animals;</li> <li>• The number of any animals that were required to be relocated;</li> <li>• The release site for any relocated animals;</li> <li>• The number (if any) of animals injured during clearing;</li> <li>• The treatment provided;</li> <li>• The outcome of any treatment; and</li> <li>• The location of the treatment.</li> </ul>	Within fourteen (14) days of completion of clearing.
<b>10</b>	<b>Extent of Vegetation Clearing</b>	
A	Clearing of native vegetation must be limited to that which is necessary for the proposed development; and	Prior to and during site works and to be maintained.
B	Clearing of native vegetation must not occur within MSES High Value Areas	Prior to and during site works and to be maintained.

ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>11</b>	<b>Disposal of Cleared Vegetation</b>	
	Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility.  Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property.	At all times.
<b>12</b>	<b>Stockpiles of Construction and Landscaping Materials</b>	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, roadway or into any drain, wetland or watercourse.	During site works.
<b>13</b>	<b>Temporary Exclusion Fencing</b>	
	Delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental felling. Clearing is to be undertaken in accordance with AS 4970-2009 Protection of Trees on Development Sites.	During site works.
<b>DEVELOPMENT ENGINEERING</b>		
<b>14</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
<b>15</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use.
<b>16</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>17</b>	<b>Erosion and Sediment Control</b>	
A	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>18</b>	<b>Landslide Hazard</b>	
A	Provide RPEQ certification to the Building Certifier that the works have been designed in accordance with the recommendations of the Geotechnical Report - Landslide Hazard.	Prior to building works approval.

## Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING  
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ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
B Construct the works in accordance with RPEQ certified design and the recommendations of the Geotechnical Report - Landslide Hazard.	Prior to commencement of use.

<b>CONCURRENCE AGENCY</b>		
<b>19</b>	<b>Concurrence Agency</b>	
A	Comply with the conditions of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) amended response dated 30 November 2018 (reference: 1811-8286 SRA) or as amended.	At all times.
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) have been met.	At all times.

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

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

*ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)*

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

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use - Development Permit for Telecommunications Facility
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	Building Works – Development Permit
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)
<b>Submissions</b>	There were thirty-two (32) properly made submissions about this application.

**REPORT DETAIL**

**1. Background**

There are no previous development applications over this site.

**2. Explanation of Item**

**2.1 Proposal Details**

This application seeks a Material Change of Use - Development Permit for a Telecommunications Facility at 230 Hipathites Road, Kobbler Creek, described as Lot 2 RP162985.

The applicant proposes to establish a Telecommunications Facility to service the greater locality. The proposed facility consists of a 51 metre high (including all structures) monopole within a fenced compound with an area of approximately 108m<sup>2</sup>. The Telecommunications Facility is proposed to be located in the eastern portion of the property, with the compound to be located approximately 8 metres from the boundary of the adjoining property. Access to the proposed compound area will be provided via the existing gravel driveway accessed from Hipathites Road.



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The components of the proposed NBN installation comprise the following:

- A 50 metre tall monopole;
- One (1) parabolic dish (0.9 metres in diameter) for transmission purposes;
- Three (3) panel antennas (dimensions 0.75 metre high x 0.30 metre wide x 0.115 metre deep), and five (5) remote radio units located at an elevation of 50 metres;
- A 2.4 metre high chain link security compound fence (compound area 8 metres x 10 metres), with a three (3) metre wide access gate;
- Two (2) outdoor equipment cabinets (dimensions: 1.5 metres high x 0.65 metres wide x 0.65 metres deep) at ground level. The outdoor cabinets will be installed on a concrete slab of dimensions 2.4 metres x 1 metre and will be metallic grey in colour; and
- Associated feeder cables that will run underground from the equipment cabinet, and then vertically inside the monopole to the antennas.

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

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

2.2 Description of the Site and Surrounds

The subject site occupies an area of approximately 16 hectares and has frontage to Hipathites Road. The site is generally vegetated and mountainous and contains cleared areas and dams. The subject site is surrounded by the following land uses and zones:

Directions	Planning Scheme Zone	Current Land Use
North	Rural Zone	Detached Dwellings
South	Rural Zone	Detached Dwellings
East	Rural Zone	Detached Dwellings
West	Rural Zone	Detached Dwellings

2.3 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

2.3.1 State Planning Policy

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

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable
<b>Assessment benchmark - water quality</b>		
Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	None	Not applicable
<b>Assessment benchmark - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district: (1) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area,	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.

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	<p>development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(2) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(3) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(4) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(5) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
<b>Assessment benchmark - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes  <input checked="" type="checkbox"/> No	None	Not applicable

**2.3.2 South East Queensland Regional Plan**

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

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

**2.3.3 Schedule 10, Part 10 of the Regulation – Koala Habitat Area**

**Koala Habitat Area**

The site is located in a Priority Koala Assessable Development Area. An assessment as to how the development satisfies the provisions in the Regulation has been undertaken, and the proposal is consistent.

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The siting of the proposed Telecommunications Facility may require the clearing of approximately 360m<sup>2</sup> of existing Medium Value Koala Rehabilitation vegetation. The development application is supported by a Vegetation Management Plan that includes a site survey identifying the location of trees within the development area. The Vegetation Management Plan identifies twenty-one (21) non-juvenile koala habitat trees to be removed as part of the clearing. The Vegetation Management Plan outlines that any native vegetation removed will be replaced at a 3:1 offset ratio. The recommendations of this report include conditions relating to the construction management strategies to ensure wildlife protection during construction.

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
<b>Zone/ Local Plan Code</b>		
Rural Zone Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO10, PO76, PO77, PO95, PO97, PO121 and PO143.

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

2.4.3 *Performance Outcome Assessment*

Performance Outcome	Example
<b>Rural Zone Code</b>	
<b>PO3</b> Height of buildings and structures:  a. is consistent with the existing low rise, open area and low density character and amenity of the Rural zone and its precincts;	<b>E3</b> Building height and all structures do not exceed the maximum height identified on Overlay map - Building heights; except in the Hamlet precinct, where outbuildings, free standing car ports or garages do not exceed 3.5m.

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Performance Outcome	Example
<ul style="list-style-type: none"> <li>b. does not unduly impact on access to daylight, sunlight, overshadowing or privacy experienced by adjoining premises;</li> <li>c. for buildings in the Hamlet precinct, the height of buildings reflect the individual character of the area;</li> <li>d. does not adversely affect the operation of aviation facility at Mt Glorious by adopting design or on-site management measures that:                             <ul style="list-style-type: none"> <li>i. ensures a physical line-of-sight between transmitting or receiving devices.</li> <li>ii. ensure electromagnetic fields do not interfere with the functioning of the aviation facility.</li> </ul> </li> </ul>	
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an Alternative Solution to Example E3 of the Rural Zone Code. The proposed structure comprises a total height of 51 metres (when measured from the ground) exceeding the maximum building height of 8.5m indicated on the Building Heights Overlay Map.</p> <p>The proposed facility by its necessity requires a line of sight from tower to tower to complete a functional network. Consequently, the structure will not be situated below the predominant tree canopy level. As such, the proposed facility is not consistent with the existing low rise character of the Rural Zone.</p> <p>As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p><b>PO10</b> On-site car parking associated with an activity provides safe and convenient on-site parking and manoeuvring to meet anticipated parking demand.</p> <p>Note - Refer to Planning scheme policy - Integrated transport assessment for guidance on how to achieve compliance with this outcome.</p>	<p><b>E10</b> On-site car parking is provided in accordance with Schedule 7 - Car parking.</p>
<i>Performance Outcome Assessment</i>	
<p>Schedule 7 - Car parking requires that one (1) parking space is provided per staff member and visitor.</p>	

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Performance Outcome	Example
<p>The applicant seeks an Alternative Solution for the provision of permanent on-site car parking spaces. Vehicular access will only be required during the construction of the facility and maintenance periods which are envisaged to occur approximately 3-4 times a year. Nevertheless, there is sufficient parking and manoeuvring space on-site for vehicles during these periods.</p> <p>Given the circumstances noted above, it is not considered reasonable that any permanent car parking spaces be required. Therefore, the proposal complies with the Performance Outcome.</p>	
<p><b>PO76</b> The Telecommunications facility<sup>(81)</sup> does not have an adverse impact on the visual amenity of a locality and is:</p> <ul style="list-style-type: none"> <li>a. high quality design and construction;</li> <li>b. visually integrated with the surrounding area;</li> <li>c. not visually dominant or intrusive;</li> <li>d. located behind the main building line;</li> <li>e. below the level of the predominant tree canopy or the level of the surrounding buildings and structures;</li> <li>f. camouflaged through the use of colours and materials which blend into the landscape;</li> <li>g. treated to eliminate glare and reflectivity;</li> <li>h. landscaped;</li> <li>i. otherwise consistent with the amenity and character of the zone and surrounding area.</li> </ul>	<p><b>E76.2</b> In all other areas towers do not exceed 35m in height.</p> <p><b>E76.4</b> All structures and buildings are setback behind the main building line and a minimum of 10m from side and rear boundaries, except where in the Industry and Extractive industry zones, the minimum side and rear setback is 3m. Where there is no established building line the facility is located at the rear of the site.</p> <p><b>E76.6</b> A minimum 3m wide strip of dense planting is provided around the perimeter of the fenced area, between the facility and street frontage and adjoining uses.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant proposes Alternative Solutions to Examples E76.2, E76.4, and E76.6.</p> <p>The facility includes a 50 metre tall monopole and antennas with an overall height of 51 metres, being 16 metres greater in height than the 35 metres nominated by Example 76.2. Furthermore, there is no established building line for the site as the proposed telecommunications facility will be located in a large, heavily vegetated rural parcel of land. The compound is proposed to be located eight (8) metres from the side boundary in lieu of the ten (10) metres required by Example E76.4.</p> <p>The submitted Landscape Plan indicates a three (3) metre wide landscaped buffer around the northern, eastern, and western boundaries of the compound. No additional screening is proposed for the southern side of the compound, which is screened by existing mature vegetation. The Landscape Plan shows a variety of screening vegetation, though does not include vegetation that is a sufficient height to screen any of the compound at the time of planting. A recommendation of this report requires an amended Landscape Plan to be submitted to include at least one (1) row of Syzygium Resilience plants that are a minimum of 1.5 metres in height at the time of planting along the northern boundary of the compound.</p>	

