



# MINUTES

## GENERAL MEETING

**Wednesday 31 May 2023**

commencing at 9.33am

Strathpine Chambers  
220 Gympie Road, Strathpine

**ENDORSED GM20230614**

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

**CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING**

**General Meeting - 31 May 2023 (Pages 23/1008 to 23/1130)**

**RESOLUTION**

Moved by Cr Yvonne Barlow

Seconded by Cr Cath Tonks

**CARRIED 11/0**

That the minutes of the General Meeting held 31 May 2023, be confirmed.

## LIST OF ITEMS

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10. **NOTICES OF MOTION (Repeal or amendment of resolutions)** 1011  
*(s262 of the Local Government Regulation 2012)*
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*(as referred by the Chief Executive Officer)*
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COMMUNITY OPERATIONAL SUPPORT GRANT - PASIFIKA VIBES FESTIVAL  
*RESOLUTION*  
REPORT DETAIL

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31 May 2023

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## **STATEMENT - ATTENDEES AND LIVESTREAMING**

The Acting Mayor advised that the meeting will be live streamed and the video recording of the meeting will be available on the council's website.

Attendees must be aware that incidental capture of an image or sound of persons in the public gallery, may occur.

By remaining at the meeting attendees consent to being filmed and the possible use of their image and sound being published in the live streaming and recorded video of this meeting.

### **1. ACKNOWLEDGEMENT OF COUNTRY**

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Cr Mick Gillam provided the Acknowledgement of Country.

### **2. OPENING PRAYER / REFLECTION**

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Cr Mick Gillam provided the opening prayer / reflection for the meeting.

### **3. ATTENDANCE & APOLOGIES**

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#### **Attendance:**

Cr Jodie Shipway (Acting Mayor) (Chairperson)  
Cr Brooke Savige (*via videoconference*)  
Cr Mark Booth  
Cr Adam Hain  
Cr Sandra Ruck  
Cr Karl Winchester  
Cr Yvonne Barlow  
Cr Mick Gillam  
Cr Cath Tonks  
Cr Darren Grimwade  
Cr Tony Latter

#### **Apologies:**

Cr Peter Flannery (Mayor) - representing Council at the New Zealand Trade Mission 2023.  
Cr Matt Constance - representing Council at the LGAQ Disaster management Conference.

#### **Officers**

Chief Executive Officer	(Scott Waters)
Deputy CEO/Director Projects & Asset Services	(Tony Martini)
Director Community & Environmental Services	(Bill Halpin)
Director Finance & Corporate Services	(Donna Gregory)
Director Planning	(David Corkill)
Chief Legal Counsel	(Kate Draper)
Manager Parks and Recreation Planning	(Wes Mortensen)
Manager Strategic Infrastructure Planning	(Stuart Piper)
Manager Integrated Transport Planning	(Jon Dare-Williams)
Acting Manager Property Services	(Deanne Wheeler)
Meeting Support	(Larissa Kerrisk)

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#### 4. MEMORIALS OR CONDOLENCES

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

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

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##### **General Meeting - 17 May 2023 (Pages 23/941 - 23/988)**

<b>RESOLUTION</b>
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Moved by Cr Yvonne Barlow

Seconded by Cr Mark Booth

**CARRIED 11/0**

That the minutes of the General Meeting held 17 May 2023, be confirmed.

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#### 6. ADOPTION OF AUDIT COMMITTEE MEETING REPORT & RECOMMENDATIONS

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##### **Audit Committee Meeting - 18 May 2023 (Pages 23/989 - 23/1007)**

<b>RESOLUTION</b>
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Moved by Cr Sandra Ruck

Seconded by Cr Cath Tonks

**CARRIED 11/0**

That the report and recommendations of the Audit Committee Meeting held 18 May 2023, be adopted.

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#### 7. PRESENTATION OF PETITIONS

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

##### **7.1. Petition - Luke Howarth MP re: the re-opening of the Redcliffe City Clay Target Club (67066722)**

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Cr Karl Winchester tabled a petition containing 224 signatures, received from Luke Howarth MP, reading as follows:

*"We the undersigned residents of Queensland request that Council:*

*Re-consider the proposed action to occur at the Redcliffe City Clay Target Club. The Facility, owned by Moreton Bay Regional Council (MBRC), is leased to the Redcliffe City Clay Target Club. The Redcliffe City Clay Club has been non-operational for an extended period during these works and have not been located to another premise on the interim.*

*No public or indigenous stakeholder consultation has been undertaken.*

*It is crucial [sic] that the Moreton Bay Regional Council immediately re-open the Redcliffe City Clay Club. The development approval application was lodged in late 2021 and construction remains on-going over two years later.*



7.1 Petition - Luke Howarth MP re: the re-opening of the Redcliffe City Clay Target Club (Cont.)

*It is important that we support and facilitate prospective competitors [sic] at the Clay Club, particularly given the impending Olympic Games in Brisbane.*

*The signatories attached request the immediate re-opening of the Redcliffe City Clay Club."*

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

## 8. CORRESPONDENCE

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There was no correspondence tabled.

## 9. COMMUNITY COMMENT

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

### 9.1. Community Comment: Peter Row - Biorock Reef (67132966)

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As approved by the Chief Executive Officer, Peter Row has been invited to address the Council in respect of Biorock Reef. The following points were made as part of the address:

- The Living Coast Plan is an item on today's agenda for consideration of endorsement.
- Living rock, known as Biorock can be used instead of rocks and wrecks to make onshore and offshore breakwaters to protect coastlines.
- Biorock is made from saltwater electrolysis and is a crystal form of the mineral calcium carbonate. The mineral continues to grow over time, as long as the electrical current flows.
- It is more cost-effective to construct and maintain and grows stronger over time, including growing back if damaged.
- Biorock reefs are more effective at protecting coastlines than seawall alternatives. They are flexible and adaptable and can be grown to any size or shape.
- Saltwater electrolysis reefs mimic all the functionality of natural coral reefs and are more versatile. The living reef increases marine flora and fauna settlement and survival.
- Biorock reefs provide the only adaptive protection that will never be outstripped by sea level rise.
- Recommend that Council consider a more cost-effective eco-engineering solution when implementing its economic development and coastal plans - to build a 'living reef' to represent a 'living coast'.

### 9.2. Community Comment: Don Cousins - Samford and Districts Progress and Protection Association Inc (SDPPA) - DA/2022/4057, 2-4 Main Street, Samford Village (67106259)

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As approved by the Chief Executive Officer, Don Cousins - Vice President of the Samford and Districts Progress and Protection Association Inc has been invited to address the Council in respect of DA/2022/4057 - 2-4 Main Street, Samford Village. The following points were made as part of the address:

- The DA is outside of Council's zoning codes and does not embrace the community's lived experience, particularly in regard to Samford Village's rural feel and local township character. It does not meet Council requirements concerning the Samford Village Township Residential Precinct.
- Seeks to change 1-3 Junction St from residential to commercial premises. If approved, it will turn quiet residential streets into busy thoroughfares.

9.2 *Community Comment: Don Cousins (SDPPA) DA/2022/4057 (Cont.)*

- The DA would increase in traffic along Junction and Progress Streets with 1400 or more vehicles a day using local residential streets. Current figures are less than 100 vehicles per day.
- The DA does not adequately address the issue of logistic operations to support the commercial tenancies, such as trucks having to use the width of Junction Street, and likely residents' driveways, to access the proposed loading dock.
- There is insufficient carparking spaces provided under the DA to accommodate the potential parking demands.
- The height exceeds 8.5 metres above the natural ground level and will represent a large box. The site design does not allow for any significant landscaping to break the shape and scale of the building.
- It is a large built structure that more imposing than all other built forms in the area and in the Village. The entrance to Samford Village and Main Street will be framed by an over-sized imposing eyesore.

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

*(s262 of the Local Government Regulation 2012)*

There were no notices of motion.

**11. CONFLICTS OF INTEREST NOTIFIED TO THE CEO**

*Conflicts of interest notified to the CEO where not specifically related to an item on this agenda*

There were no notified conflicts of interest.

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

*(as referred by the Chief Executive Officer)*

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

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

Session	Portfolio Councillors	
<b>1 Vibrant Communities</b>	Cr Y Barlow	Cr S Ruck
<b>2 Healthy Environments</b>	Cr C Tonks	Cr B Savige
<b>3 Well-planned Places</b>	Cr J Shipway (Deputy Mayor)	Cr M Booth
<b>4 Well-connected Places</b>	Cr A Hain	Cr M Gillam
<b>5 Progressive Economy</b>	Cr K Winchester	Cr T Latter
<b>6 Engaged Council</b>	Cr M Constance	Cr D Grimwade

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**1 VIBRANT COMMUNITIES SESSION**

(Cr Y Barlow / Cr S Ruck)

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**ITEM 1.1**

**COMMUNITY OPERATIONAL SUPPORT GRANT - PASIFIKA VIBES FESTIVAL**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 66920936 : 9 May 2023  
*Responsible Officer:* JB, Community Grants and Partnerships Officer (CES Community Services, Sport & Recreation)

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**Executive Summary**

This report seeks Council's approval to provide a two-year Community Operational Support Grant (COSG) in the amount of \$5,000 (excl GST) per annum, to Pasifika Families Inc towards costs associated with the delivery of Pasifika Vibes Festivals in 2024 and 2025.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the provision of a grant to a community organisation that will support communities to come together to participate in and celebrate different cultures and life experiences

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**RESOLUTION**

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Moved by Cr Adam Hain

Seconded by Cr Cath Tonks

**CARRIED 11/0**

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that the 2024 and 2025 Pasifika Vibes Festivals will deliver significant benefits to the Moreton Bay Region.
2. That, under the provision of Council's Community Grants Policy, Council provides a two-year Community Operational Support Grant in the amount of \$5,000 (excl GST) per annum, to Pasifika Families Inc towards costs associated with the delivery of the 2024 and 2025 Pasifika Vibes Festivals, as detailed in this report.
3. That Council provides sufficient funds as part of its 2023/24 and 2024/2025 operational budgets to meet the costs associated with the grant referred to in Recommendation 2.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

*ITEM 1.1 COMMUNITY OPERATIONAL SUPPORT GRANT - PASIFIKA VIBES FESTIVAL - 66920936 (Cont.)*

## **OFFICER'S RECOMMENDATION**

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council considers that the 2024 and 2025 Pasifika Vibes Festivals will deliver significant benefits to the Moreton Bay Region.
2. That, under the provision of Council's Community Grants Policy, Council provides a two-year Community Operational Support Grant in the amount of \$5,000 (excl GST) per annum, to Pasifika Families Inc towards costs associated with the delivery of the 2024 and 2025 Pasifika Vibes Festivals, as detailed in this report.
3. That Council provides sufficient funds as part of its 2023/24 and 2024/2025 operational budgets to meet the costs associated with the grant referred to in Recommendation 2.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

## **REPORT DETAIL**

### **1. Background**

Pasifika Families Inc is a non-profit community organisation based in the Moreton Bay Region, who delivers a variety of services aimed at supporting families of all Pacific cultures. One such service provided by the organisation is the annual Pasifika Vibes Festival (Festival), which was established in 2011.