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Performance Outcome	Example
<p>The retention of the existing mature vegetation around the proposed facility screens the compound and lower portion of the tower to reduce the impacts on visual amenity in the area. However, as the proposed tower by its very function is required to be above the level of the predominant tree canopy, it does not comply with the Performance Outcome.</p> <p>As the proposal does not comply with this Performance Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p><b>PO77</b> Lawful access is maintained to the site at all times that does not alter the amenity of the landscape or surrounding uses.</p>	<p><b>E77</b> An Access and Landscape Plan demonstrates how 24 hour vehicular access will be obtained and maintained to the facility in a manner that is appropriate to the site's context.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application has not included an Access and Landscape Plan demonstrating how 24 hour vehicular access to the site is to be obtained.</p> <p>It is proposed to obtain access to the facility utilising the existing driveway on site from Hipathites Road. The driveway is of a suitable standard to accommodate any vehicles required for the construction and maintenance of the facility. Notably, the use of the driveway will constitute lawful and unobstructed access to the property and the proposed telecommunications facility at all times. This access arrangement does not alter the amenity or landscape character of the surrounding area and will not result in any adverse impacts on adjoining land uses. If 24 hour access was required for unplanned maintenance or repairs associated with the facility, any impact on the amenity of the surrounding area would be negligible.</p> <p>The proposed alternative solution complies with Performance Outcome PO77 in this instance.</p>	
<p><b>PO95</b> Development:</p> <ul style="list-style-type: none"> <li>a. minimises the number of buildings and people working and living on a site exposed to bushfire risk;</li> <li>b. ensures the protection of life during the passage of a fire front;</li> <li>c. is located and designed to increase the chance of survival of buildings and structures during a bushfire;</li> <li>d. minimises bushfire risk from build up of fuels around buildings and structures;</li> <li>e. ensures safe and effective access for emergency services during a bushfire.</li> </ul>	<p><b>E95.1</b> Buildings and structures are:</p> <ul style="list-style-type: none"> <li>a. not located on a ridgeline;</li> <li>b. not located on land with a slope greater than 15% (see Overlay map - Landslide hazard);</li> <li>c. dwellings are located on east to south facing slopes.</li> </ul> <p><b>E95.2</b> Buildings and structures have contained within the site:</p> <ul style="list-style-type: none"> <li>a. a separation from classified vegetation of 20m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or fire fighting water supply of no more than 29, whichever is the greater;</li> <li>b. a separation from low threat vegetation of 10m or the distance required to</li> </ul>

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Performance Outcome	Example
	<p>achieve a bushfire attack level (BAL) at the building, roofed structure or fire fighting water supply of no more than 29, whichever is the greater;</p> <ul style="list-style-type: none"> <li>c. a separation of no less than 10m between a fire fighting water supply extraction point and any classified vegetation, buildings and other roofed structures;</li> <li>d. an area suitable for a standard fire fighting appliance to stand within 3m of a fire fighting water supply extraction point; and</li> <li>e. an access path suitable for use by a standard fire fighting appliance having a formed width of at least 4m, a cross-fall of no greater than 5%, and a longitudinal gradient of no greater than 25%:               <ul style="list-style-type: none"> <li>i. to, and around, each building and other roofed structure; and</li> <li>ii. to each fire fighting water supply extraction point.</li> </ul> </li> </ul>
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an alternative solution to Example E95.1 and E95.2 of the Rural Zone Code. The proposed Telecommunications Facility is on land with a slope greater than 15%.</p> <p>The proposed development comprises a non-habitable use, with access to the Telecommunications Facility being infrequent and restricted to the installation of equipment and for the purposes of maintenance. Significantly, the proposed facility will not result in an increase to the number of people living or working in the area, nor will it accommodate the storage of hazardous materials. In addition, given the nature and purpose of the proposed development, the number of people working and living on the site exposed to any bushfire risk is extremely minimal.</p> <p>The Telecommunications Facility will not involve hazardous materials, nor will it result in the emissions of undue heat, sparks or open flame. As such, the facility will not increase the bushfire risk and consequently contribute to the build up of fuels around buildings and structures. In any event, emergency services will have safe and effective access to the subject site.</p> <p>It is also noted that the Telecommunications Facility has been designed to be resilient to bushfire damage, with cable trays enclosed by galvanised casing and the equipment cabinet and meter board designed to resist ember penetration.</p> <p>The proposed alternative solution complies with Performance Outcome PO95 of the Rural Zone Code and is accepted in this instance.</p>	
<p><b>PO97</b> Development provides an adequate water supply for fire-fighting purposes.</p>	<p><b>E97</b></p> <ul style="list-style-type: none"> <li>a. a reticulated water supply is provided by a distributor retailer for the area or;</li> </ul>




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Performance Outcome	Example
	<ul style="list-style-type: none"> <li>b. where not connected to a reticulated water supply, on-site fire fighting water storage containing not less than 10 000 litres (tanks with fire brigade tank fittings, swimming pools) is located within 10m of buildings and structures.</li> <li>c. Where a swimming pool is the nominated on-site fire fighting water storage source, vehicle access is provided to within 3m of that water storage source.</li> <li>d. Where a tank is the nominated on-site fire fighting water storage source, it includes:               <ul style="list-style-type: none"> <li>i. a hardstand area allowing medium rigid vehicles (15 tonne fire appliance) access within 6m of the tank;</li> <li>ii. fire brigade tank fittings, comprising 50mm ball valve and male camlock coupling and, if underground, an access hole of 200mm (minimum) to accommodate suction lines.</li> </ul> </li> </ul>
<b>Performance Outcome Assessment</b>	
<p>The applicant seeks an Alternative Solution as no firefighting water supply is proposed to be located within 10 metres of the proposed facility. There are a number of existing dams on the property, however, they are not located in the immediate proximity of the proposed facility.</p> <p>The proposed development comprises a non-habitable use, with access to the Telecommunications Facility being infrequent and restricted to the installation of equipment and during maintenance periods. The proposed Telecommunications Facility will not increase the number of people living or regularly working in the area and will not increase the potential for entrapment during a bushfire.</p> <p>The Telecommunications Facility will not involve hazardous materials, nor will it result in the emissions of undue heat, sparks or open flame. As such, the facility will not increase the bushfire risk and consequently contribute to the build up of fuels around buildings and structures. In any event, emergency services will have safe and effective access to the subject site.</p> <p>It is also noted that the Telecommunications Facility has been designed to be resilient to bushfire damage, with cable trays enclosed by galvanised casing and the equipment cabinet and meter board designed to resist ember penetration.</p> <p>Due to the nature of the proposed use, in the context of the information above, no additional water supply is required for fire-fighting purposes.</p> <p>The proposed alternative solution complies with Performance Outcome PO97 of the Rural Zone Code and is accepted in this instance.</p>	

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Performance Outcome	Example
<p><b>PO121</b> Development:</p> <ul style="list-style-type: none"> <li>a. maintains the safety of people and property on a site and neighbouring sites from landslides;</li> <li>b. ensures the long-term stability of the site considering the full nature and end use of the development;</li> <li>c. ensures site stability during all phases of construction and development;</li> <li>d. minimises disturbance of natural drainage patterns of the site and does not result in the redirection or alteration of the existing flow if surface or groundwater;</li> <li>e. minimises adverse visual impacts on the amenity of adjoining residents and provides a positive interface with the streetscape.</li> </ul>	<p><b>E121</b> Development does not:</p> <ul style="list-style-type: none"> <li>a. involve earthworks exceeding 50m<sup>3</sup>;</li> <li>b. involve cut and fill having a height greater than 600mm;</li> <li>c. involve any retaining wall having a height greater than 600mm;</li> <li>d. redirect or alter the existing flow of surface or groundwater.</li> </ul>
<i>Performance Outcome Assessment</i>	
<p>The applicant seeks an Alternative Solution to Example E121 as the construction of the facility involves earthworks that will exceed 50m<sup>3</sup> to facilitate the laying of the foundations for the tower. Significantly, no retaining walls are proposed and additionally, the development has been sited to ensure that groundwater will not be redirected.</p> <p>The applicant has provided a Geotechnical Report and Landslide Risk Assessment which demonstrates that the proposed earthworks will ensure the stability of the site, maintain the safety of people and property, not significantly alter the existing flow of surface waters and will not cause any adverse visual impacts on the amenity of the area.</p> <p>The extent of earthworks proposed complies with the Performance Outcome.</p>	
<p><b>PO143</b> Development:</p> <ul style="list-style-type: none"> <li>a. avoids being viewed as a visually conspicuous built form on a hill top or ridgeline;</li> <li>b. retains the natural character or bushland settings as the dominant landscape characteristic;</li> <li>c. is viewed as being visually consistent with the natural landscape setting and does not diminish the scenic and visual qualities present in the environment.</li> </ul>	<p><b>E143</b> Where located in the Regionally significant (Hills) scenic amenity overlay, buildings and structures are not:</p> <ul style="list-style-type: none"> <li>a. located on a hill top or ridge line;</li> <li>b. all parts of the building and structure are located below the hill top or ridge line.</li> </ul>
<i>Performance Outcome Assessment</i>	
<p>The proposed monopole will not be located within the Regionally significant (Hills) scenic amenity overlay area. However, the northeast corner of the compound area will be located within the Regionally significant (Hills) scenic amenity overlay area, as shown below:</p>	

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Performance Outcome	Example
 <p data-bbox="400 741 644 846">2 RP162985</p>	<ul style="list-style-type: none"> <li data-bbox="1038 521 1230 551">— Boundary</li> <li data-bbox="1038 568 1305 598">- - - Compound area</li> <li data-bbox="1038 616 1190 645">- - - Fence</li> <li data-bbox="1038 663 1249 692">- - - Lease area</li> <li data-bbox="1038 710 1262 739">— Road gravel</li> <li data-bbox="1038 757 1254 786"><b>Scenic amenity</b></li> <li data-bbox="1038 804 1362 833">Regionally significant</li> <li data-bbox="1038 851 1225 880">Cadastre</li> </ul> <p data-bbox="316 943 1418 1066">In the interests of thoroughness, an assessment of the Performance Outcome is included. It is proposed to establish a Telecommunications Facility at the top of a ridgeline located on the site (noting that the proposed monopole will not be located within the Regionally significant (Hills) scenic amenity overlay area).</p> <p data-bbox="316 1095 1418 1279">Due to the existing mature vegetation, the proposed development is unlikely to be visible from a significant section of Hipathites Road. The hill to the south of the proposed compound will form a backdrop to the portion of the tower that extends past the existing vegetation when viewed from the north. Notwithstanding this, the proposed monopole will extend approximately 25 metres higher than the existing vegetation within the area surrounding the proposed compound, and as such, could potentially be visually discernible.</p> <p data-bbox="316 1308 1418 1431">However, the portion of the compound that is located within the Regionally significant (Hills) scenic amenity overlay area (to which this Performance Outcome applies) will only include a section of fence 2.4 metres tall, which will be screened by the existing mature vegetation surrounding the area and will not be a visually conspicuous built form on the ridgeline.</p> <p data-bbox="316 1460 1418 1520">The section of the proposed development that is located within the Regionally significant (Hills) scenic amenity overlay area complies with the Performance Outcome.</p>