The Festival is a celebration of Pacific Island and New Zealand Maori culture and provides an avenue for building community relations and improving community understanding of multiculturalism. It is one of the largest Polynesian festivals in South-East Queensland, attracting approximately 15,000 attendees each year, and the largest multicultural festival in the Moreton Bay Region. Due to COVID-19 restrictions and related risks, the Festival was paused from 2020 to 2022, however successfully re-commenced on 1 May 2023 at the Pine Rivers Showgrounds, Lawnton.

Under the provisions of Council's Community Grants Policy (No. 2150-030), Council may provide a Community Operational Support Grant (COSG) to an eligible community organisation for the delivery of services or activities that provide public benefit to residents of the region. COSGs are provided by Council as part of its annual budget or may be approved by resolution of Council.

With the exception of the 2020 - 2022 (COVID-19 closedown), Pasifika Families Inc has historically been the recipient of an annual COSG from Council for costs associated with the Pasifika Vibes Festival. In 2022/23, Council provided a \$5,000 COSG to the organisation under a one-year agreement towards the 2023 Festival. Whilst this grant is yet to be formally acquitted, feedback received from attendees suggest that the 2023 Festival was highly successful and achieved the desired objectives.

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

Council has received a request from Pasifika Families Inc seeking continued funding support from Council towards the 2024 and 2025 Pasifika Vibes Festivals, which are again expected to be held on the Labour Day Public Holiday at Pine Rivers Show Grounds, Lawnton. An assessment of this request has been undertaken by Council's Community Grants and Partnerships Unit, with consideration to the provisions of the Community Grants Policy (No. 2150-030). The key findings of the assessment are as follows:

- The applicant (Pasifika Families Inc) and their activities (2024 and 2025 Festivals) meet the eligibility requirements for a COSG under the provisions of Council's Community Grants Policy;
- With consideration to the scale and focus of the activity, the Festival is considered to be a unique service type within the region; and

ITEM 1.1 COMMUNITY OPERATIONAL SUPPORT GRANT - PASIFIKA VIBES FESTIVAL - 66920936 (Cont.)

- As the largest multicultural festival in the region, the Festival is considered an event of strategic importance to the region and will contribute towards the achievement of various Strategic Priorities as detailed in Council's Draft Community Wellbeing Strategy.

A briefing with Councillors was conducted on 26 April 2023 for the purpose of sharing information with Council and seeking feedback on the funding request. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**The CEO noted the way forward:**

A report be prepared for a future Council Meeting for Council's consideration of new Community Operational Support Grants.

With consideration to the community and cultural benefits to the Moreton Bay Region resulting from the Pasifika Vibes Festival, it is recommended that Council award a two-year COSG of \$5,000 (excl GST) per annum to Pasifika Families Inc towards the delivery of the 2024 and 2025 Festivals.

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Council's Community Grants programs are administered in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 03 Our communities embrace opportunities for participation in creative experiences and celebrate our stories, cultures and identities.

#### 3.3 Policy Implications

The Community Operational Support Grant proposed by this report will be provided in accordance with Council's Community Grants Policy (No. 2150-030).

#### 3.4 Risk Management Implications

All community organisations that receive a community grant from Council are required to enter into a funding agreement. This agreement stipulates the terms and conditions of funding, including the period of funding, and assists Council in mitigating various risks associated with grant funding arrangements.

#### 3.5 Delegated Authority Implications

As per Recommendation 4 of this report, it is proposed that the Chief Executive Officer be authorised to take all action necessary, including but not limited to negotiating, making, amending, signing and discharging the funding agreement on Council's behalf, as described in this report.

#### 3.6 Financial Implications

This report recommends the provision of a \$5,000 (excl GST) grant to Pasifika Families Inc in the 2023/24 and 2024/25 financial years. In accordance with Recommendation 3 of this report, Council will be required to make provision for these funds in its future operational budgets.

#### 3.7 Economic Benefit Implications

☒ Nil identified

#### 3.8 Environmental Implications

☒ Nil identified

#### 3.9 Social Implications

Council's community grant programs, including the COSG program, provide assistance to community organisation in the delivery of various community, cultural, sport and recreation projects and activities that respond to the needs of the Moreton Bay community.

*ITEM 1.1 COMMUNITY OPERATIONAL SUPPORT GRANT - PASIFIKA VIBES FESTIVAL - 66920936 (Cont.)*

The Pasifika Vibes Festival is the largest multicultural event within the Moreton Bay Region and plays an important role in celebrating Pacific Island and New Zealand Maori culture.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Mayor and Councillors - Council Briefing 26 April 2023  
Relevant Council departments

## **ATTENDANCE**

Wes Mortensen attended the meeting at 9.58am for discussion on Item 1.2

## ITEM 1.2

### ARANA HILLS - PATRICKS ROAD - NAMING OF DOUG CAMPBELL PLACE

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 66812136: 4 April 2023  
*Responsible Officer:* BS, Senior Business Systems Officer (IP Parks & Recreation Planning)

#### Executive Summary

An application has been received requesting that an area of parkland within Leslie Patrick Park, located at 135 Olearia Street, Arana Hills, be named in recognition of the late Doug Campbell. This report provides Council with background information relevant to the application and recommends that a 'Place' within Leslie Patrick Park on Lot 189, SP192573 be named 'Doug Campbell Place'.

This matter is brought to the attention of Council under the **Vibrant Communities portfolio** as it relates to the naming of parks.

#### RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Mick Gillam

CARRIED 11/0

1. That having regard to the information provided within this report and subject to the outcome of public advertising, the naming of a 'Place' (see figure 1) within Leslie Patrick Park on Lot 189, SP192573 as 'Doug Campbell Place', be approved.
2. That public advertising of the proposal to name a 'Place' within the park be undertaken via appropriate digital and print media platforms, having a distribution covering the general vicinity of the subject park, and on Council's website, with public submissions open for a period of 28 days.
3. That should any non-supportive submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

ITEM 1.2 ARANA HILLS - PATRICKS ROAD - NAMING OF DOUG CAMPBELL PLACE - 66812136 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That having regard to the information provided within this report and subject to the outcome of public advertising, the naming of a 'Place' (see figure 1) within Leslie Patrick Park on Lot 189, SP192573 as 'Doug Campbell Place', be approved.
2. That public advertising of the proposal to name a 'Place' within the park be undertaken via appropriate digital and print media platforms, having a distribution covering the general vicinity of the subject park, and on Council's website, with public submissions open for a period of 28 days.
3. That should any non-supportive submissions be received as a result of public advertising; the matter be referred to Council in a subsequent report.

**REPORT DETAIL**

**1. Background**

An application has been received by Council requesting that a 'Place' within Leslie Patrick Park on Lot 189, SP192573 (refer Figure 1), located at 135 Olearia Street, Arana Hills, be named in recognition of Doug Campbell.



Figure 1 'Place' within Leslie Patrick Park to be named Doug Campbell Place

**2. Explanation of Item**

Under Policy No: 11-2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads), applicants are required to provide documentation to substantiate the good character of the person or persons being acknowledged. This application has been supported by Division 10 Councillor, Matt Constance and Member for Dickson, Peter Dutton.

The application was made to recognise the contributions made by Mr Campbell to the Arana Hills community.



ITEM 1.2 ARANA HILLS - PATRICKS ROAD - NAMING OF DOUG CAMPBELL PLACE - 66812136 (Cont.)

Information received from the applicant notes the following in respect of Mr Campbell:

*The purpose of the place naming is to acknowledge the volunteer role Doug played in enriching the forecourt landscape of the park and his support for mentoring local school children in the application of numerous art media during his involvement in the creation and installation of art elements.*

*The nomination is specifically in recognition of the significant volunteer efforts of Doug associated with his role as the community representative on the prior Pine Rivers Shire Council, Arana Hills CBD Streetscape Committee and subsequent role related to art installations located within the park.*

*Doug Campbell was a former resident of the Hills District, raising a family and residing in the area until his passing in 2011. Doug was a celebrated local ceramic artist and participated in the ideation and implementation of a number of works within the park and at the nearby Council Library in Cobbity Crescent. During his participation in the local streetscape Committee, Doug also influenced the distinctive form of the harbour structure in the forecourt of the park and the pavement inlays and pillar art panels.*

*Doug assisted art students at local schools for several years culminating in the installation of art elements between 2002 and 2007. He also crafted installation panels in the Hills District Community Centre forecourt. Doug was also a passionate champion for community initiatives and was a member of the 'Friends of the Library Group' which campaigned for a higher standard of service and landscaping during construction of the new Council facility.*

*He also held numerous positions on the Arana Hills Progress Association.*

*Doug volunteered significant personal time on both the streetscape committee and associated art projects. In support of Council officers, he also facilitated numerous art studio sessions with local schools, which culminated in work created by local students being installed within the park.*

*Doug provided voluntary tuition in a number of art media including drawing, clay, ceramics, lino print and poetry. He fired works in his private kiln (both Bisque and enamel firing) resulting in permanent works in the public realm. Doug also collaborated with Council officers and local commercial artists who were paid for their works, also still located within the park.*

The recommendation to name the area after Mr Campbell complies with the Council's policy guideline as outlined below:

- Names of respected community members of considerable service who are, or were, resident or working within the region.

Council internal policy requires that any proposal to name an area of parkland be advertised in local newspapers for a period of up to 28 days during which time submissions can be received. This process allows Council to assess any possible objections to the proposed naming. Other suitable digital media outlets will also be utilised where local print newspapers are not in existence.

The signage for this proposed naming would be installed in a suitable location in the park on Patricks Road.

A history board is proposed to be installed in conjunction with the new signage to explain the connection Mr Campbell had with the land. The proposed wording is as follows:

*'Doug Campbell freely gave his time to benefit the Hills community including working with local schools to create the Ceramic artworks found nearby.'*

*ITEM 1.2 ARANA HILLS - PATRICKS ROAD - NAMING OF DOUG CAMPBELL PLACE - 66812136 (Cont.)*

### 3. Strategic Implications

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 03 Our communities embrace opportunities for participation in creative experiences and celebrate our stories, cultures and identities.

3.3 Policy Implications

The submission has been assessed under MBRC Policy No: 2150-039, Naming of Council Owned or Administered Buildings, Structures and other Assets (excluding roads).

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

The estimated cost of fabricating and installing a new sign in accordance with the draft Park and Open Space Signage Guidelines is approximately \$2,000 and can be covered through current financial year budget.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications

Formal naming will provide improved awareness of, and the ability to recognise, distinct locations within the region.

3.10 Human Rights Implications

*Under the Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

The submission has been discussed with the Divisional Councillor, who supports the proposal for the area to be named.

### **ATTENDANCE**

Wes Mortensen left the meeting at 10.00am following consideration of Item 1.2.

**ITEM 1.3**

**WOODFORD LIONS CLUB INCORPORATED - DISCRETIONARY FUNDS**

*Meeting / Session:* 1 VIBRANT COMMUNITIES  
*Reference:* 67085508 : 24 May 2023  
*Responsible Officer:* HK, Senior Executive Support Officer (CEOs Office)

**Executive Summary**

Council makes discretionary funds available each financial year to community organisations for community purposes in accordance with Council's Discretionary Funds Policy, Availability Notice and Guidelines.

This matter is brought to the attention of Council under **Vibrant Communities portfolio** as this report relates to funding made available by Council to community organisations under Council's Discretionary Funds Policy to support the sustainable delivery of community, cultural, sporting and environmental projects that provide a demonstrated benefit to the Moreton Bay Region.