2.4.4 Overall Outcome Assessment

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

Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
a. A wide range of rural uses, as identified in the table below, are established.	Y	A Telecommunications Facility is identified as a consistent use within the Rural Zone, as per the table in Overall Outcome t.
b. Rural activities and primary production activities are protected from intrusion by incompatible development.	Y	The siting of the Telecommunications Facility is distinctly separate from the areas on the site that are used for

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<b>Rural Zone Code - Section 6.2.10</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
		rural activities. The proposed facility is situated in the eastern portion of the property and surrounded by existing mature vegetation. Notably, the Telecommunications Facility will not have an adverse impact on any rural uses currently occurring on the subject site.
c. Intensive rural activities such as animal keeping, aquaculture, and intensive animal industry: <ul style="list-style-type: none"> <li>i. provide appropriate separation distance to sensitive land uses;</li> <li>ii. avoid odour, dust, noise and visual impacts on sensitive land uses;</li> <li>iii. avoid adversely affecting water quality in waterways and water catchments; and</li> <li>iv. are not located adjacent to sensitive land uses or land zoned for residential and rural residential purposes.</li> </ul>	<b>N/A</b>	Intensive animal keeping, aquaculture and intensive animal industry are not proposed. Overall Outcome c is not applicable.
d. Residential uses are limited to a single dwelling house per allotment. A secondary dwelling is permitted provided it functions and appears subordinate to the principal dwelling house.	<b>N/A</b>	The development proposal is not for a residential use.
e. A range of housing options provide short-term accommodation for tourists in proximity to tourist attractions.	<b>N/A</b>	The development proposal is not for short term accommodation.
f. Accommodation for rural workers is provided on or in close proximity to rural activities.	<b>N/A</b>	The development proposal is not for rural workers accommodation.
g. Active and passive outdoor recreational opportunities for residents and visitors to the region are established.	<b>N/A</b>	The development proposal is for a Telecommunications Facility and therefore the establishment of active or passive recreational opportunities are not applicable in this instance. However, the proposed development does not, in any way, impact on the active and passive outdoor recreational opportunities of the surrounding area.
h. Intensification of existing and new commercial and retail development does not occur.	<b>N/A</b>	The development proposal does not include commercial or retail development.

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
<p>i. Development maintains the open area character and scenic amenity, including the low density, low intensity and dispersed built form which defines the rural place type.</p>	<p>Y</p>	<p>The proposed facility consists of a total overall height of 51 metres and is surrounded by an area comprising existing mature vegetation.</p> <p>The development proposal represents a slimline monopole structure, which allows for a reduction of recognition within the landscape. The siting of the facility in proximity to the existing mature trees also assists to reduce the visual presence of the development.</p> <p>Notably, the recommendations of this report include a condition that requires the painting and treatment of the structure to be of colours that are compatible with the surrounding area (i.e natural landscape type colours including green and khaki) to further reduce the overall recognition of the facility. In addition, the colour selection and treatment to be conditioned will also ensure that the structure is not reflective in an adverse way.</p> <p>The construction of a single monopole that is partly obscured (at the ground level) by existing vegetation maintains the open area character of the rural locality and is located so as to maintain the form and amenity that defines the rural place type.</p> <p>Given the slender form of the development, the siting of the facility does not result in negative impacts on the surrounding Rural locality. More specifically, the ability for the surrounding area to maintain an open and dispersed built form is not in any way compromised by the development proposal.</p> <p>The proposed development is consistent with Overall Outcome i.</p>

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<b>Rural Zone Code - Section 6.2.10</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
j. Development does not adversely affect the operation of aviation facilities at Mt Glorious (See Overlay map - Infrastructure buffers). This aviation facility comprises a VHF beacon.	<b>N/A</b>	Development will not compromise the Mt Glorious aviation facility. The subject site is not identified within the Aviation Facility Area of Interest within the Infrastructure Buffers Overlay.
k. Development does not result in adverse or nuisance impacts on adjoining properties or the wider rural environment. Any adverse or nuisance impacts are contained and internalised to the lot through location, design, operation and on-site management practices.	<b>Y</b>	Due to the location of the proposed Telecommunications Facility within a large rural parcel of land, any potential adverse impacts will be sufficiently contained.  Further, the recommendations of this report include a condition that requires any air conditioning equipment to achieve a component noise level of 0dB(A) above background noise level when measured at an affected building for a noise sensitive use.
l. Development generating high volumes of traffic or involving heavy vehicle traffic movements is located on roads of a standard and capacity to accommodate traffic demand.	<b>N/A</b>	The development proposal will not generate high traffic volumes and the existing roads are of sufficient standard to accommodate the initial construction of the facility and future maintenance which will be infrequent in any event.
m. Development does not result in the establishment of industrial activities, other than rural industry.	<b>N/A</b>	The development proposal is for a Telecommunications Facility. Industry uses are not proposed.
n. General works associated with the development achieves the following: i. a high standard of electricity, telecommunications, roads, sewerage, water supply and street lighting services is provided to new developments to meet the current and future needs of users of the site; ii. the development manages stormwater to: A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters; B. prevent stormwater contamination and the release of pollutants;	<b>Y</b>	The proposed works include the provision of a new underground electricity line that will retain the existing amenity of the site.  Given the overall nature and scale of the development, any stormwater impacts will be minimal.

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<b>Rural Zone Code - Section 6.2.10</b>		
<b>Overall Outcomes</b>	<b>Complies Y/N</b>	<b>Comments</b>
<p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p> <p>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</p> <p>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p>		<p>The development proposal will not generate traffic numbers that will impact the safety and capacity of the external road network in an unacceptable way.</p> <p>The proposed access to and from the site is safe and efficient.</p> <p>A detailed outline of the construction process has been included with the development application. It is considered that the required site works will have minimal impacts on any of the adjoining or adjacent properties in the immediate locality.</p>
<p>o. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>	<b>Y</b>	<p>The development proposal will not result in the emission of aerosols, fumes, odour, particles or smoke. The recommendations of this report include a condition to ensure that the noise associated with the Telecommunications Facility does not cause any nuisance to the surrounding area.</p>
<p>p. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.</p>	<b>N/A</b>	<p>The proposed development is not a noise generating use. Notwithstanding this, the recommendations of this report include a condition to ensure that any noise associated with the Telecommunications Facility does not cause nuisance.</p>
<p>q. Noise sensitive uses are designed, sited and constructed so as not to be subject to levels of noise expected from rural activities.</p>	<b>N/A</b>	<p>The proposed development is not a noise sensitive use.</p>
<p>r. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water</p>	<b>Y</b>	<p>The development proposal is for a Telecommunications Facility. As such, the development proposal will not have any impact on the water quality or aquatic ecosystem</p>

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
and aquatic ecosystem environmental values in those catchments.		environmental values in the surrounding area.
<p>s. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <ul style="list-style-type: none"> <li>i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</li> <li>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</li> <li>iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through: <ul style="list-style-type: none"> <li>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</li> <li>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</li> <li>C. the requiring of environmental offsets in accordance with the</li> </ul> </li> </ul>	Y	<p>The development proposal is located within the Bushfire Hazard Overlay area. However, the proposed development constitutes a non-habitable use, and consequently, will not increase the number of people living or working in the area. As such, exposure to the risk of natural hazards is minimal.</p> <p>The proposed Telecommunications Facility does not involve hazardous materials, nor will it result in any emissions of undue heat, sparks or open flames. It is also noted that the facility has been designed to be resilient to bushfire damage, with cable trays to be enclosed in galvanised casing and the equipment cabinet and meter board designed to resist ember penetration. Therefore, the facility will not increase the bushfire risk from the build up of fuels around buildings and structures. Furthermore, emergency services will have safe and effective access to the subject site.</p> <p>The proposed development is located within an area mapped as Value Offset Area (MSES-Koala Offsets). Notably, the proposal has been sited near the existing driveway from the Hipathites Road frontage to reduce the required clearing of native vegetation. As such, a least risk approach has been adopted to facilitate the development.</p> <p>The Vegetation Management Plan (VMP) for the proposed development includes a detailed schedule of native vegetation to be removed as part of the development construction. The VMP states that 21 trees will be removed within the construction site that will be offset with appropriate vegetation on site at a rate of 3:1. Therefore 63 trees will be planted within the vicinity of the proposed</p>



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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
<p>Environmental Offsets Act 2014.</p> <p>v. protecting native species and protecting and enhancing species habitat;</p> <p>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</p> <p>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</p> <p>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p> <p>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</p> <p>x. ensuring effective and efficient disaster management response and recovery capabilities;</p> <p>xi. where located in an overland flow path:</p> <p>A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety;</p> <p>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</p>		<p>development as mitigation for the loss of vegetation and fauna habitat.</p> <p>The applicant has provided a Geotechnical Report and Landslide Risk Assessment which demonstrates that the proposed earthworks will protect the land from further degradation and therefore maintain the safety of people and property.</p> <p>The proposed development is consistent with Overall Outcome s.</p>

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
<p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
<p>t. Development in the Rural Zone includes one or more of the following:</p> <ul style="list-style-type: none"> <li>• Animal husbandry</li> <li>• Animal keeping (excluding catteries and kennels)</li> <li>• Aquaculture (if water area associated with ponds and dams are less than 200m<sup>2</sup> or housed tanks less than 50m<sup>2</sup>)</li> <li>• Community residence</li> <li>• Cropping, where not forestry for wood production</li> <li>• Cropping, where forestry for wood production</li> <li>• Dwelling house</li> <li>• Emergency services</li> <li>• Environment facility</li> <li>• Home based business</li> <li>• Intensive animal industry</li> <li>• Intensive horticulture</li> <li>• Outdoor sports and recreation (if located on Council owned or controlled land and in accordance with a Council approved Master Plan)</li> <li>• Non-resident workforce accommodation</li> <li>• Park</li> <li>• Permanent plantation</li> <li>• Roadside stall</li> <li>• Rural industry</li> <li>• Rural workers' accommodation</li> <li>• Sales office</li> <li>• Telecommunication facility</li> </ul>	Y	The development proposal is for a Telecommunications Facility and therefore complies with Overall Outcome t.

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>• Transport depot (where on lots 16 ha or more)</li> <li>• Veterinary services</li> <li>• Wholesale nursery</li> <li>• Winery</li> </ul>		
<p>u. Development in the Rural zone does not include any of the following:</p> <ul style="list-style-type: none"> <li>• Adult store</li> <li>• Bar</li> <li>• Brothel</li> <li>• Caretaker's accommodation</li> <li>• Car wash</li> <li>• Child care centre</li> <li>• Community care centre</li> <li>• Detention facility</li> <li>• Dual occupancy</li> <li>• Dwelling unit</li> <li>• Funeral parlour</li> <li>• Hardware and trade supplies</li> <li>• Health care services</li> <li>• High impact industry</li> <li>• Hospital</li> <li>• Hotel</li> <li>• Indoor sport and recreation</li> <li>• Low impact industry</li> <li>• Major sports, recreation and entertainment facility</li> <li>• Marine industry</li> <li>• Medium impact industry</li> <li>• Multiple dwelling</li> <li>• Nightclub entertainment facility</li> <li>• Office</li> <li>• Outdoor sales</li> <li>• Parking station</li> <li>• Port services</li> <li>• Relocatable home park</li> <li>• Research and technology industry</li> <li>• Residential care facility</li> <li>• Retirement facility</li> <li>• Rooming accommodation</li> <li>• Shop</li> <li>• Shopping centre</li> <li>• Showroom</li> <li>• Special industry</li> <li>• Theatre</li> <li>• Warehouse</li> </ul>	Y	The proposed development is for a Telecommunications Facility and is listed as a consistent use in Overall Outcome t.
<p>v. Development not listed in the tables above will be considered on its</p>	NA	The proposed development is for a Telecommunications Facility and is

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Rural Zone Code - Section 6.2.10		
Overall Outcomes	Complies Y/N	Comments
merit and where it reflects and supports the outcomes of the zone.		listed as a consistent use in Overall Outcome t.

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

2.5 Trunk Infrastructure

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

2.5.1 Levied Charge

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

2.5.2 Levied Charge Credit

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

2.5.3 Levied Charge Offset or Refund

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

2.5.4 Additional Trunk Infrastructure Costs

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

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

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

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

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

2.7 Referrals

2.7.1 Council Referrals

2.7.1.1 Development Engineering

**Traffic, Access & Parking**

Access to the telecommunications site is provided by a front gate located to the eastern side. Proposed widening to both the access track and gate, as well as the addition of a heavy vehicle turning area along the access track and a hardstand area on the western side will aid in the manoeuvring of heavy vehicle traffic for servicing and maintenance.

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### **Stormwater / Flooding**

Stormwater naturally falls south-west of the site and eventually drains downstream into Kobble Creek. The large amount of pervious area surrounding the site should result in minimal stormwater disturbance.

### **Earthworks**

An earthworks plan has been provided for the minor earthworks proposed for the development site. The required Landslide Hazard Report confirms the site achieves the tolerable risk of slope instability in accordance with the AGS (2007c) and demonstrates achievement of performance outcomes 121, 122 & 123

#### **2.7.1.2 Environmental Planning**

The proposed facility is located within a PKADA and an Environmental area: Value Offset Area (MSES-Koala Offsets). This facility is to encompass an area of 120m<sup>2</sup> (Compound area will comprise an area of 108m<sup>2</sup>) and result in the removal of 21 trees as identified in the planning report.

The site is located in a Medium Value Rehabilitation area as per the SPRP Koala Habitat Value designations referred to in the Planning Regulation 2017. It is acknowledged however, that the proposal is 'Exempted Development' and in this instance, the provisions in Schedule 11 do not apply.

Performance Outcome 99 in the Rural zone code is applicable in assessing this development proposal. Notably, where the proposed development cannot avoid establishing in a Value Offset Area, mitigation measures need to be adopted which ensure the quality and integrity of the biodiversity and ecological values inherent to the Value Offset Area are maintained. This can be achieved through replacement, restoration or rehabilitation.

It is therefore, necessary, that the trees to be removed in the Value Offset Area to facilitate the telecommunications facility are replaced at a ratio of 3:1 (ie for every tree removed it is replaced by 3).

A submitted Vegetation Management Plan (VMP) for the proposed development prepared by Aurecon Australasia Pty Ltd 27 February 2019, includes a detailed schedule of native vegetation to be removed as part of the development construction. The VMP states that 21 trees will be removed within the construction site that will be offset with appropriate vegetation on site at a rate of 3:1. Therefore, 63 trees will be planted within the vicinity of the proposed development as a mitigation measure for the loss of vegetation and fauna habitat. The VMP also includes stages of clearing and rehabilitation and processes and responsibilities of staff during the clearing and rehabilitation phases.

Environmental Planning is satisfied that the location of the proposed development attempts to minimise environmental degradation and habitat clearing by locating in an area that is as close to already cleared areas as possible and avoids high value vegetation. The proposed development also attempts to mitigate the unavoidable loss of native vegetation by replacing native vegetation to be removed with appropriate plant species at a rate of 3:1.

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2.7.2 Referral Agencies

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

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

- (a) Matters relating to Vegetation Clearing. Council was advised on 30 November 2018 that DSDMIP has no objection to the development application subject to a condition being attached to Council's Decision Notice.

**2.7.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.7.2.3 Third Party Agencies**

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

2.8 Public Consultation

2.8.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 18 February 2019.
- (b) The development application was advertised in the Village Pump on 22 February 2019.
- (c) A notice in the prescribed form was posted on the relevant land on 22 February 2019 and maintained for a period of 17 business days until 19 March 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		32
	Petition	0	0
Not Properly Made	Letter, Email, Fax		3
	Petition	0	0
<b>Total</b>			35

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

Assessment of Submissions
<p><b>Issue - Submissions in Support</b></p> <ul style="list-style-type: none"> <li>• I am fully in support of the nbn tower as without it I am not able to get internet access and I know I am not the only person in this situation.</li> <li>• The area of Samsonvale and Kobbler Creek have large numbers of small business people which this will also benefit. Presently we have a very unreliable service and know that we will greatly benefit from anything that will support better and more reliable internet services for us and our community.</li> <li>• We understand that the site for the facility is ideally suited to meeting the required NBN radio coverage and service levels, whilst minimising the impact on the surrounding landscape.</li> <li>• Around the Dayboro area there are also towers that are visible if you are specifically looking for them, but with the colour of the towers being green, they blend in very well and are only noticeable if they are directly pointed out.</li> </ul>

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<p><b>Assessment of Submissions</b></p>
<ul style="list-style-type: none"> <li>• <i>Presently the tower will be more visible from our home than any of the other neighbours around the property that the tower will be constructed on, and we definitely think that the benefits to our community far outweigh the fact that the tower will be visible from our home.</i></li> </ul>
<p><b>Discussion</b></p> <p>All submissions in support of the development proposal have been reviewed and can be considered in the assessment of the application.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue - Visual Amenity</b></p> <ul style="list-style-type: none"> <li>• <i>The proposed telecommunication tower is completely out of character with its rural setting.</i></li> <li>• <i>At 51m total height, it sits significantly higher than other telecommunication towers in similar landscapes.</i></li> <li>• <i>It is positioned on high ground on the edge of a ridgeline at the highest point of the property.</i></li> <li>• <i>The tower sits significantly higher than (more than double) the tree canopy.</i></li> <li>• <i>The structure is located in an area of higher ground on a ridgeline making it even more prominent in the landscape / skyline.</i></li> <li>• <i>There is no screening that can hide a 50 metre tall tower that is 3 meters at its base and less than the required 10 meters from the property entry gate [at 222 Hipathites Road, Kobble Creek].</i></li> <li>• <i>The landscape plan confirms the landscaping is deficient in terms of meeting the minimum 3m landscaped buffer required by the planning scheme. Plus, there is no indication of any screening on the access gates to the compound.</i></li> <li>• <i>The monopole will become a prominent feature on the skyline from our house [260 Hipathites Road, Kobble Creek].</i></li> </ul>
<p><b>Discussion</b></p> <p>The top of the proposed 51 metre tall tower will be visible from some of the dwellings in the area. Due to the existing mature vegetation in the immediate locality, the proposed development is unlikely to be visible from a significant section of Hipathites Road or Aitcheson Road.</p> <p>The proposed facility is located approximately 220 metres from the nearest dwelling, and 340 metres from the next closest dwelling. The distance between the dwellings and the proposed development will assist to minimise the visual impact that the development is likely to have on the dwellings in the area. The vegetated ridgeline located south-east of the facility will assist in providing a backdrop to the proposed tower when viewed from the dwellings positioned at a higher elevation to the west.</p> <p>The retention of the existing mature vegetation around the proposed facility screens the compound and the lower portion of the tower to reduce the impacts on visual amenity in the area. However, the proposed tower by its very function is required to be above the level of the predominant tree canopy to function. It is noted that the proposed tower is not covered by the Scenic Amenity overlay.</p>

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<b>Assessment of Submissions</b>
<p>The applicant has stated that a non-standard 50 metre monopole was proposed at the location, instead of the usual lattice tower design for 50 metre structures to minimise the visual intrusion of the proposed facility.</p> <p>If supported, the recommendations of this report include a condition requiring the facility to be painted a non-reflective finish and colour that is compatible with the surrounding area, ensuring that the development is visually consistent with the bushland setting of the site.</p> <p>The landscape plan identifies a three (3) metre wide landscaped buffer along the north-eastern boundary of the compound. It is considered that landscaping with more advanced trees at the time of planting would minimise the visual impact of the compound on the adjoining lot while the additional vegetation grows. The recommendations of this report include a condition requiring an amendment to the Landscape Plan to require one (1) of the rows of trees along the northern edge of the compound to be at least 1.5 metres in height at the time of planting instead of the 0.2 metres proposed, to further reduce the visual impact of the facility.</p> <p>The ability for the surrounding area to maintain an open and dispersed built form is not compromised by the development proposal.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue - Vegetation</b></p> <ul style="list-style-type: none"> <li>• <i>The proposal plans show an area of 120sqm for the compound itself however the notes on the plan suggest that an additional cleared area of 200sqm is required during construction of the facility as well as additional clearing for driveway/site access. We estimate this could require a cleared area of up to 500sqm in an area mapped as having high ecological value.</i></li> <li>• <i>Little to no information is available on the loss of this vegetation and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance.</i></li> <li>• <i>The number of high value trees (DBH ≥15 cm) required to be removed has doubled from ten (10) to twenty-one (21) as a result of the Geotechnical Investigation.</i></li> <li>• <i>The proposed site is situated in an area of Priority Koala Assessable Development Area. Per the Queensland Government mapping, it is likely Medium Value Bushland, or is otherwise Medium Value Rehabilitation.</i></li> </ul>
<p><b>Discussion</b></p> <p>The development footprint comprising of the construction laydown area and compound is approximately 360m<sup>2</sup>. NBN have stated that the chosen location of the facility was deliberately sited adjacent to an existing driveway to minimise vegetation clearing for the construction area and the provision of access and power.</p> <p>In response to Council's Information request, the applicant has submitted a Vegetation Management Plan (VMP). The VMP identifies that twenty-one (21) trees with a Diameter of Breast Height (DBH) greater than, or equal to 15cm are proposed to be removed as part of the development. The VMP identifies that based on the ratio of 3:1, sixty-three (63) native plants will be planted in the restoration area. The Plan identifies maintenance and monitoring requirements that are to be undertaken as part of the restoration works. A recommendation of this report includes a condition to limit the clearing to that identified in the Vegetation Management Plan.</p>



ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

<b>Assessment of Submissions</b>
<p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue - Alternative Locations</b></p> <ul style="list-style-type: none"> <li>• <i>The applicant should be required to look for alternative locations for the facility that would result in a lower height which would in turn have less impacts on the rural landscape character that is required to be protected.</i></li> <li>• <i>We propose that suitable alternate locations for the facility have not been sufficiently considered and would have less impacts on the ecological values of the area.</i></li> <li>• <i>An alternative site would be co-location at the nearby existing Optus telecommunications facility. This co-location opportunity has already been identified as Candidate C and has been classified as “technically feasible”.</i></li> <li>• <i>Other location options proposed by the application are in a lower value koala habitat classification. Locating the tower adjacent to the existing telecommunications facility at 113 Kriesch Road, Samsonvale, would see it placed within Low Value Koala Habitat Bushland. We propose that the tower should be co located on, or adjacent to, the existing tower approximately 500m south of the proposed tower, on 113 Kriesch Road Samsonvale.</i></li> <li>• <i>If the proposed tower needed to be located in suburbia, I readily accept that it would be very difficult to relocate from a chosen site due to land scarcity issues. However, there is an abundance of vacant land in the proposed zone, where the tower could be relocated to the appeasement of all residents.</i></li> </ul>
<p><b>Discussion</b></p> <p>NBN have stated that the facility is designed to provide Fixed Wireless internet services to more than 100 properties in the Samsonvale area, and to serve as a key communications link for other NBN Fixed Wireless facilities in the area. NBN further note that the location on the subject lot was chosen based on finding a balance between the following considerations:</p> <ul style="list-style-type: none"> <li>- <i>Setback from sensitive land uses (Planning) – ensure the site location of the facility is setback evenly from sensitive land uses and achieves the acceptable outcomes of the relevant development code.</i></li> <li>- <i>Land owner’s preference (Tenure) – ensure the site location is agreeable to the land owner. (nbn does impress on landowners the objective of maximising setbacks when negotiating locations within a subject property). Furthermore, ensuring that the facility is located in an area that minimises disruption to existing land management practices.</i></li> <li>- <i>Ability to maximise service reach and quality (Service Requirements) – ensure the site location achieves the service capability for the local community.</i></li> <li>- <i>Ability to construct the site and access (Constructability) – ensure the facility can be constructed without resulting in a significant vegetation loss, land degradation, or costs that are outside the project parameters.</i></li> </ul> <p>Co-location of telecommunications infrastructure with existing towers is considered to be the most appropriate solution when locating facilities. The closest existing facility to the targeted area is located 440m to the south west of the proposed development at 113 Kriesch Road, Samsonvale. NBN states that a structural assessment of the existing Optus facility confirmed that the facility is unable to structurally support the proposed NBN equipment.</p> <p>NBN has also investigated the option to establish another facility at 113 Kriesch Road, Samsonvale, however, has identified that additional clearing of MSES vegetation would</p>

ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

<b>Assessment of Submissions</b>
<p>be required to establish another facility at this property. As such, the subject site was considered more favourable.</p> <p>An alternate site at 222 Hipathites Rd, Kobble Creek was also submitted to NBN. In their assessment, it was identified that the alternate candidate location did not provide any reasonable improvement to visual amenity for the wider community. Additionally, the alternate location would require a greater volume of earthworks and tree clearing within an area containing MSES vegetation due to the absence of an existing access route and the slope of the land. As such, the subject site was considered more favourable.</p> <p>NBN has stated that they believe that there are no other technically feasible and available locations that result in an improved planning outcome, better separation, less visual impact or a more viable service than the proposed facility.</p> <p>Within the subject site, the proposed facility has been located next to the existing driveway to limit clearing required for access and power supply, to avoid areas of significant slope, and to ensure that the proposed facility is setback from sensitive land uses.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue - Misleading and missing information</b></p> <ul style="list-style-type: none"> <li>• <i>The applicant has not released complete reports and information in a timely manner.</i></li> <li>• <i>In the photo provided by Aurecon on page 5 [of the response to Information Request], the minimum of 500m2 of trees and scrub that will be removed, including the 21 trees to be removed are still in shot and are being used to hide the overall impact, of not only the height of the tower but does not show ground or aerial equipment listed in the development application.</i></li> <li>• <i>The Property Vegetation Management Plan document provided is incomplete.</i></li> <li>• <i>Insufficient information to support the development has been provided and Council's planning scheme requires that clearing of high value vegetation is avoided in the first instance.</i></li> </ul>
<p><b>Discussion</b></p> <p>It is acknowledged that some aspects of the applicant's Response to Council's Information Request were not received until the Public Notification Period was substantially underway, and that the Earthworks Plan was not received until Public Notification had been completed. Section 13.2 of the DA rules states:</p> <p><i>The applicant may respond by giving the assessing authority that made the information request, within the period stated under section 13.1—</i></p> <ul style="list-style-type: none"> <li><i>(a) all of the information requested; or</i></li> <li><i>(b) part of the information requested; or</i></li> <li><i>(c) a notice that none of the information will be provided.</i></li> </ul> <p>As such, Council must proceed with the assessment of the application whether or not all of the requested information was provided during the Information Request period.</p> <p>The Property Vegetation Management Plan submitted to Council was missing the figures and Appendix A. The assessing officer contacted the applicant shortly after it was received to notify the applicant and the full Property Vegetation Management Plan was submitted.</p>

ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

<p><b>Assessment of Submissions</b></p>
<p>With regard to the photomontages from the secondary dwelling at 222 Hipathites Rd, Kobble Creek provided by Aurecon in the response to the Information Request, it is noted that the Aurecon images still included the vegetation that is proposed to be removed in the Property Vegetation Management Plan. A recommendation of this report includes a condition to limit the clearing to that identified in the Property Vegetation Management Plan. Nonetheless, there is still a layer of existing vegetation between the secondary dwelling at 222 Hipathites Rd, Kobble Creek and the proposed location of the facility that would screen the base of the facility from the living areas at the site.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue - Conflict with Strategic Framework</b></p> <ul style="list-style-type: none"> <li>• <i>An Impact Assessable application is assessable against the whole of the Planning Scheme. It is considered relevant to consider how the proposed development complies with the Strategic Framework. The site is located in the Mountain Ranges, Forest and Waterway Place Type as are all the surrounding properties.</i></li> <li>• <i>3.14.2 Element – Mountain ranges, forests and waterways place type - The intent of the Place Type as expressed above notes that infrastructure is limited and that the environmental values of the area are given preference over development. The infrastructure may be necessary as outlined in the information presented by the applicant, but the Region’s green infrastructure should be given priority.</i></li> <li>• <i>3.14.2.8 Specific Outcomes - Infrastructure - Whilst outcome (3) does look for high speed broadband services in the area, outcome (3) reiterates that the infrastructure must not compromise the visual quality and environmental values, character and amenity of the place type</i></li> </ul>
<p><b>Discussion</b></p> <p><u>3.14.2 Element – Mountain ranges, forests and waterways place type</u></p> <p>The development footprint comprising of the construction laydown area and compound is approximately 360m<sup>2</sup> and involves the clearing of twenty-one (21) trees. Clearing is minimised by the location of the proposed facility next to the existing driveway that does not require a new access or power route. Additionally, a Vegetation Management Plan (VMP) incorporating a rehabilitation strategy has been submitted. Any approval would include a condition to limit the clearing to that identified in the Property Vegetation Management Plan.</p> <p>Given the small footprint of the proposed development and the recommended conditions, the proposed development would not conflict with the intent of the place type.</p> <p><u>3.14.2.8 Specific Outcomes - Infrastructure</u></p> <p>The location of the proposed facility at least 220 metres from the nearest dwelling, and the slim monopole design of the tower contributes to mitigating any detrimental impacts on the visual amenity of the area. A recommendation of this report includes a condition requiring the facility to be painted a non-reflective finish and colour that is compatible with the surrounding area, ensuring that the development is visually consistent with the bushland setting of the site. Further vegetated screening for the base of the facility is also recommended to be conditioned.</p> <p>A Vegetation Management Plan (VMP) has been provided to mitigate environmental impacts associated with vegetation loss. The Plan identifies maintenance and monitoring</p>

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<b>Assessment of Submissions</b>
<p>requirements that are to be undertaken as part of the restoration works to maintain the environmental values.</p> <p>The proposed facility can be appropriately conditioned to ensure that it does not conflict with part 2 of 3.14.2.8 Specific Outcomes - Infrastructure and supports part 3 of the Specific Outcomes.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue - Conflict with Rural Zone Code</b></p> <ul style="list-style-type: none"> <li>• <i>The proposal is considered to be in conflict with the following Overall Outcomes:</i> <ul style="list-style-type: none"> <li>- (a) <i>The proposal is not for a rural use.</i></li> <li>- (i) <i>The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.</i></li> <li>- (k) <i>The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation visual impacts and loss of vegetation.</i></li> <li>- (s) <i>The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.</i></li> </ul> </li> <li>• <i>The proposal also does not comply with the following Performance Outcomes of the Rural Zone Code or insufficient information has been provided to support the proposal:</i> <ul style="list-style-type: none"> <li>- <i>PO1: the development does not complement the low-intensity and landscaped character of the zone and the structure is obtrusive and visually dominant in its context.</i></li> <li>- <i>PO3: the height of the development is excessive and well beyond the expectations of height in the locality, even for telecommunication facilities which would typically be designed to sit just beyond the height of the tree canopy.</i></li> <li>- <i>PO73: insufficient information has been provided to demonstrate that colocation with other existing facilities is not an option.</i></li> <li>- <i>PO76: the height of the facility is excessive, more than double the height of the canopy and is positioned on a high point in the context of the immediate surrounding topography. The facility is visually dominant and intrusive in the locality and is not visually integrated with the surrounding area. The compound is sited less than 10m from the closest side boundary and due to its position alongside the existing driveway does not allow for 3m of dense landscaping which is required to sufficiently screen the structures on the ground level.</i></li> <li>- <i>PO99: insufficient information has been provided in terms of investigating suitable alternate sites for the facility which could avoid clearing in a high value area (Environmental Areas Overlay). PO99 seeks to avoid clearing in a high value area in the first instance and only contemplates clearing where it is not practical or reasonable to locate the development in an existing cleared area. Insufficient information has been provided by the application in this regard and as a result, we put forward the proposal does not satisfy PO99.</i></li> </ul> </li> </ul>
<p><b>Discussion</b></p>

ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

**Assessment of Submissions**

A full assessment of any alternative solutions and non-compliant Performance Outcomes is provided in the report above.