Cr Tony Latter allocated \$2,000 on 16 August 2022 from the Division 12 allocation to Woodford Lions Club Incorporated for Entertainment, lantern materials, advertising and portable toilets for a street parade event.

An additional request has been received from the Woodford Lions Club for funding towards the 'Dancing in the Cool' community dance event to be held on 3 June 2023, however as it will exceed the maximum amount allowed under Council's Discretionary Fund Guidelines, Council's consideration is sought. Cr Latter has indicated he would like to support this further request through the discretionary fund program in the amount of \$2,000.

**RESOLUTION**

Moved by Cr Tony Latter

Seconded by Cr Jodie Shipway (Acting Mayor)

**CARRIED 11/0**

**That the request by the Woodford Lions Club Incorporated under Council's Discretionary Funds Policy for hall and band hire, prizes and catering to be used for the Dancing in the Cool community dance event in the amount of \$2,000 be approved from Division 12 allocation.**

ITEM 1.3 WOODFORD LIONS CLUB INCORPORATED - DISCRETIONARY FUNDS - 67085508 (Cont.)

**OFFICER'S RECOMMENDATION**

**Council direction is required** in relation to the request by the Woodford Lions Club Incorporated for Hall and band hire, prizes and catering for the Dancing in the Cool community dance event to be held on 3 June 2023 for the amount of \$2,000.

**REPORT DETAIL**

**1. Background**

An application considered eligible by Council's Community Grants Team has been received from Woodford Lions Club Incorporated for hall and band hire, prizes and catering for the Dancing in the Cool community dance event to be held on 3 June 2023 for the amount of \$2,000.

Cr Tony Latter previously allocated \$2,000 on 16 August 2022 from the Division 12 allocation to Woodford Lions Club Incorporated for Entertainment, lantern materials, advertising and portable toilets for a street parade event.

**2. Explanation of Item**

Due to the additional request from Woodford Lions Club Incorporated exceeding the maximum amount allowed under Council's Discretionary Fund Guidelines, a report is required for Council's consideration.

**3. Strategic Implications**

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Vibrant Communities: 03 Our communities embrace opportunities for participation in creative experiences and celebrate our stories, cultures and identities.

3.3 Policy Implications

Arrangements will be made in accordance with Council's Discretionary Funds Policy 2150-101.

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Appropriate funds have been provided in the 2022/2023 budget and the application for funding is eligible under the 2022/2023 Discretionary Funds guidelines.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Manager Governance and Executive Services  
Division 12 Councillor  
Community Grants

## **ATTENDANCE**

Stuart Piper attended the meeting at 10.02am for discussion on Item 2.1.

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## **2 HEALTHY ENVIRONMENTS SESSION**

(Cr C Tonks / Cr B Savage)

### **ITEM 2.1 LIVING COAST PLAN**

*Meeting / Session:* 2 HEALTHY ENVIRONMENTS  
*Reference:* 66911911 : 12 May 2023 - **Refer Supporting Information 66911839**  
*Responsible Officer:* GD, Program Lead - Coastal Planning and Policy (IP Strategic Infrastructure Planning)

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#### **Executive Summary**

Council officers have prepared the Living Coast Plan as a key deliverable of the Coastal Hazard Adaptation Strategy (CHAS).

The Living Coast Plan has undertaken a region wide risk assessment of storm tide, tidal inundation, and coastal erosion impacts projected across multiple timeframes to the year 2100. The project has provided an assessment for all coastal communities and identified that if risk mitigation begins now, coastal hazards will remain manageable for the region.

It is recommended that the Living Coast Plan be endorsed by Council and that Council, subject to available budget, commences to implement the priority actions stated in the Living Coast Plan.

This matter is brought to the attention of Council under the **Healthy Environments portfolio** as the 'Living Coast Plan (Plan)' is identified as a focus for the next five years and is a key plan under the *Our Healthy Environment* pillar in Council's Corporate Plan. As a key plan the CHAS is required to proactively manage the impact of climate change and predicted coastal hazards associated with it.

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## **RESOLUTION**

**Moved by Cr Mark Booth**

**Seconded by Cr Karl Winchester**

**CARRIED 11/0**

- 1. That the Living Coast Plan be endorsed, as appearing in the supporting information to this report.**
- 2. That subject to available budget Council commences the implementation of the priority actions stated in the Living Coast Plan.**

*ITEM 2.1 LIVING COAST PLAN - 66911911 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That the Living Coast Plan be endorsed, as appearing in the supporting information to this report.
2. That subject to available budget Council commences the implementation of the priority actions stated in the Living Coast Plan.

## **REPORT DETAIL**

### **1. Background**

Several Councillor briefings have been provided to seek feedback throughout the CHAS project. A Councillors' briefing was conducted on 26 October 2022 and was provided for the purpose of sharing information and advice to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**The CEO noted the way forward:**

The Living Coast Plan will be submitted for consideration of endorsement at a General Meeting in March 2023.

A briefing via the Councillor Portal was provided on 27 April 2023 to provide an update to Councillors following community consultation.

The Living Coast Plan has been produced as part of Council's CHAS project. It is partly funded by the State Government through the Local Government Association of Queensland's (LGAQ) QCoast2100 program. Moreton Bay Regional Council is one of over 30 Queensland Council's to complete a CHAS.

The CHAS has undertaken a region wide risk assessment of storm tide, tidal inundation, and coastal erosion impacts projected across multiple timeframes to the year 2100. The project has provided an assessment for all coastal communities and found that if risk mitigation begins now, coastal hazards will remain manageable for the region.

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

The Living Coast Plan provides an overview of our coastal communities, the coastal hazards they are exposed to, and how they can adapt long term. The plan provides Council with a tool to work with coastal communities to reduce coastal hazard risk and improve long term resilience. It identifies suburb scale coastal hazards impact description, a proposed adaptation pathway and recommended actions.

The CHAS project followed an eight-phase risk assessment determined by the QCoast2100 Program. Each phase was reviewed by the LGAQ and State Government. The phases included:

- Phase 1 - Stakeholder engagement and communication to determine community values and preferences towards different coastal hazard management options. Community engagement undertaken for this phase is summarised in an *Engagement Summary Report* available on Council's website.
- Phase 2 - An analysis to determine the information required to undertake the risk assessment.
- Phase 3 - Identification of coastal hazard areas and erosion prone areas for the present day, the year 2050, and 2100.
- Phase 4 - Identification of public and private assets exposed to coastal hazards.
- Phase 5 - Assessment of coastal hazard risk for exposed public and private assets that considered feedback from coastal communities and previous flood risk assessment settings developed by Council.
- Phase 6 - Identification of options applicable for the region to manage coastal hazards.
- Phase 7 - A socio-economic analysis of coastal hazard management responses to understand the suitability of options for each coastal suburb.
- Phase 8 - The Living Coast Plan and provision of CHAS project information across Council to inform activities from planning and infrastructure design to asset maintenance and disaster management.

*ITEM 2.1 LIVING COAST PLAN - 66911911 (Cont.)*

The draft Living Coast Plan underwent public consultation from November 2022 to December 2022. There was significant support from the community for the plan with key feedback themes being a focus on environment, education and awareness, and readiness to act to improve resilience. The community was accepting of the risk assessment with some communities indicating that they are ready to take action to increase their own resilience to coastal hazards.

As well as a plan to protect public and private assets, the Living Coast Plan seeks to protect and enhance priority community values in coastal areas. These values include preserving scenic amenity, preserving natural ecosystems, providing access to the foreshore and coastline, preserving cultural heritage, protecting opportunities for sport and recreation, and providing business and commercial opportunities in coastal areas. The plan has also been developed and consulted across Council and will be used to inform activities from planning and infrastructure design to asset maintenance and disaster management.

Adaptation pathways have been developed for each coastal suburb that identify the preferred coastal management response for present day, the years 2050 and 2100. The adaptation pathway includes avoiding coastal hazards, monitoring their impacts, actively managing, and transitioning public and private assets away from intolerable coastal hazard risk. Each suburb adaptation pathway identifies priority actions to keep coastal hazard risks at tolerable levels through to the year 2100. This includes managing the impacts of projected sea level rise.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

- Our Healthy Environments: 02 Our coasts and waterway catchments are used sustainably, and environmental values are protected and enhanced.
- Our Healthy Environments: 04 We understand and proactively respond to climate change and natural hazard risks.

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications

The project has completed a risk assessment for all coastal communities and found that if risk mitigation begins now, coastal hazards will remain manageable for the region. The Living Coast Plan identifies actions applicable to keeping coastal hazard risks at a tolerable level.

The risk assessment has identified only small areas of the region are at high risk of coastal hazards presently. By 2050, hot spot areas emerge at Toorbul, Beachmere, Scarborough and Dohles Rocks. In addition to these locations, by 2100 Bribie Island, Godwin Beach and Clontarf become hot spots exposed to high risk coastal hazards.

The tangible and intangible costs to Council and the region increase significantly if coastal hazards are not effectively managed. Estimated average annual damages from coastal hazards have been calculated if coastal hazard impacts are left untreated from what is experienced now and expected in the years 2050 and 2100. This is a probability weighted estimate of damages and losses that may occur to public, private, built and natural assets.

Average annual damages caused by coastal hazards for buildings and facilities is currently estimated at \$13m. If coastal hazard impacts are left untreated this is expected to increase to \$151m by the year 2100. Average annual damages to intangible assets such as the environment and impacts such as stress, anxiety, injury, and loss of life is currently estimated at \$24m however, increases to \$264m by 2100 if untreated.

ITEM 2.1 LIVING COAST PLAN - 66911911 (Cont.)

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Actions identified in the Living Coast Plan closely align with existing Council functions and identify how to modify these to reduce coastal hazard risks. The actions identified in the Living Coast Plan have been estimated at \$3M over 10 years. Most of the implementation cost is linked to activities that are currently funded. New initiatives will progress by utilising grant funding opportunities similar to the QCoast 2100 Program. Where there is a funding gap in implementing the Living Coast Plan actions, funding will be sought through a resolution from Council.

3.7 Economic Benefit Implications

The Living Coast Plan and recommended actions have identified that an estimated \$116 million in average annual damages (weighted assessment of damages and losses) caused by coastal hazards to buildings and facilities may be able to be avoided.

Council actively manages coastal hazard risk and potential damages through the Planning Scheme, coastal defence infrastructure and activities, and asset management. In most cases adjusting the current coastal hazard management measures based on the recommendations of the CHAS should be sufficient to manage potential damages. However, many of the adaptation measures required beyond 2050 are identified in the CHAS implementation plan and need to start now to allow for public and private assets to be resilient by 2050.

3.8 Environmental Implications

The CHAS has identified key environmental areas impacted by coastal hazards but not how these areas may adapt and change in the future. The Living Coast Plan identifies the need to undertake monitoring in these areas so that environmental changes can be measured, and management plans developed.

3.9 Social Implications

Improved resilience to coastal hazards can help maintain the character of coastal communities. Our coastal communities provide unique liveability and are highly desirable. As they improve their resilience to coastal hazards it ensures that the Moreton Bay region provides a variety of community types.

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Community Consultation
  - Community Reference Group
  - 17 Pop-up information sessions
  - Community group meetings
- Council Consultation
  - Drainage, Waterways and Coastal Planning
  - Strategic Infrastructure Planning
  - Integrated Transport Planning
  - Parks and Recreation Planning
  - Environment Sustainability Policy and Planning
  - Strategic Planning and Placemaking
  - Development Services
  - Asset Management
  - Emergency Management
- Technical Working Group
- Project Control Group
- Project Steering Group



## **ATTENDANCE**

Stuart Piper left the meeting at 10.06am following consideration of Item 2.1 and Jon Dare-Williams attended the meeting at this time for discussion on Item 3.1.

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### **3 WELL-PLANNED PLACES SESSION (Cr J Shipway (Deputy Mayor) / Cr M Booth)**

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#### **ITEM 3.1 WATTLE ROAD, CABOOLTURE - ROAD RENAMING REQUEST**

*Meeting / Session:* 3 WELL-PLANNED PLACES  
*Reference:* 66525655 : 7 March 2023 - **Refer Supporting Information 66525656**  
*Responsible Officer:* SI, Team Leader - Transport Network Management (IP Integrated Transport Planning)

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#### **Executive Summary**

Requests have been received to rename the recently constructed Wattle Road, Caboolture to an alternate street name. The name of Wattle Road is too similar to the existing Wattle Way in Caboolture and is creating confusion for homeowners receiving deliveries. It is recommended that the road be renamed Fig Bay Road, Caboolture, extending to the existing Fig Bay Road.

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the goal of this report is to make it easier for motorists to find their destination.

#### **RESOLUTION**

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**Moved by Cr Adam Hain**

**Seconded by Cr Mick Gillam**

**CARRIED 11/0**

1. That Council endorse the renaming of Wattle Road, Caboolture to Fig Bay Road, Caboolture as depicted in Figure 1 of this report.
2. That Council endorses the change in the following addresses:
  - a) 2 Wattle Road, CABOOLTURE => 16 Fig Bay Road, CABOOLTURE
  - b) 6 Wattle Road, CABOOLTURE => 20 Fig Bay Road, CABOOLTURE
  - c) 12 Wattle Road, CABOOLTURE => 26 Fig Bay Road, CABOOLTURE
3. That should Council endorse the proposed change, directly impacted residents are advised of the decision in writing.

*ITEM 3.1 WATTLE ROAD, CABOOLTURE - ROAD RENAMING REQUEST - 66525655 (Cont.)*

## **OFFICER'S RECOMMENDATION**

1. That Council endorse the renaming of Wattle Road, Caboolture to Fig Bay Road, Caboolture as depicted in Figure 1 of this report.
2. That Council endorses the change in the following addresses:
  - a) 2 Wattle Road, CABOOLTURE => 16 Fig Bay Road, CABOOLTURE
  - b) 6 Wattle Road, CABOOLTURE => 20 Fig Bay Road, CABOOLTURE
  - c) 12 Wattle Road, CABOOLTURE => 26 Fig Bay Road, CABOOLTURE
3. That should Council endorse the proposed change, directly impacted residents are advised of the decision in writing.

## **REPORT DETAIL**

### **1. Background**

A recent subdivision of 165 Alcock Road, Caboolture included the construction of Wattle Road, Caboolture and Fig Bay Road, Caboolture. Four new properties were created from this subdivision, 2 Wattle Road (residential), 6 Wattle Road (residential), 12 Wattle Road (Council park) and 6 Fig Bay Road (residential).

The residents of 2 and 6 Wattle Road, Caboolture have contacted Council raising concerns with the difficulty they are having receiving deliveries while constructing their new houses, and receiving mail since they have moved in. Many of their deliveries are being taken to Wattle Way, Caboolture including gas cylinders. There is also risk of emergency services being delayed in attending any calls at these locations, as a result of the address confusion.

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

Currently, mapping systems do direct users to Wattle Way, Caboolture when inputting Wattle Road, Caboolture. This may improve in the future once these systems are updated with the new road details. However, it is likely that issues will continue due to the similarity of the two road names, and both roads being within the same suburb.

Under Policy No: 2150-038, Allocation of Road Names and Street Address Numbers, residents, Councillors or Council officers can initiate a request for the renaming, correction or clarification of existing road names. With requests from residents required to be in writing and include a petition signed by the majority of residents and/or owners along the road affected by the change.

Appendix 1 of this Policy provides guidelines for the selection of road names for both new roads and the renaming of existing roads. One of the items in these guidelines is that a proposed road name is not the same as existing road names with different designations. Based on this, Wattle Road should not have been adopted as a new road name since Wattle Way already existed.

As all impacted residents have contacted Council directly with concerns regarding the current road name and the previously approved 'Wattle Road' name is not consistent with Council's Guidelines for Selection of Road Names, Council officers feel it is in Council's and the community's interest to recommend a name change on behalf of the residents without requiring a written submission with a petition signed by the majority of the residents.

The current layout of Fig Bay Road and Wattle Road has both roads functioning as a single road. Therefore, it is proposed that the Fig Bay Road name be continued along and replace the Wattle Road name with the below changes to property addresses.

*ITEM 3.1 WATTLE ROAD, CABOOLTURE - ROAD RENAMING REQUEST - 66525655 (Cont.)*

- 2 Wattle Road, CABOOLTURE => 16 Fig Bay Road, CABOOLTURE
- 6 Wattle Road, CABOOLTURE => 20 Fig Bay Road, CABOOLTURE
- 12 Wattle Road, CABOOLTURE => 26 Fig Bay Road, CABOOLTURE



**Figure 1: Current and proposed road names/property addresses**

There is currently no other road named 'Fig Bay' with any designation within the region, suggesting that the existing segment of Fig Bay Road and the proposed new segment of Fig Bay Road would not result in further issues for the residents.

The residents of 2 and 6 Wattle Road have both contacted Council requesting a name change and through conversations with Council officers have shown their support of the proposed renaming.

12 Wattle Road is an unnamed Council park area.

### 3. Strategic Implications

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places: 04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

*ITEM 3.1 WATTLE ROAD, CABOOLTURE - ROAD RENAMING REQUEST - 66525655 (Cont.)*

3.3 Policy Implications

The submission has been assessed under MBRC Policy No. 2150-038 - Allocation of Road Names and Street Address Numbers, and MBRC Policy Directive 11-2160-009 - Road Naming and Street Address Numbering Processes.

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

The cost to replace the existing sign is approximately \$100 and can be absorbed within the existing 2022/23 budget.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Impacted Residents of 2 & 6 Wattle Road, Caboolture
- Divisional Councillor, Tony Latter – Division 12
- Rates Services - No objection to proposed new property addresses

## **ATTENDANCE**

Jon Dare-Williams left the meeting following consideration of Item 3.1.

**ITEM 3.2****DA/2023/0351 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HOTEL (EXTENSION) - 29 SYLVAN BEACH ESPLANADE BELLARA**

**APPLICANT:** Australian Venue Company C/- RPS AAP Consulting Pty Ltd  
**OWNER:** Hotel Property Investments Limited (ABN: 25 010 330 515)

**Meeting / Session:** 3 WELL-PLANNED PLACES  
**Reference:** 66768367: 12 April 2023 – Refer Supporting Information 66768366, 66949274 & 66949273  
**Responsible Officer:** TY, Senior Planner (PL Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Australian Venue Company C/- RPS AAP Consulting Pty Ltd
<b>Lodgement Date:</b>	3 February 2023
<b>Properly Made Date:</b>	3 February 2023
<b>Confirmation Notice Date:</b>	13 February 2023
<b>Information Request Date:</b>	N/A
<b>Info Response Received Date:</b>	N/A
<b>Public Notification Dates:</b>	3 March 2023 - 24 March 2023
<b>No. of Submissions:</b>	Properly Made: 2 Not Properly Made: 0
<b>Decision Due Date:</b>	19 May 2023
<b>Prelodgement Meeting Held:</b>	Yes (DA/2021/3400)

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	1
<b>Property Address:</b>	29 Sylvan Beach Esplanade BELLARA QLD 4507
<b>RP Description</b>	Lot 2 RP 223667
<b>Land Area:</b>	21,780 m <sup>2</sup>
<b>Property Owner</b>	Hotel Property Investments Limited

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	Planning Act 2016 or Sustainable Planning Act 2009
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme 2016
<b>Planning Locality / Zone</b>	General Residential Zone - Next Generation Neighbourhood Precinct
<b>Level of Assessment:</b>	Impact Assessable

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a Well-planned region.

This development application seeks a Material Change of Use - Development Permit for Hotel (Extension) located at 29 Sylvan Beach Esplanade, Bellara on land formally described as Lot 2 RP 223667. The extension is a new purpose-built live music venue and includes:

- New pavilion along the western building elevation adjoining the gaming room;
- A large entertainment area, stage and bar;
- A VIP and green room (for performers to relax when not performing);

*ITEM 3.2 DA/2023/0351 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HOTEL (EXTENSION) - 29 SYLVAN BEACH ESPLANADE BELLARA - 66768367 (Cont.)*

- Back of house area (storage and keg store);
- New amenities (eight (8) female toilets, three (3) male toilets and urinals); and,
- A new covered outdoor terrace and designated smoking area (DOSA) for entertainment area patrons, accessed via an air/sound lock.

The proposed extension will increase the existing gross floor area (GFA) of the Hotel by 490m<sup>2</sup> (from 2,149m<sup>2</sup> to 2,639m<sup>2</sup>), and increase outdoor areas by 74m<sup>2</sup> (from 30m<sup>2</sup> to 104m<sup>2</sup>). The proposed extension is single storey with an overall height of 6.05m, which is below the height of the existing Hotel and the Maximum building heights overlay of 15m. Existing access to the carpark from Sylvan Beach Esplanade is to remain unchanged. No changes are proposed to the existing Hotel, Short-term accommodation (14 rooms) or the existing bottle shop on site.

The extension will be to the north of the existing Hotel and will replace an existing storage area and result in the loss of 22 existing car spaces, leaving 219 car spaces on site. Existing approvals currently require the Hotel to provide 150 car parks on site, and the proposed extension will require a further 15 spaces (total 165). i.e., an excess of 54 spaces is proposed despite the removal of 22 spaces. Further, were the entire Hotel/Bottle shop/Short-term accommodation use (existing and proposed), assessed under the current parking provisions, a total of 176 spaces would be required (excess of 43 spaces). On this basis, the applicant is able to justify the reduction in parking, despite an increase in GFA.

An alternate outcome is proposed with regard to flooding. Rather than constructing the new venue at the Flood Planning Level (FPL) for the site, which is 3.4m above height datum (AHD), the proposal seeks to match the finished floor level (FFL) to the existing hotel floor level which is 2.59m AHD, and address flood resilience by constructing the venue of flood resistant materials. A Flood Assessment supports the proposal and highlights that the current Defined Flood Level for the site is 2.2 m AHD, i.e., the site does not currently flood. The FPL of 3.4m AHD adopted by Council, assumes that by the year 2100, in 80 years' time, sea level rise of 0.8m will occur due to climate change, at which time the site may be subject to storm tide inundation.

An Environmental Noise Level Impact Assessment has been completed. The assessment found that with noise control measures (acoustic walls, doors and windows, sound and noise locks etc), the proposed development can comply with noise limits at the closest residences (to the east), and at all other surrounding residential premises.

The venue proposes to operate to 12:00 midnight. The existing Hotel approval conditions no live music after midnight Monday to Saturday and 10pm Sunday, and no live music outdoors after 7pm on any day. The current licenced trading hours for the Bribie Island Hotel are:

- Sports Bar and Bistro: 10:00am to 2:00am;
- Beer Garden: 10:00am to 3:30am;
- Gaming Room: 10:00 to 3:30am.