With regard to the Overall Outcomes, comments in relation to the submissions are shown below:

(a) The proposal is not for a rural use.

A Telecommunications Facility is identified as a consistent use within the Rural Zone, as per the table in Overall Outcome t.

(i) The proposal is completely out of character and inconsistent with the outcome being highly visible and obtrusive.

The proposed facility consists of a total overall height of 51 metres and is surrounded by an area comprising extensive vegetation.

The proposed facility is located approximately 220 metres from the nearest dwelling, and 340 metres from the next closest dwelling. The distance between the dwellings and the proposed development will assist to minimise the visual impact that the development is likely to have on the dwellings in the area. The vegetated ridgeline located to the east of the facility will assist in providing a backdrop to the proposed tower when viewed from dwellings positioned at a higher elevation to the west.

The retention of the existing mature vegetation around the proposed facility screens the compound and lower portion of the tower to reduce the impacts on visual amenity in the area. However, the proposed tower by its very function is required to be above the level of the predominant tree canopy to function. It is noted that the proposed tower is not located in the Scenic Amenity overlay.

Any approval could be appropriately conditioned to ensure that the visual impact of the development is minimised, and to achieve compliance with Overall Outcome i.

(k) The proposed development will result in significant adverse and nuisance impacts on the adjoining properties and wider rural environment mostly in relation to visual impacts and loss of vegetation.

Any approval would be conditioned to ensure that air conditioning equipment is located, designed, installed and maintained to achieve a component noise level of 0dB(A) above the background noise level when measured at an affected building for a noise sensitive use. Visual Impacts have been addressed in relation to Overall Outcome (i) above.

Due to the location of the proposed Telecommunications Facility within a large rural parcel of land, any potential adverse impacts will be sufficiently contained within the site.

(s) The property and broader locality already contain cleared areas for development and the additional clearing should be avoided. It is anticipated that a more appropriate location for the facility could be chosen that would have lesser impacts in terms of clearing of vegetation.

The location of the proposed facility and a potential fire break has been approved by the Department of Natural Resources, Mines and Energy, as the referral agency for this application. The proposal has been sited near the existing driveway to minimise the required clearing of MSES vegetation for access and power connection. As such, a least risk approach has been adopted to facilitate the development.

A Vegetation Management Plan (VMP) has been provided to mitigate environmental impacts associated with vegetation loss. The Plan identifies maintenance and monitoring requirements that are to be undertaken as part of the restoration works to maintain the environmental values. It would be a recommendation of the report that any approval

ITEM 2.1 (also considered later in the meeting refer page 19/1152) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

<b>Assessment of Submissions</b>
would include a condition to limit the clearing to that identified in the Property Vegetation Management Plan.
This is not sufficient grounds for refusal of the application.
<b>Issue - Other issues</b>
<ul style="list-style-type: none"> <li>• Dept of State development, manufacturing, infrastructure and planning response dated 15 November 2018 ref number TARP 1811-8286 SRA states that the area identified as area A is the allowable area to be cleared of vegetation, this area as stated is .02 of a hectare which is an area of 2000m<sup>2</sup>.</li> <li>• The overall outcomes put forward in support of the NBN, proposed Fixed Wireless Network is the guarantee of fast internet. It has been recently reported that the network is not able to provide the speeds suggested in the planning report. It has also been reported that the ACCC is investigating NBN CO for failing to supply basic internet speeds and is considering imposing fines.</li> <li>• The NBN is, and always was going to be, a dud.</li> </ul>
<b>Discussion</b>
<p>On 30 November 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) provided a response which includes a condition limiting clearing to the area shown in the Technical Agency Response (Vegetation) Plan. The area in the Technical Agency Response (Vegetation) Plan shows the maximum area that DSDMIP would allow to be cleared for the proposal including any Bushfire buffer. The applicant has advised that they do not intend to clear a bushfire buffer and have submitted a Property Vegetation Management Plan which identifies and limits the area that could be cleared to approximately 360m<sup>2</sup> to remove twenty-one (21) trees. It would be a recommendation of the report that any approval would include a condition to limit the clearing to that identified in the Property Vegetation Management Plan.</p> <p>The submissions that relate to the internet speeds provided by the NBN are noted, though this is not relevant to any applicable assessment benchmarks and is not a matter that is considered in deciding the application.</p> <p>This is not sufficient grounds for refusal of the application.</p>

**2.8.3 Notice of Compliance**

The Notice of Compliance was received by Council on 20 March 2019. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.9 Other Matters  
None identified.

**3. Strategic Implications**

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

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

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3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

The proposal involves the clearing of vegetation mapped as a Value Offset Area (Medium Value Rehabilitation).

3.9 Social Implications

There are no social implications arising from this development application.

3.10 Consultation / Communication

Refer to clause 2.7.

## **ATTENDANCE**

Ms Kate Isles retired from, and Mr Greg Potter left the meeting at 11.05am after Item 2.1.

Cr Denise Sims returned to the meeting at 11.06am 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**

**TOORBUL - ESPLANADE - AMENITIES RENEWAL - DIVISION 1**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A18562102 : 4 June 2019 - Refer **Confidential** Supporting Information  
**A18484612**  
*Responsible Officer:* BB, Manager Project Management (ECM Project Management)

**Executive Summary**

Tenders were invited for the 'Toorbul - Esplanade - Amenities Renewal (MBRC008012)' project. The tender closed on 16 April 2019 with seven tenders received, five of which were conforming.

It is recommended that Council award the contract to Anchor Building Services Queensland Pty Ltd for the sum of \$230,933.18 (excluding GST) as this tender provided the best overall value to Council.

**COMMITTEE RECOMMENDATION**

Moved by Cr Brooke Savige

Seconded by Cr Adam Hain

**CARRIED 11/0**

That the tender for 'Toorbul - Esplanade - Amenities Renewal (MBRC008012)' project be awarded to Anchor Building Services Queensland Pty Ltd for the sum of \$230,933.18 (excluding GST).

- a) That the Council enters into an agreement with Anchor Building Services Queensland Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Anchor Building Services Queensland Pty Ltd for the 'Toorbul - Esplanade - Amenities Renewal (MBRC008012)' project and any required variations of the agreement on Council's behalf.



ITEM 4.1 TOORBUL - ESPLANADE - AMENITIES RENEWAL - DIVISION 1 - A18562102 (Cont.)

## OFFICER'S RECOMMENDATION

That the tender for 'Toorbul - Esplanade - Amenities Renewal (MBRC008012)' project be awarded to Anchor Building Services Queensland Pty Ltd for the sum of \$230,933.18 (excluding GST).

- a) That the Council enters into an agreement with Anchor Building Services Queensland Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Anchor Building Services Queensland Pty Ltd for the 'Toorbul - Esplanade - Amenities Renewal (MBRC008012)' project and any required variations of the agreement on Council's behalf.

## **REPORT DETAIL**

### **1. Background**

The project is located along Toorbul Esplanade foreshore near the intersection of the Esplanade and Freeman Road, Toorbul. The project scope includes refurbishment of the existing toilet facility, by providing a new unisex disability toilet within the building and a fully accessible disability compliant car space and kerb ramp.

The works are expected to commence in June 2019 and take eight weeks to complete, which includes an allowance for wet weather.



**Figure 1: Location of works**

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

Tenders for 'Toorbul - Esplanade - Amenities Renewal (MBRC008012)' project closed on 16 April 2019 with seven tenders received, five of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

*ITEM 4.1 TOORBUL - ESPLANADE - AMENITIES RENEWAL - DIVISION 1 - A18562102 (Cont.)*

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

RANK	TENDERER	EVALUATION SCORE
1	Anchor Building Services Queensland Pty Ltd	99.23
2	Caspian Building Services	91.19
3	Daydream Building Innovations Pty Ltd	84.46
4	Bishton Group Pty Ltd	82.81
5	Leaf Building Group Pty Ltd	80.54
6	Anchor Building Services Queensland Pty Ltd (Alternative)	Non-conforming
7	Caspian Building Services (Alternative)	Non-conforming

**Anchor Building Services Queensland Pty Ltd (Anchor)** submitted a comprehensive tender and demonstrated their experience on projects of a similar scale and complexity. A tender clarification meeting was held on 13 May 2019 at which Anchor demonstrated relevant experience, detailed methodology, understanding of the project and capability in effectively delivering the project in a timely manner. Anchor has undertaken construction work for Moreton Bay Regional Council through the 'Childcare Make Good' Project (\$60,196.00) and undertaken a project for the Valley Shopping Centre to complete a toilet block refurbishment (\$232,456.27).

**Caspian Building Services** submitted a comprehensive tender, demonstrating relevant similar project experience; however, there were no additional benefits for the higher price.

**Daydream Building Innovations Pty Ltd's** submission confirmed their capability to complete the project; however, there were no additional benefits for the higher price.

The non-conforming tenders did not provide the mandatory tender documentation.

### **3. Strategic Implications**

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

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

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

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

#### **3.3 Policy Implications**

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

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

#### **3.4 Risk Management Implications**

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

ITEM 4.1 TOORBUL - ESPLANADE - AMENITIES RENEWAL - DIVISION 1 - A18562102 (Cont.)

Financial Risks:

A third-party review of financial status has been carried out and the successful tenderer was rated "sound".

Construction Risks

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$250,000 for the commencement of construction in the 2018/19 Financial Year Capital Projects Program. All financials below are excluding GST.

Design	\$ 3,947.50
Tender price (construction)	\$ 230,933.18
Contingency (6%)	\$ 13,855.99
QLeave (0.475%)	\$ 1,096.93
	-----
Total Project Cost	\$ 249,833.60
	=====
Estimated ongoing operational/maintenance costs	\$ 4,000.00 per F/Y

The budget amount for this project is sufficient.