The application was publicly advertised between 3 March 2023 and 24 March 2023. Two (2) properly made submissions were received. The submissions raised concerns about noise, anti-social and intoxicated patron behaviour, parking, traffic, need and devaluation of existing properties due to noise and loss of amenity. These issues are addressed in detail in section 2.8 of this report. Assessment found the issues are not considered reasons for refusal.

The site is located within the General residential zone - Next generation neighbourhood precinct and included within the Suburban neighbourhood place type under the Strategic Framework. The proposal has been assessed as compliant, or able to be conditioned to comply, with all relevant assessment benchmarks, including Planning Scheme overlays. The development is capable of according with the intent of the MBRC Planning Scheme. It is recommended that it be approved, subject to the conditions detailed in this report.

*ITEM 3.2 DA/2023/0351 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HOTEL (EXTENSION) - 29 SYLVAN BEACH ESPLANADE BELLARA - 66768367 (Cont.)*

This matter is presented to the Council for decision as the proposal materially challenges Council policy (flood level) and has raised community concern and as such in accordance with the delegations to Council officers, Council officers are of the view that the development application should therefore be determined by the Council.

## RESOLUTION

**Moved by Cr Brooke Savage**

**Seconded by Cr Adam Hain**

**CARRIED 11/0**

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

ITEM 3.2 DA/2023/0351 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HOTEL (EXTENSION) - 29 SYLVAN BEACH ESPLANADE BELLARA - 66768367 (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 - Hotel (extension) at 29 Sylvan Beach Esplanade, Bellara on land described as Lot 2 RP 223667, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Submission Cover Sheet & Site Plan	TP00 Rev. 6	Red.	03/02/2023
Existing Condition Photos	TP01 Rev. 6	Red.	03/02/2023
Existing Site Plan	TP02 Rev. 8	Red.	03/02/2023
Existing Conditions & Demolition Plan	TP03 Rev. 6	Red.	03/02/2023
Existing Conditions & Demolition Elevations	TP04 Rev. 8	Red.	03/02/2023
Proposed Site Plan	TP05 Rev. 8	Red.	03/02/2023
Proposed Roof Plan	TP06 Rev. 6	Red.	03/02/2023
Proposed Floor Plan	TP07 Rev. 7	Red.	03/02/2023
Proposed Exterior Elevations	TP08 Rev. 6	Red.	03/02/2023
Proposed 3D Views	TP09 Rev. 6	Red.	03/02/2023
Reflected Ceiling Plan	TP10 Rev. 4	Red.	03/02/2023
Acoustic Attenuation Plans	N/A	Palmer Acoustics	20/12/2022
Environmental Noise Level Impact Assessment	R21077/D3592/Rev.0/1 5.03.2022	David Moore & Associates Pty Ltd	15/03/2022

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
1.	<b>Approved Plans and/or Documents</b>	
	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use and to be maintained at all times.
2.	<b>Hours of Operation</b>	
	Limit the operation of the entertainment venue to between 12pm midday and 12am midnight, Monday to Saturday, and 10pm on Sunday.	At all times.
3.	<b>On-Site Car Spaces</b>	
A	Provide on-site car parking as generally shown on the approved plans.	Prior to the commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	



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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>4.</b>	<b>Bicycle Parking Facilities</b>	
	<p>Install secure bicycle parking facilities for a minimum of three (3) bicycles for employees and visitors.</p> <p>Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.</p>	Prior to the commencement of use and to be maintained at all times.
<b>5.</b>	<b>End of Trip Facilities</b>	
	Install a minimum of five (5) storage lockers in accordance with the Planning Scheme with minimum dimensions of 900mm (height) x 300mm (width) x 450mm (depth).	Prior to the commencement of use and to be maintained at all times.
<b>6.</b>	<b>Electrical Transformer</b>	
	<p>Ensure that where electrical transformers are located in the front setback it is screened so that the transformer is not visible from any road frontage and achieves the following:</p> <ul style="list-style-type: none"> <li>i. A combination of screening device and landscaping;</li> <li>ii. The screening device is constructed of durable, weather resistant materials; and</li> <li>iii. Is integrated with the design of the development and positively contributes to the streetscape.</li> </ul> <p>Note: The use of barbed wire or metal prongs is not permitted.</p>	Prior to the commencement of use and to be maintained at all times.
<b>7.</b>	<b>Screening of Loading Facilities / Plant Areas</b>	
	Screen any loading/unloading facilities, plant areas, refuse storage and other outdoor storage facilities on the site from direct view from any adjoining road, waterway or public space.	At all times.
<b>8.</b>	<b>Landscaping</b>	
A	<p>Submit and have approved by Council, landscaping plans which include:</p> <ul style="list-style-type: none"> <li>a. Additional shade trees and understorey planting to existing garden beds in carparking areas, to reduce urban heat island effects; and,</li> <li>b. Buffer planting along the rear (east) boundary, to soften the interface of the development to adjoining residences.</li> </ul> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Landscape Architect in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of lodgement.</p>	Prior to any approval of Building Works.
B	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval.	Prior to commencement of use and to be maintained at all times.

ITEM 3.2 DA/2023/0351 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HOTEL (EXTENSION) - 29 SYLVAN BEACH ESPLANADE BELLARA - 66768367 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>9.</b>	<b>Vehicle Encroachment</b>	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of the use and to be maintained at all times.
<b>10.</b>	<b>Fibre Ready Telecommunications – Single</b>	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: (i) Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and (ii) Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO.	Prior to commencement of use.
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (a) above has been done.  Note: A template for certification is available from council for the purpose of this condition.	Prior to commencement of use.
<b>11.</b>	<b>Signage</b>	
	Erect a minimum of three (3) signs throughout the car park requesting patrons to respect neighbours and keep noise to a minimum when leaving the premises.	Prior to the commencement of use.
<b>ENVIRONMENTAL HEALTH</b>		
<b>12.</b>	<b>Acid Sulfate Soils</b>	
A	Prepare an Acid Sulfate Soil Investigation Report and if required an Acid Sulfate Soils Management Plan. The reports and analysis are to be undertaken in accordance with the MBRC Planning Scheme and prepared by a suitably qualified person.	Prior to the commencement of works.
B	Implement the requirements and recommendations of the Acid Sulfate Soil Management Plan.  All testing and monitoring is to be undertaken in accordance with the MBRC Planning Scheme.	While site works are occurring.
C	Provide certification from a suitably qualified person that all works have been undertaken in accordance with the Acid Sulfate Soil Management Plan.	Prior to the commencement of the use.

**ITEM 3.2 DA/2023/0351 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HOTEL (EXTENSION) - 29 SYLVAN BEACH ESPLANADE BELLARA - 66768367 (Cont.)**

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
	Note: Council will only accept a 'suitably qualified person' as being either a Registered Professional Engineer of Queensland (RPEQ) or Environmental/Soil Scientist with current professional membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) and has obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.	
<b>13.</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282:2019 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
<b>14.</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
<b>15.</b>	<b>Waste Management</b>	
	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>16.</b>	<b>Acoustic Attenuation Measures</b>	
A	Provide the acoustic attenuation measures as specified in the Environmental noise level impact assessment prepared by David Moore & Associates Pty Ltd.	Prior to the commencement of the use and to be maintained at all times.
B	Provide certification from a suitably qualified person that the attenuation measures have been installed/implemented in accordance with the specifications of the environmental noise level impact assessment prepared by David Moore & Associates Pty Ltd.	Prior to the commencement of the use.
<b>17.</b>	<b>Water and/or Sewerage</b>	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming:	Prior to the commencement of use and to be maintained at all times.

ITEM 3.2 DA/2023/0351 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HOTEL (EXTENSION) - 29 SYLVAN BEACH ESPLANADE BELLARA - 66768367 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
	<ul style="list-style-type: none"> <li>i. A reticulated water supply network connection is available to the land; and</li> <li>ii. A sewerage network connection is available to the land; and</li> <li>iii. All the requirements of Unitywater have been satisfied.</li> </ul>	
<b>DEVELOPMENT ENGINEERING</b>		
<b>18.</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>19.</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>20.</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>21.</b>	<b>Building Below the Flood Planning Level</b>	
	<p>Construct building works below the Council adopted Flood Planning Level (FPL) from materials with a high-water resistance and ensure that essential electrical services are located above the FPL. The FPL for this site at the time of approval is 3.3m AHD.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>1. The Queensland Government Fact Sheet 'Rebuilding after a flood' provides information about water resilient products and building techniques. Available at <a href="http://www.hpw.qld.gov.au">www.hpw.qld.gov.au</a>.</li> <li>2. An essential electrical service includes services defined as utilities in Mandatory Part 3.5 – Construction of buildings in flood hazard areas of the Queensland Development Code</li> </ul>	Prior to commencement of use.

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ADVICES	
1.	<b><i>Aboriginal Cultural Heritage Act 2003</i></b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p> <p>Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>
2.	<b><i>Environmental Protection Act</i></b>
	It remains the duty of care of the person undertaking an activity not to cause Environmental Harm as defined under the <i>Environmental Protection Act 1994</i> .
3.	<b><i>Adopted Charges</i></b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 10) dated 5 October 2022 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
4.	<b><i>Food Premises - Food Business Licence</i></b>
	<p>In accordance with the Food Act 2006 the following must be submitted to Council prior to the commencement of construction or fit out of any licensable food business:</p> <ol style="list-style-type: none"> <li>1. An application for food business licence.</li> <li>2. Plans and elevations (refer to note below).</li> <li>3. Supporting documentation.</li> <li>4. Relevant fee.</li> </ol>

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	Note: The application is assessed against the provisions of the <i>Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent)</i> .
<b>9.</b>	<b>Food Premises - Commercial Exhaust Canopy</b>
	A food business may require a commercial exhaust canopy that would be required to comply with AS 1668.2-2012 The use of ventilation and air conditioning in buildings - Mechanical ventilation in buildings. An exhaust canopy can have an impact on the visual amenity of a building and cause noise and vibration issues that may affect the location and design of a food business.

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

**Decision Notice information**

	Details to Insert
<b>Application Type</b>	Material Change of Use – Development Permit for Hotel (Extension)
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>Operational Works – Development Permit</li> <li>Building Works – Development Permit</li> </ul>
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	There were two (2) properly made submissions (objections) about this application.

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## REPORT DETAIL

### 1. Background

The Hotel was first constructed in 1978. It has operated continuously since then, and in 2021/2022 underwent a renovation with a refreshed bistro, a beer garden with large lawn games and renovated gaming room. The Hotel also includes function rooms and a motel offering short-term accommodation (14 rooms). An existing bottle shop (Liquorland Bribie Island Hotel Barn) is located in the far north-west of the site.

Council records show the following approvals for the site:

1978	Original Hotel approval	Notice of Consent No. 052	<ul style="list-style-type: none"> <li>• Minimum of 150 car parks required.</li> <li>• No taped, recorded or live music after midnight Mon-Sat and 10pm Sunday, or outdoors on any day after 7pm.</li> </ul>
1986	Drive through Bottle shop	DA/376/1986/DA (Notice of Consent No. 673)	Nil
1997	TAB & gaming lounge	DA/3076/1997/DA	<ul style="list-style-type: none"> <li>• Additional 80m<sup>2</sup> floor area.</li> <li>• No additional parking required.</li> <li>• No noise limits or hours of operation</li> </ul>
2004	Extension to Hotel	DA/10548/2003/DA	N/A Approval lapsed.

On 9 September 2021, a pre-lodgement meeting (DA/2021/3400) was held with the applicant to discuss the proposed development.

### 2. Explanation of Item

#### 2.1 Proposal Description

The development application seeks to extend the Bribie Island Hotel by adding a live music entertainment venue to the north of the existing Hotel. The extension includes a stage, bar and large entertainment room, a VIP and green room, new amenities, back of house area (storage and keg store) and a new covered outdoor terrace and designated outdoor smoking area (DOSA) for entertainment area patrons.

The addition has a gross floor area (GFA) of 490m<sup>2</sup> and an additional outdoor covered designated smoking area (DOSA) of 74m<sup>2</sup> in area. The Hotel currently has a GFA of 2,149m<sup>2</sup> and a 30m<sup>2</sup> DOSA. The extension as proposed will also result in the loss of 22 car parks on the site, leaving 219 car parks on site.

The existing Hotel site and surrounds are zoned Next generation neighbourhood, and residences adjoin the south, east and north of the site. Assessment must consider the potential impact on amenity for surrounding residents with regard to noise, overflow parking into surrounding streets and patrons exiting the venue late at night.

The proposed extension will match the finished floor level (FFL) of the existing Hotel (2.59m AHD) which is 0.8m below the projected Flood Planning Level (FPL) for the site. The FPL takes into account projected sea level rise from climate change. The current Defined Flood Level without provision for climate change is 2.3m. The Applicant acknowledges the site is likely to be impacted by flooding/storm tide inundation in the future and proposes that the extension be constructed of flood resistant materials.

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2.2 Description of the Site and Surrounds

The subject site is an approximately 2.2ha parcel of land located to the east of Sylvan Beach Esplanade. The site is topographically relatively flat. Landscaping is present, albeit sparse around the periphery of the site and throughout the car park.

The site is zoned General residential, Next generation neighbourhood.

- To the south the site adjoins unit developments (Sylvan Beach Resort and Sylvan Oceans) which provide a mix of short-term and permanent accommodation.
- To the east the site adjoins the rear of homes with frontages to Indra Avenue (Suburban neighbourhood precinct).
- To the north an open storm water drain runs the length of the northern boundary and separates the site to Bibimulya Street residences.
- To the west across Sylvan Beach Esplanade is Bellara Dog Park and Bribie Island Lions Park which front Pumicestone Passage.

2.3 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

2.3.1 *State Planning Policy*

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently. (2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to	Not applicable



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	<p>a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied.</p> <p>(3) Fire hydrants are suitably identified so that fire services can locate them at all hours.</p>	
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
Yes	<p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <ul style="list-style-type: none"> <li>(a) altered stormwater quality and hydrology</li> <li>(b) wastewater</li> <li>(c) the creation or expansion of non-tidal artificial waterways</li> <li>(d) the release and mobilization of nutrients and sediments.</li> </ul> <p>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p>
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <ul style="list-style-type: none"> <li>(a) coastal dependent development; or</li> <li>(b) temporary, readily relocatable or able to be abandoned development; or</li> </ul>	<p>The site is impacted by storm tide inundation with a Defined flood level (DFL) of 3.1m AHD. Accordingly, the Council adopted Flood planning level (FPL) for the site is 3.4m AHD.</p> <p>The application seeks to extend the existing Hotel at a grade consistent with the existing finished floor level</p>

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	<p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>of the Hotel, which is 2.59m AHD.</p> <p>The Flood Assessment submitted with the application acknowledges the proposed FFL is below the FPL and advises that the structure may be constructed of flood resistant materials.</p> <p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p>
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

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2.3.2 South East Queensland Regional Plan

The site is located in the Urban Footprint.

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

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

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

2.4.1 Strategic Framework

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework.

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

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

The site is located within the Suburban Place type of the MBRC Planning Scheme and is contained within the Coastal Villages and Bribie Island Planning Area. The applicable Strategic Outcomes under the Themes for the planning scheme are discussed as follows:

Strategic Outcome	Complies	Assessment
<b>Theme - Sustainability and Resilience</b>		
<i>Design and site development and infrastructure using sustainability and urban design principles to reflect the Region's subtropical climate, reinforce local character and achieve innovation and design excellence.</i>	<b>N/A</b>	The proposed live music venue is constrained in implementing subtropical design principles in this instance by acoustic attenuation requirements. The location, in proximity to an established residential area demands that the amenity of neighbouring residents takes priority over reducing service costs through design. The venue must be sealed and air conditioned and oriented away from houses to the rear.
<i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i>	<b>Yes</b>	The proposed development will use flood resistant materials to ensure resilience to inundation.
<b>Theme - Natural Environment and Landscape</b>		
<i>The natural values of all coastal areas, including Bribie Island, Pumicestone</i>	<b>Yes</b>	The proposed development is for the expansion of an existing and established

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Strategic Outcome	Complies	Assessment
<i>Passage, Deception Bay, Redcliffe Peninsula, Hays Inlet and the Pine Rivers estuary and their associated coastal features and processes will be maintained, protected and enhanced.</i>		land use. It will not impact the natural values of the Island.
<i>Healthy, diverse and productive rural and coastal landscapes are maintained and enhanced, for their multiple environmental, recreational, cultural, economic and scenic amenity values.</i>	Yes	<p>The natural values of the Coastal area surrounding the site will not be impacted by the proposal.</p> <p>There is little to no change to impervious area proposed by the development. The proposed extension is over an existing car park and will not trigger any stormwater quality or quantity issues.</p> <p>No excavation or fill at volumes likely to disturb Acid Sulfate Soils is proposed.</p>
<i>Recognise and promote landscape values and scenic amenity across the Region.</i>		The scenic amenity of the coastline is protected with development being a low-scale structure which marries into the existing Hotel.
<b>Theme - Strong Communities</b>		
<i>Utilise the principles of urban design to promote healthy and safe communities.</i>	Yes	The proposed extension will provide additional social opportunities for Bribie Island residents and visitors to experience live music events.
<b>Theme - Settlement Pattern and Urban Form</b>		
<i>Council will seek to increase residential densities and employment opportunities within the urban corridor and specifically within and adjoining activity centres and public transport in order to maximise access to and use of services and facilities and opportunities for use of public transport, walking and cycling and also adjacent to areas of high scenic amenity e.g. waterfront, environmental areas with high standards of amenity and accessible open space.</i>	Yes	<p>The site represents an infill development with employment opportunity on a site that has access to public transport and has convenient access to an established Local centre. The proposal is not a high-density development, the site is appropriately located and has appropriate infrastructure provision to support the development.</p> <p>The proposal will provide for greater variety of entertainment options on a site that is established for this purpose.</p> <p>The proposed development is responsive to natural hazards by ensuring the development will be constructed of flood resilient materials.</p>
<b>Theme - Employment Location</b>		
<i>Develop a diversified local economy that retains local jobs and builds on regional and sub-regional competitive advantages and specialisations.</i>	Yes	The proposed Hotel expansion will extend existing employment opportunities for the local community and contribute to the diversification of the local economy.

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Strategic Outcome	Complies	Assessment
<i>Encourage increased levels of activity and greater intensity of activity within existing places of employment and business activity.</i>	<b>Yes</b>	The growth is accommodated within an Urban area and existing place of employment and business activity.
<b>Theme - Infrastructure</b>		
<i>Use infrastructure to support desired regional growth and help create a more compact urban pattern, cohesive urban and rural communities, and regional economic development.</i>	<b>Yes</b>	The portion of the site subject to the proposed extension represents an infill development opportunity. The proposed development incorporates integrated transport and land use planning principals by being located in an established area that is serviced by public transport and has access to local services.
<b>Theme - Water Management</b>		
<i>Protect, maintain and enhance the water quality in the Region's waterways and drinking water catchments from the future predicted increases in population and development in the Region and existing land use practices.</i>	<b>Yes</b>	The development is to occur over an existing impervious area. There is little to no change to the existing stormwater regime which complies with Council's standards.
<i>Ensure development is appropriately planned, designed, constructed, operated and maintained to manage stormwater and wastewater in order to protect the environmental values.</i>	<b>Yes</b>	As above.
<b>Theme - Planning Areas</b>		
<b>Element - Coastal communities and Bribie Island planning area</b> <i>The Coastal communities and Bribie Island planning area provides for a community of 34,500 people and 7,500 jobs at 2031 together with a wide range of facilities and services required for a planning area of this scale.</i>	<b>Yes</b>	The proposal will contribute to employment opportunities for Bribie Island providing additional jobs and expanding entertainment options for residents.
<b>Theme - Moreton Bay Regional Council Place Model</b>		
<b>Element - Suburban neighbourhood place type</b>	<b>Yes</b>	Although zoned General Residential - Next Generation, the site is located in the Suburban Place type under the Strategic Framework. This place type envisages little change. It also suggests that new development is sympathetic to the existing character of the suburban neighbourhood location. In this respect, the proposal is not seeking to expand beyond the boundaries of the site onto adjoining land and the proposed design and location of the extension has been cognisant of its interface with existing low-density housing.

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2.4.2 Assessment of Applicable Codes

Code Compliance Summary

The assessment below identifies how the development proposal achieves the assessment benchmarks.

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General residential Zone Code - Next generation neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO5, PO11, PO12, PO18, PO79, PO84, PO93, PO94, PO95, & PO123
<b>Overlay Codes</b>		
Coastal Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO8
Flood Hazard Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO5

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 2.4.3.

2.4.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General Residential Zone Code - Next Generation Neighbourhood Precinct</b>	
<b>Setbacks (Non-residential uses)</b>	
<b>PO5</b> Front setbacks ensure non-residential buildings address and actively interface with streets and public spaces.	<b>E5.1</b> For the primary frontage buildings are constructed: a. to the property boundary; or b. setback a maximum of 3m from the property boundary, where for the purpose of outdoor dining.
<b>Performance Outcome Assessment</b>	
The proposed extension is setback approximately 45m from Sylvan Beach Esplanade. This allows the proposed entertainment area to align with and connect to the existing sports bar and Hotel in a logical and legible way. The main façade of the Hotel, which addresses Sylvan Beach Esplanade and actively interfaces with the street will remain unchanged. The proposal achieves the Performance outcome.	
<b>Amenity</b>	
<b>PO11</b> The amenity of the area and adjacent sensitive land uses are protected from the impacts of dust, odour, noise, light, chemicals and other environmental nuisances.	No example provided.