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.

3.9 Social Implications

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

3.10 Consultation / Communication

A detailed communication plan has been prepared. Communication strategies include project notices, project signs, and fortnightly updates to the Divisional Councillor which will be implemented once the tender is awarded. The Divisional Councillor has been consulted and is supportive of the project.

**5 PARKS, RECREATION & SPORT SESSION**

**(Cr K Winchester)**

No items for consideration.

**6 LIFESTYLE & AMENITY SESSION**

**(Cr D Sims)**

No items for consideration.

**7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION**

**(Cr P Flannery)**

No items for consideration.

**8 REGIONAL INNOVATION**

**(Cr D Grimwade)**

No items for consideration.

## 9 GENERAL BUSINESS

### ITEM 9.1 REGIONAL EVENTS

Cr Peter Flannery advised that he attended a **Business Moreton Bay Region luncheon event** with presenter Todd Sampson speaking on “Brain Power” on Friday 7 June 2019 at the Eatons Hill Hotel.

Cr Denise Sims reported on the **Murrumba Downs Teddy Bears Picnic** held Wednesday 5 June 2019, saying that the feedback on the event was very positive. Cr Sims provided her thanks to the Council Events and Maintenance staff for their efforts.

### ITEM 9.2 2019 CABOOLTURE SHOW - DIVISION 3 (AH)

Cr Adam Hain reported on the 92<sup>nd</sup> annual Caboolture Show held over the preceding week saying that it was a great weekend despite the rain on Saturday Night. Cr Hain attended the official opening on Friday 7 June 2019, along with Cr Adrian Raedel and Cr Peter Flannery.

Cr Hain extended his thanks to the organisers and many volunteers who went over and above to ensure the success of the 92<sup>nd</sup> Show.

#### COMMITTEE RECOMMENDATION

Moved by Cr Adam Hain

Seconded by Cr Adrian Raedel

CARRIED 11/0

That a Mayoral letter of thanks be sent to the organisers of the 92<sup>nd</sup> annual Caboolture Show, congratulating them on its success.

### ITEM 9.3 WITHOUT PREJUDICE MEETING - FAIRMONT GROUP PTY LTD - REGIONAL (AR)

#### RECOMMENDATION

Moved by Cr Adrian Raedel

That Moreton Bay Regional Council accept an invitation and agree to meet on an without prejudice basis with Fairmont Group Pty Ltd as requested by representatives of the State Government and also by their staff in regards to their development application court case which is costing Council hundreds of thousands of dollars.

The recommendation lapsed for want of a seconder.

**CLOSED SESSION (Confidential items)**

*(Resolution the meeting be closed under s275 of the Local Government Regulation 2012)*

**CLOSED SESSION**

**COMMITTEE RECOMMENDATION**

Moved by Cr Adrian Raedel

Seconded by Cr Peter Flannery

**CARRIED 11/0**

**That Committee move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Items C.1 to C.4.**

Members of the press and public gallery left the Chambers.  
The closed session commenced at 11.14am.

**ATTENDANCE**

Mr David Hood and Ms Lauren Fishburn attended the meeting at 11.21am for discussion on Items C.2 and C.3 and left at 11.26am.

**OPEN SESSION**

**COMMITTEE RECOMMENDATION**

Moved by Cr Julie Greer

Seconded by Cr Adam Hain

**CARRIED 11/0**

**That Committee resume in open session and that the following recommendations be made.**

The open session resumed at 11.30am.

**ITEM C.1 – CONFIDENTIAL**

**CARRY OUT ASSESSABLE DEVELOPMENT - COMMENCEMENT OF PROSECUTION - BUCKLEY ROAD, BURPENGARY EAST - DIVISION 2**

**Meeting / Session:** 1 Governance (Cr M Charlton, Acting Mayor)

**Reference:** A18432290 : 30 May 2019

**Responsible Officer:** DM, Regulatory Services Compliance Coordinator (CES Regulatory Services)

**Basis of Confidentiality**

Pursuant to s275 (1)(f) of the *Local Government Regulation 2012*, as the matter involves starting or defending legal proceedings involving the Council.

**Executive Summary**

The Council's approval is sought for the commencement of appropriate court action against the responsible person, as described in this confidential report who is alleged to have wilfully carried out, and continues to carry out, assessable development without a permit in contravention of the *Planning Act 2016*.

**COMMITTEE RECOMMENDATION**

Moved by Cr Peter Flannery

Seconded by Cr Adam Hain

CARRIED 11/0

1. That Council authorise the Chief Executive Officer to commence appropriate prosecution proceedings against the responsible person as described in this confidential report in relation to the alleged offences under the *Planning Act 2016*.
2. That the prosecution proceedings described in recommendation 1 be commenced in the name of the Chief Executive Officer, pursuant to s 237(2) of the *Local Government Act 2009*.

**ITEM C.2 – CONFIDENTIAL**

**MBRC PLANNING SCHEME - PROPOSED S18 TAILORED AMENDMENT STATE INTEREST REVIEW PROCESS AND PUBLIC CONSULTATION - REGIONAL**

**Meeting / Session:** 2 Planning & Development (Cr M Gillam)

**Reference:** A18618290 : 30 May 2019 - Refer **Confidential** Supporting Information (A18639483, fA799639 & A18641219) (provided separately)

**Responsible Officer:** LF, Team Leader, Strategic Planning (PED Strategic Planning)

**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (g), as the matter involves action to be taken by the Council under the Planning Act, including deciding applications made to the Council under that Act.

**Executive Summary**

At its Coordination Committee Meeting on 13 December 2018, Council resolved to make an amendment to the MBRC Planning Scheme under Section 18 (S18 Tailored Amendment) of the *Planning Act 2016* (the Act). On 7 May 2019 Council received a Notice (Notice) from the Chief Executive of the Department of State Development, Manufacturing, Infrastructure and Planning under section 18(3) of the Act which outlines the tailored process for making the proposed amendment to the planning scheme.

Having now completed Step 1 - Planning and preparation, Council must commence Step 2 - Notice to commence state interest review process and Step 5 - Commence public consultation as outlined in the notice.

This report recommends Council commence Step 2 and Step 5 to progress the proposed amendment.

**COMMITTEE RECOMMENDATION**

Moved by Cr Matt Constance

Seconded by Cr Julie Greer

CARRIED 11/0

1. That the Chief Executive Officer be authorised to write to the Chief Executive of the Department of State Development, Manufacturing, Infrastructure and Planning under section 18 of the *Planning Act 2016* and advise that Council intends to:
  - a) amend the planning scheme by following the process in the Notice;
  - b) commence the State interest review and public consultation processes concurrently in accordance with the Notice.
2. That the Chief Executive Officer be authorised to commence the State interest review and public consultation processes concurrently in accordance with the Notice.
3. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to follow the process in the Notice in relation to the completion of the State interest review and public consultation processes.



**ITEM C.3 – CONFIDENTIAL**

**MBRC PLANNING SCHEME - PROPOSED AMENDMENTS TO PLANNING SCHEME POLICIES AND PUBLIC CONSULTATION - REGIONAL**

**Meeting / Session:** 2 Planning & Development (Cr M Gillam)

**Reference:** A18618292 : 30 May 2019 - Refer **Confidential** Supporting Information fA799686 (provided separately)

**Responsible Officer:** LF, Team Leader, Strategic Planning (PED Strategic Planning)

**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (g), as the matter involves action to be taken by the Council under the Planning Act, including deciding applications made to the Council under that Act.

**Executive Summary**

Concurrently with the proposed MBRC Planning Scheme S18 Tailored Amendment, a new Planning Scheme Policy (PSP) and major amendments to existing PSPs are also proposed.

These amendments support the proposed S18 Tailored Amendment content and the general operations of the PSPs. Specifically, the proposed new and amended PSPs update information, provide clarity on current policy direction and further guidance on how to interpret the intended scope and intent of provisions of the MBRC Planning Scheme. These amendments are not able to be combined with the S18 Tailored Amendment and are required to follow a separate process under the *Planning Act 2016* (the Act).

As required by the *Minister's Guidelines and Rules* (MGR) new and proposed major amendments to PSPs are required to undergo public notification but not a State interest review process. It is proposed that the PSPs will go on public consultation with the proposed S18 Tailored amendment.

This report recommends Council make a new PSP and major amendments to existing PSPs, and publicly consult on these in accordance with the process prescribed in the MGR.

**COMMITTEE RECOMMENDATION**

Moved by Cr Denise Sims

Seconded by Cr Peter Flannery

CARRIED 11/0

1. That the Council decide to amend the existing planning scheme policies and make a new planning scheme policy in accordance with section 22 of the *Planning Act 2016*.
2. That the Chief Executive Officer be authorised to prepare the planning scheme policy amendments and the proposed new planning scheme policy.
3. That the Chief Executive Officer be authorised to commence the public consultation process on the proposed planning scheme policy amendments and proposed new planning scheme policy in accordance with section 22 of the *Planning Act 2016*.
4. That the Chief Executive Officer be authorised to do all things reasonable and necessary in order to comply with the public consultation process on the proposed planning scheme policy amendments and proposed new planning scheme policy in accordance with section 22 of the *Planning Act 2016*.

**ITEM C.4 – CONFIDENTIAL**

**PETRIE MILL REDEVELOPMENT STAGE 1 - PAPER AVENUE CULVERT  
EXTENSION - DIVISION 7**

**Meeting / Session:** 4 Asset Construction & Maintenance (Cr A Hain)

**Reference:** A18509628 : 22 May 2019 Refer **Confidential Supporting Information**  
**A18603957**

**Responsible Officer:** PH, Senior Project Manager (ECM Major Projects)

**Basis of Confidentiality**

Pursuant to s275(1) of the Local Government Regulation 2012, clause (e), as the matter involves contracts proposed to be made by the Council.

**Executive Summary**

As part of the Petrie Mill Redevelopment project, a culvert structure conveys stormwater flows from Whites Drain under the main entry road. The current culvert design is for a 110m long structure which was included in the tender for the Petrie Mill Redevelopment Civil Works Stage 1A contract MBRC007894 awarded to Hazell Bros (QLD) Pty Ltd.

Following further design development, there are significant benefits delivered through extending the culvert structure by an additional 75m. These benefits include replacement of a planned separate culvert (land bridge) structure with the extended culvert to provide a contiguous area for the active and adventure play spaces, amenities building, shade structures and connection of these public open space facilities to the oval and car parking.

**COMMITTEE RECOMMENDATION**

Moved by Cr Mick Gillam

Seconded by Cr Matt Constance

CARRIED 11/0

1. That Council prepares a Tender Consideration Plan for the large-sized contractual arrangement with Hazell Bros (QLD) Pty Ltd for the construction of an extension to the Paper Avenue culvert, as part of the Stage 1A works for the Petrie Mill Redevelopment Project.
2. That the Tender Consideration Plan for the large-sized contractual arrangement with Hazell Bros (Qld) Pty Ltd for the construction of the Paper Avenue culvert extension be adopted, as tabled.
3. That the construction of the Paper Avenue culvert extension be awarded to Hazell Bros (Qld) Pty Ltd as a variation to the Petrie Mill Redevelopment Civil Works Stage 1A (MBRC007894) contract with a total estimated value of \$895,109.65 (excluding GST).
4. That the Council enters into the agreement with Hazell Bros (Qld) Pty Ltd as described in this report.
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the agreement with Hazell Bros (Qld) Pty Ltd for the extension to the Paper Avenue culvert as a variation to Petrie Mill Redevelopment Civil Works Stage 1A (MBRC007894) and any required variations of the agreement on Council's behalf.

**ADJOURNMENT**

The meeting adjourned at 11.33am until a later time in the day.

The meeting resumed at 2.34pm.

**ATTENDANCE**

Cr Brooke Savige, Cr Adrian Raedel and Ms Kate Isles returned to the meeting at 2.35pm.

Committee further considered Item 2.1 (from Page 19/1102)

**ITEM 2.1 (CONT'D) - DECLARATION OF INTEREST**

**Conflict of Interest - Declaration - Cr Denise Sims**

Pursuant to s175E of the *Local Government Act 2009*, Cr Denise Sims declared a perceived conflict of interest in Item 2.1 (cont'd) as Paul Smith who acted as the Auditor of Cr Sims' 2016 election return was a submitter to the Development Application DA/37146/2018/V2U.

Cr Denise Sims retired from the meeting at 2.35pm taking no part in the debate or recommendation regarding same.

**2 PLANNING & DEVELOPMENT SESSION**

**(Cr M Gillam)**

**ITEM 2.1 (CONT'D)**

**DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK - DIVISION 11**

**APPLICANT: NBN C/- Aurecon Australasia**

**OWNER: Mr David J Merritt and Mrs Donna C Merritt**

*Meeting / Session:* 2 PLANNING & DEVELOPMENT

*Reference:* A18576724: 20 May 2019 – Refer Supporting Information A18577044, A18577042, A18577039, A18577040, A18577043, A18577123 & A18577122

*Responsible Officer:* CS, Senior Planner (PED Development Services)

**COMMITTEE RECOMMENDATION**

**Moved by Cr Darren Grimwade**

**Seconded by Cr Matt Constance**

**CARRIED 8/2**

*Cr Denise Sims had declared a Conflict of Interest and had retired from the meeting*

*Cr Peter Flannery and Cr Adrian Raedel voted against Committee's Recommendation*

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for a Telecommunications Facility at 230 Hipathites Road, Kobble Creek, described as Lot 2 RP162985, subject to the following plans/documents and conditions:

Plans and Documents to be amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Overall Site Plan	4DYB-51-06-SAMS-C2 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Site Setout Plan	4DYB-51-06-SAMS-C3 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Site Elevations and Details	4DYB-51-06-SAMS-C4 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019

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<b>Plans and Documents to be amended</b>			
NBN Antenna Configuration and Setout Plan	4DYB-51-06-SAMS-A1(Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Earthworks Plan	4DYB-51-06-SAMS-C5 (Rev A)	Aurecon Australasia Pty Ltd	26 April 2019
Vegetation Management Plan	DA_36100_2018_V2U (Rev 2)	Aurecon Australasia Pty Ltd	14 May 2019
Landslide Risk Assessment Report	4DYB-51-06-SAMS-02	Aurecon Australasia Pty Ltd	14 March 2019
Landscape Plan	2019.011 LP1.01 Issue C	Jeremy Ferrier	13 May 2019

### Conditions

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Amended Plans and/or Documents</b>	
	<p>Provide amended plans and documents to include and address the following requirements:-</p> <ul style="list-style-type: none"> <li>• Height of Overall Facility to be a maximum of 35m;</li> <li>• Setback to the compound is to be a minimum 10m from the Northern boundary;</li> <li>• Provision of at least 1 dedicated formalised carpark;</li> <li>• The landscaped buffer along the northern property boundary is to include at least one (1) row of Syzygium Resilience plants that are a minimum of 1.5 metres in height at the time of planting.</li> </ul> <p>Provide and Obtain approval from Council for the amended plans and documents.</p>	Within two months from the date of this decision.
<b>2</b>	<b>Colour of Telecommunications Facility</b>	
	<p>Ensure that the telecommunications facility and associated equipment shelter is painted with a colour that blends with the adjacent bushland vegetation and complies with the colour range detailed as follows unless otherwise approved by Council in writing:</p> <p>(a) Registered Colourbond 'Pale Eucalypt' non-reflective paint;</p> <p><b>OR</b></p> <p>(b) Acceptable colours from Australian Standard AS2700s - 1996 or equivalent that are appropriate for highly visible surfaces as they are harmonious with the natural landscape colours listed below.</p> <ul style="list-style-type: none"> <li>• G52 - Eucalyptus</li> <li>• G53 - Banksia</li> <li>• N45 - Koala Grey</li> </ul>	Prior to commencement of use and to be maintained at all times.

ITEM 2.1 (CONT'D) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
<ul style="list-style-type: none"> <li>• N32 - Green Grey</li> <li>• G54 - Mist Green</li> <li>• Y63 - Khaki</li> <li>• N35 - Light Grey</li> <li>• G56 - Sage Green</li> <li>• G55 - Lichen</li> </ul>	
<b>3 Warning Sign</b>	
Provide a warning information sign at the entrance to the lease area to prevent unauthorised entry.	To be maintained at all times after the commencement of the use.
<b>4 Security Fencing</b>	
Erect a black, chain wire mesh, security fence without barbed wire, with a maximum height of 2.4m, along all sides of the lease area, unless otherwise approved by Council in writing.	Prior to the commencement of the use and to be maintained at all times.
<b>5 Noise</b>	
<p>Ensure air conditioning equipment is located, designed, installed and maintained to achieve a component noise level of 0dB(A) above background noise level when measured at an affected building for a noise sensitive use.</p> <p>Notes: The component noise level for the equipment is to be measured as an LA90, T.</p> <p>'Background Noise Level' means LA90, T being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes using fast response.</p>	
<b>6 No Net Loss of Fauna Habitat</b>	
<p>Development does not result in the net loss of fauna habitat. Where development does result in the loss of a Habitat Tree, development will provide replacement fauna nesting boxes at the following rate:</p> <ol style="list-style-type: none"> <li>3. One (1) nest box for every hollow removed; or</li> <li>4. Where hollows have not yet formed in trees greater than 80cm in diameter at 1.3m in height, three (3) nest boxes are required for every habitat tree removed.</li> </ol>	Prior to the commencement of use.
<b>ENVIRONMENTAL PLANNING</b>	
<b>7 Vegetation and Fauna Management Plan</b>	
To reduce potential impacts on native fauna and regulated vegetation, carry out wildlife management and vegetation clearing procedures and protection/enhancement of retained vegetation in accordance with the approved Vegetation Management Plan.	Prior to and during site works.

ITEM 2.1 (CONT'D) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>8</b>	<b>Management of Wildlife</b>	
A	Carry out approved vegetation clearing under the supervision of a Fauna Spotter Catcher holding a valid Rehabilitation Permit from the relevant State Government Agency.	Prior to and during site works.
B	Provide an activity report, to be completed by the supervising Fauna Spotter Catcher, including: <ul style="list-style-type: none"> <li>• The number and species of any animals observed during clearing;</li> <li>• The actions taken to deal with observed animals;</li> <li>• The number of any animals that were required to be relocated;</li> <li>• The release site for any relocated animals;</li> <li>• The number (if any) of animals injured during clearing;</li> <li>• The treatment provided;</li> <li>• The outcome of any treatment; and</li> <li>• The location of the treatment.</li> </ul>	Within fourteen (14) days of completion of clearing.
<b>9</b>	<b>Extent of Vegetation Clearing</b>	
	Clearing of native vegetation must be limited to that which is necessary for the proposed development.	Prior to and during site works and to be maintained.
<b>10</b>	<b>Disposal of Cleared Vegetation</b>	
	Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility.  Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property.	At all times.
<b>11</b>	<b>Stockpiles of Construction and Landscaping Materials</b>	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, roadway or into any drain, wetland or watercourse.	During site works.
<b>12</b>	<b>Temporary Exclusion Fencing</b>	
	Delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental felling. Clearing is to be undertaken in accordance with AS 4970-2009 Protection of Trees on Development Sites.	During site works.
<b>DEVELOPMENT ENGINEERING</b>		
<b>13</b>	<b>Replace Existing Council Infrastructure</b>	

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ITEM 2.1 (CONT'D) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

CONDITION	TIMING	
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to commencement of use.
<b>14</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to commencement of use.
<b>15</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>16</b>	<b>Erosion and Sediment Control</b>	
A	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>17</b>	<b>Landslide Hazard</b>	
A	Provide RPEQ certification to the Building Certifier that the works have been designed in accordance with the recommendations of the Geotechnical Report - Landslide Hazard.	Prior to building works approval.
B	Construct the works in accordance with RPEQ certified design and the recommendations of the Geotechnical Report - Landslide Hazard.	Prior to commencement of use.
<b>CONCURRENCE AGENCY</b>		
<b>18</b>	<b>Concurrence Agency</b>	
A	Comply with the conditions of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) amended response dated 30 November 2018 (reference: 1811-8286 SRA) or as amended.	At all times.
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) have been met.	At all times.



ITEM 2.1 (CONT'D) DA/37146/2018/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATIONS FACILITY AT 230 HIPATHITES ROAD, KOBBLE CREEK -DIVISION 11 - A18576724 (Cont.)

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

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

**Decision Notice information**

	Details to Insert
<b>Application Type</b>	Material Change of Use - Development Permit for Telecommunications Facility
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	Building Works – Development Permit
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)
<b>Submissions</b>	There were thirty-two (32) properly made submissions about this application.

**ATTENDANCE**

Cr Denise Sims returned to the meeting at 2.45pm after consideration on Item 2.1 (cont'd).

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**CLOSURE**

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There being no further business the Chairperson closed the meeting at 2.45pm.