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Performance Outcome	Example
<b>Noise</b>	
<p><b>PO12</b> Noise generating uses do not adversely affect existing or potential noise sensitive uses.</p> <p>Note - The use of walls, barriers or fences that are visible from or adjoin a road or public area are not appropriate noise attenuation measures unless adjoining a motorway, arterial road or rail line.</p> <p>Note - A noise impact assessment may be required to demonstrate compliance with this PO. Noise impact assessments are to be prepared in accordance with Planning scheme policy - Noise.</p>	No example provided.
<b>Performance Outcome Assessment</b>	
<p>Acoustic attenuation plans and an Acoustic impact assessment accompanied the application. The report detailed the results of an ambient noise assessment, background sound levels, noise limits, potential source noise levels, source noise levels calculated to the closest residential premises, state of compliance with noise limits and recommended noise control measures.</p> <p>Measures include:</p> <ul style="list-style-type: none"> <li>• <i>'Entertainment Room design and materials of construction provide an overall noise reduction of at least 55 dB(A) from inside to outside;</i></li> <li>• <i>plant and equipment associated with the new Entertainment Room – once the exact plant and equipment has been selected, along with its location, acoustic consultant to re-calculate noise impact and, if any of the noise limits are exceeded, nominate suitable noise control measures;</i></li> <li>• <i>amplified music noise impact assessment to be completed in accordance with the Office of Liquor and Gaming Regulation Guideline 51 once the Entertainment Room is completed, to establish actual amplified music noise limits'.</i></li> </ul> <p>The report concludes that <i>'Compliance with the above noise control measures will result in noise limit compliance at the closest residences, which are to the east, as well as compliance at all other residential premises'.</i></p> <p>The Acoustic impact assessment confirms the development can comply with PO11 and PO12 with regard to noise generated by live music, plant, equipment and patrons while <u>inside</u> the facility.</p> <p>Concern was raised by submitters regarding noise resulting from patrons <u>outside</u> the venue, after leaving an event. Patrons have previously loitered in the carpark and in nearby residential streets when the Hotel held 'discos' in the bistro area several years ago. This is a matter for <i>Queensland's Office of Liquor and Gaming Regulation (OLGR)</i> and is discussed further in response to submissions, section 2.8 below.</p> <p>It is noted that the Hotel (previously including a nightclub) is an existing lawful use which currently can operate until 3am under existing liquor licencing.</p>	
<b>Access</b>	
<p><b>PO18</b> Safe access is provided for all vehicles required to access the site.</p>	<p><b>E18.4</b> Landscaping (including shade trees) is provided within car parks in accordance with Planning scheme policy - Integrated design</p>

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Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
A condition is recommended that requires a Landscape plan that ensures landscaping within the existing carparking area meets E18.4 and complies with Section 5.3 Planting in Car Parks, of Planning Scheme Policy - Appendix D Landscape Design & Street Trees. The proposal can be conditioned to comply with PO18.	
<b>Retail, commercial and community uses</b>	
<b>PO79</b> On-site landscaping is provided, that: <ol style="list-style-type: none"> <li>is incorporated into the design of the development;</li> <li>reduces the dominance of car parking and servicing areas from the street frontage;</li> <li>retains mature trees wherever possible;</li> <li>does not create safety or security issues by creating potential concealment areas or interfering with sight lines;</li> <li>maintains the achievement of active frontages and sight lines for casual surveillance.</li> </ol> Note - All landscaping is to accord with Planning scheme policy - Integrated design.	No example provided
<i>Performance Outcome Assessment</i>	
The submitted Code Responses (Appendix I - Doc Set ID 66327768) states that ' <i>All existing on-site landscaping will be retained</i> '. The existing site landscaping appears not to comply with PO79 (a-e) and Planning Scheme Policy - Appendix D Landscape Design & Street Trees, generally due to absence of plants and trees within the existing garden beds within the carpark. A condition is recommended that requires a detailed Landscape Plan prepared by a suitably qualified Landscape Architect which provides: <ul style="list-style-type: none"> <li>Additional shade trees and understorey planting within carparking areas, to reduce urban heat island effects</li> <li>Landscaped buffer to soften the interface between the proposed extension and the adjoining residences to the rear.</li> </ul> The proposal can be conditioned to comply with PO79.	
<b>Vegetation clearing, ecological value and connectivity</b>	
<b>PO84</b> Development avoids locating in a High Value Area or a Value Offset Area. Where it is not practicable or reasonable for development to avoid establishing in these areas, development must ensure that: <ol style="list-style-type: none"> <li>the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area is maintained and not lost or degraded;</li> <li>on-site mitigation measures, mechanisms or processes are in place demonstrating the</li> </ol>	No example provided.



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Performance Outcome	Example
<p>quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area are maintained. For example, this can be achieved through replacement, restoration or rehabilitation planting as part of any proposed covenant, the development of a Vegetation Management Plan, a Fauna Management Plan, and any other on-site mitigation options identified in the Planning scheme policy - Environmental areas*.</p> <p>* Editor's note - This is not a requirement for an environmental offset under the Environmental Offsets Act 2014.</p>	
<b>Performance Outcome Assessment</b>	
<p>The south of the Area is within the Value Offset Area-MLES wetland buffer, however the area where the extension is to be undertaken is within an established car park outside of the area mapped as MLES wetland buffer. This has been historically disturbed and does not have any vegetation. Development is within historically disturbed area with no significant environmental values (minimal vegetation) and therefore can comply with PO84.</p>	
<b>Vegetation clearing and access, edge effects and urban heat island effects</b>	
<p><b>PO93</b> Development minimises potential adverse 'edge effects' on ecological values by:</p> <ol style="list-style-type: none"> <li>providing dense planting buffers of native vegetation between a development and environmental areas;</li> <li>retaining patches of native vegetation of greatest possible size where located between a development and environmental areas;</li> <li>restoring, rehabilitating and increasing the size of existing patches of native vegetation;</li> <li>ensuring that buildings and access (public and vehicle) are setback as far as possible from environmental areas and corridors;</li> <li>landscaping with native plants of local origin.</li> </ol>	No example provided.
<b>Performance Outcome Assessment</b>	
<p>The site adjoins an ecological corridor (the Pumicestone Passage) and the site contributes to edge effects and urban heat island effects due to the prevalence of large areas of hardstand with inadequate planting and lack of trees for shade and micro-climate amelioration. A condition is recommended with regard to site landscaping, as previously discussed. The proposal can be conditioned to comply with PO93.</p>	
<p><b>PO94</b> Development avoids adverse microclimate change and does not result in increased urban heat island effects. Adverse urban heat island effects are minimised by:</p> <ol style="list-style-type: none"> <li>pervious surfaces;</li> </ol>	No example provided.

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Performance Outcome	Example
<ul style="list-style-type: none"> <li>b. providing deeply planted vegetation buffers and green linkage opportunities;</li> <li>c. landscaping with local native plant species to achieve well-shaded urban places;</li> <li>d. increasing the service extent of the urban forest canopy.</li> </ul>	
<b>Performance Outcome Assessment</b>	
As per PO93 above. The proposal can be conditioned to comply with PO94.	
<b>Vegetation clearing and Matters of Local Environmental Significance (MLES) environmental offsets</b>	
<p><b>PO95</b> Where development results in the unavoidable loss of native vegetation within a Value Offset Area MLES waterway buffer or a Value Offset Area MLES wetland buffer, an environmental offset is required in accordance with the environmental offset requirements identified in Planning scheme policy - Environmental areas.</p> <p>Editor's note - For MSES Koala Offsets, the environmental offset provisions in schedule 11 of the Regulation, in combination with the requirements of the Environmental Offset Act 2014, apply.</p>	No example provided.
<b>Performance Outcome Assessment</b>	
As mentioned above, the south of the Area is within the Value Offset Area-MLES wetland buffer, however, the extension is proposed within an established car park area which is outside of the mapped MLES wetland buffer. The area to be developed has already been disturbed, does not contain vegetation and has no significant environmental values. The proposal can therefore comply with PO95.	
<b>Riparian and wetland setbacks</b>	
<p><b>PO123</b> Development provides and maintains a suitable setback from waterways and wetlands that protects natural and environmental values. This is achieved by recognising and responding to the following matters:</p> <ul style="list-style-type: none"> <li>a. impact on fauna habitats.</li> <li>b. impact on wildlife corridors and connectivity.</li> <li>c. impact on stream integrity.</li> <li>d. impact of opportunities for revegetation and rehabilitation planting.</li> <li>e. edge effects.</li> </ul>	<p><b>E123</b> Development does not occur within:</p> <ul style="list-style-type: none"> <li>a. 50m from top of bank for W1 waterway and drainage line</li> <li>b. 30m from top of bank for W2 waterway and drainage line</li> <li>c. 20m from top of bank for W3 waterway and drainage line</li> <li>d. 100m from the edge of a Ramsar wetland, 50m from all other wetlands.</li> </ul> <p>Note - W1, W2 and W3 waterway and drainage lines, and wetlands are mapped on Schedule 2, Section 2.5 Overlay Maps – Riparian and wetland setbacks.</p>

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Performance Outcome	Example
<i>Performance Outcome Assessment</i>	
The proposed development is to be undertaken within the area of the lot to the north of the existing hotel and associated infrastructure. The extension is to be undertaken in an existing car park and will not affect any of the Riparian and Wetland Setback to the south of the lot. The proposal can therefore comply with PO123	
<b>Coastal Hazard Overlay Code</b>	
<b>P08</b> Development is resilient to a coastal hazard event by ensuring design and built form account for the potential risks of flooding.	<b>E8.1</b> Development ensures that a habitable floor is located, designed and constructed to at least the flood planning level in Table 8.2.1.3 'Flood planning level for a habitable floor (residential development) and a non-habitable floor (non-residential development) and levels for hazardous chemicals'.
<b>Flood Hazard Overlay Code</b>	
<b>P05</b> Development is resilient to a flood hazard event by ensuring design and built form account for the potential risks of flooding.	<b>E5.2</b> Development ensures that the finished floor level is located, designed and constructed to at least the flood planning level in Table 8.2.2.3 'Flood planning level for a habitable floor (residential development) and a non-habitable floor (non-residential development) and levels for hazardous chemicals'.
<i>Performance Outcome Assessment</i>	
Assessment of the proposal against both the Coastal and Flood Hazard Overlay Codes as they relate to flood and storm tide inundation resilience was completed by Development engineering who advised ' <i>The applicant's proposed flood resistant construction satisfies both Overlay Code Performance outcomes.</i> '	

2.5 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 10 commencing on 5 October 2022 (CR).

2.5.1 *Levied Charge*

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and an Infrastructure Charges Notice will be issued with any approval granted.

2.5.2 *Levied Charge Credit*

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

(a) Payment of previous charges or contributions

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

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(b) Lawful use of land

The existing use of the site for a hotel, short-term accommodation and bottle shop includes 3,239m<sup>2</sup> of GFA, accordingly a credit amount exists and will be applied. There is no change to impervious area resulting from this development. Given these elements of the site will continue to operate these will be included in the proposed demand and will cancel out the credit.

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

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

**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**

**Stormwater / Flooding**

The applicant proposes to construct the development using flood resistant materials to address the floor level of 2.57 m AHD which is below the Flood Planning Level of 3.4 m AHD. This will satisfy the Coastal Hazard Overlay Code PO8 and Flood Hazard Overlay Code PO5 which requires the development to be resilient to the hazard event by ensuring design and built form account for the potential risks of flooding. It is recommended that the development be conditioned for suitable design and construction practice to address the hazard.

**2.7.1.2 Environmental Health**

**Lighting**

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

**Waste Management**

It is acknowledged that there are no changes proposed to the existing waste management arrangements for this development and a waste management program is not required.

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This development will continue to use the existing waste management arrangements. As a consequence the recommendations of this report include a condition that the development be undertaken in accordance with SC 6.20 Planning scheme policy - Waste.

Noise

An environmental noise level impact assessment prepared by David Moore & Associates Pty Ltd and acoustic attenuation plans prepared by Palmer Acoustics was submitted in support of the application and recommends ways to ameliorate impacts that are considered acceptable. As a consequence the recommendations of this report include a condition that the development be undertaken in accordance with the acoustic report.

**2.7.1.3 Environmental Planning**

The application was referred to Environmental planning who assessed the application against environmental planning matters. No objections to the proposal were provided. No conditions were recommended.

**2.7.1.4 Landscape**

The application was referred to Council's Specialist Landscape assessment team who recommended additional landscaping to soften the interface with the adjoining residences to the rear, and improve landscaping throughout the existing car park which appears to have deteriorated over time.

**2.7.2 Referral Agencies**

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

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

**2.7.2.2 Advice Agencies**

There were no Advice Agencies involved in assessing this application.

**2.7.2.3 Third Party Agencies**

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

**2.8 Public Consultation**

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

- (a) Public Notification was served on all adjoining landowners on 1 March 2023.
- (b) The development application was advertised in the Courier Mail (online) on 2 March 2023.
- (c) A notice in the prescribed form was posted on the relevant land on 2 March 2023 and maintained for a period of 15 business days from 3 March 2023 until 24 March 2023

**2.8.2 Submissions Received**

Council received two (2) submissions in respect to this development application, both were letters, both were properly made. One submission was by an individual, the other by a couple. All submitters were adjoining residents.

Type		Number of Signatures	Number of Submissions
Properly Made	Letters	3	2
Not Properly Made			0
Total			2

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The matters raised within the submissions are outlined below:

Assessment of Submissions
<p><b><u>Issue - Noise</u></b></p> <ul style="list-style-type: none"> <li>Both submissions raised concern regarding the impact of noise from the venue on the surrounding residential area.</li> </ul>
<p><b><u>Discussion</u></b></p> <p>An Environmental Noise Impact Assessment was prepared for the proposed development to establish background noise levels and inform acoustic attenuation measures. The assessment addressed noise from patrons, amplified music and additional plant and equipment (refrigeration and air conditioning), and demonstrated that the following measures will ensure compliance with noise limits:</p> <ol style="list-style-type: none"> <li>The venue is to achieve a noise reduction of at least 55 dB(A) from inside to outside which can be achieved through building design, noise attenuating construction materials, acoustic walls, windows and doors, and an air/sound lock door to access the outdoor area.</li> <li>All plant and equipment, once selected and located, is subject to a further noise impact assessment and suitable noise control measures implemented to ensure noise limits are not exceeded.</li> <li>Once the venue is constructed, the Office of Liquor and Gaming Regulation will also require an assessment of the actual amplified music noise levels and establish noise limits.</li> </ol> <p>These noise control measures will ensure compliance with noise limits at the closest residences (to the east), as well as compliance at all other residential premises. A condition has been included (Condition 15 Part A) that requires the acoustic attenuation measures specified in the Environmental noise level impact assessment be implemented. The condition also requires certification from a suitably qualified person that the attenuation measures have been installed/implemented (Condition 15 Part A).</p> <p>Noise can be appropriately attenuated. This is not a reason for refusal of the application.</p>
<p><b><u>Issue - Anti-social behaviour</u></b></p> <p>One submitter raised concern regarding behaviour of patrons following events. The Hotel purportedly held discos on the weekend with a DJ or band in the 'dining room'. When the disco was over, patrons would congregate in the car park, drinking alcohol and behaving poorly. Police and paramedics were commonly required to attend the site.</p>
<p><b><u>Discussion</u></b></p> <p>The applicant responded to this concern with the following statement:</p> <p><i>'The Bribie Island Hotel operates under a license that requires the responsible service of alcohol to patrons. The existing bottle-shop operates under this same provision. How venues manage the serving of alcohol and dealing with intoxicated patrons is a matter for Queensland's Office of Liquor and Gaming Regulation (OLGR) and has no bearing on the planning matters in this application.'</i></p> <p>The submitter's concern is noted, in particular given the transitional nature of jurisdiction and responsibility for patron behaviour following events. However, the applicant is correct, OLGR are the regulating authority, via the issuance of a liquor license. If there is an issue with intoxicated persons on the site then OLGR are responsible for addressing it via licencing.</p>

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**Assessment of Submissions**

The applicant will be required to apply for a license (or amend the Hotel's current licence) for the extension. That application may be referred to Council for comment which is Council's opportunity for input.

Otherwise, from a planning perspective, consideration can be given to Performance outcomes PO11 & PO12 of the General residential zone code (Next generation neighbourhood precinct). Both PO's require that the amenity of the area and adjacent sensitive land uses are protected from the impacts of noise. As such it is recommended that a condition of approval (Condition 10) require signage throughout the car park requesting noise be limited and consideration be given to surrounding residents.

OLGR will regulate and monitor the Hotel 's management of patron behaviour through their licensing, which is rigorous and stringent. Residents can lodge a complaint at any time with OLGR if concerning behaviour occurs.

The issue is not a reason for refusal.

**Issue - Parking**

- Both submitters raise concern regarding parking.
- During events at the Sandstone Hotel across the Pumicestone Passage, parking extends into surrounding streets (Indra Ave, Warana Ave, Eucalypt St).
- Patrons returning to their cars following events and late at night have woken residents
- The concern is that events held concurrently at Bribie Island Hotel and Sandstone Point Hotel would overwhelm parking even further.

**Discussion**

The proposed development should not be disadvantaged by the impacts caused by another venue. The proposed venue will in part extend into the existing car park and result in the loss of 22 car parks, leaving 219 spaces on site. This still far exceeds parking requirements both under the existing approval and current parking rates.

The original proposal for the Hotel required 150 spaces and the extension requires an additional 15 spaces (total 165 spaces). Under the current provisions Schedule 7 (Car parking) of the Moreton Bay Regional Council Planning Scheme (the scheme) requires 176 spaces for the entire Hotel site including the proposed live music venue additions.

The issue is not a reason for refusal.

**Issue - Traffic & Emergency Vehicle Access**

- Concern was raised that *'With a lot of intoxicated people retuning to the mainland over a narrow bridge, accidents are inevitable. With such restriction emergency services travelling to or from the island will be compromised possibly risking the lives of uninvolved people.'*

**Discussion**

Bribie Bridge is the only point of access to the Island, and it is acknowledged that traffic growth is increasing and so too is demand for additional lanes and a wider shared path for pedestrians, bike riders and mobility devices.

The Queensland Department of Transport and Main Roads (TMR) is currently undertaking a business case for a new bridge to Bribie Island, which will improve safety and reliability for all road users.

In the interim, the Island is well serviced with its own emergency services which include Bribie Island Police and Fire Stations at Bellara, Bribie Island Ambulance Station, State Emergency Service (SES) and Volunteer Marine Rescue (VMR) at Bongaree.

The issue is not a reason for refusal.

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Assessment of Submissions
<p><b>Issue - Need</b></p> <ul style="list-style-type: none"> <li>Need given the Sandstone Point Hotel provides for entertainment and amplified music already.</li> </ul>
<p><b>Discussion</b></p> <p>Whilst Council Officers acknowledge the submitter's concern that there is already a live music venue at Sandstone Point, this matter is outside of the scope of this application assessment.</p> <p>Council does note however that Bribie Island has been gradually evolving since 1963 when the bridge was first built, connecting the Island to the Mainland, and cementing the area as an attractor for retirees, boat owners and fishing enthusiasts.</p> <p>More recently the Island has experienced an influx in tourism, younger residents, and families, attracted to the Island's natural beauty, affordability and easy access to shopping, healthcare and entertainment. This growth appears a natural and logical continuation of the evolution of the Island.</p> <p>The issue is not a reason for refusal.</p>
<p><b>Issue - Devaluation of Adjoining Property</b></p> <ul style="list-style-type: none"> <li>The impact having a live music venue adjoining residential property on property prices, due to potential impact by noise and loss of amenity.</li> </ul>
<p><b>Discussion</b></p> <p>The potential for reduction in property values of the existing surrounding neighbourhood due to the proposed development is noted. However, property devaluation is not a planning ground covered by the planning scheme or associated legislation and is therefore outside of the scope of development application assessment.</p> <p>The issue is not a reason for refusal.</p>

#### 2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 25 March 2023. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

#### 2.9 Other Matters

None identified.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

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

#### 3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places:

04 We have well-planned neighbourhoods that support changing communities, respect cultural heritage and enjoy a unique sense of place.

05 We have well-planned centres and precincts that support our progressive local economy and identity.



*ITEM 3.2 DA/2023/0351 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR HOTEL (EXTENSION) - 29 SYLVAN BEACH ESPLANADE BELLARA - 66768367 (Cont.)*

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

☒ Nil identified

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 Implications

Appropriate development supports the growing Moreton Bay region and creates employment.

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Refer to clause 2.8.

**ITEM 3.3****DA/12844/2004/V3RS - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 17 LOTS) - 23 NICHOLSON ROAD, KURWONGBAH****APPLICANT:** Perojoda Investments Pty Ltd**OWNER:** Perojoda Investments Pty Ltd**Meeting / Session:** 3 WELL-PLANNED PLACES**Reference:** 66767727: 12 April 2023 – **Refer Supporting Information 66767726; 66970570****Responsible Officer:** KH, Senior Planner (PL Development Services)**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Perojoda Investments Pty Ltd
<b>Lodgement Date:</b>	26 October 2004
<b>Properly Made Date:</b>	26 October 2004
<b>Acknowledgement Notice Date:</b>	8 December 2004
<b>Information Request Date:</b>	18 January 2005
<b>Info Response Received Date:</b>	First response received: 26 July 2007 Second response received: 22 February 2008 Final response received: 14 March 2013
<b>Decision Due Date:</b>	20 December 2013
<b>Prelodgement Meeting Held:</b>	No

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 08
<b>Property Address:</b>	23 Nicholson Road, Kurwongbah QLD 4503
<b>RP Description</b>	Lot 90 RP 850910 & Lot 4 RP 908472
<b>Land Area:</b>	Lot 90: 173.676ha Lot 4: 155.637ha Total: 329.31ha
<b>Property Owner</b>	Perojoda Investments Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Integrated Planning Act 1997</i>
<b>Planning Scheme:</b>	Transitional - 1998 Town Planning Scheme for the Shire of Pine Rivers that included; <ul style="list-style-type: none"><li>- Strategic Plan 1998</li><li>- Subdivision of Land 1998 Provisions</li><li>- Lake Kurwongbah Catchment Development Control Plan No.12</li></ul>
<b>Planning Locality / Zone</b>	Rural zone
<b>Level of Assessment:</b>	Code assessment

This matter is brought to the attention of Council under the **Well-planned Places portfolio** as the assessment and determination of development applications is a key function contributing to a well-planned region.

**ITEM 3.3 DA/12844/2004/V3RS - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 17 LOTS) - 23 NICHOLSON ROAD, KURWONGBAH - 66767727 (Cont.)**

This application seeks approval for Reconfiguring a Lot - Development permit for Subdivision (2 into 17 lots), located at 23 Nicholson Road, Kurwongbah on land described as Lot 90 RP850910 and Lot 4 RP908472.

The application proposes to reconfigure the site into 17 new rural allotments including two (2) new roads. The proposed lot sizes range from 16ha to 63.95ha, and includes nominated building areas of 1,500m<sup>2</sup> for fifteen (15) of the proposed allotments. The building areas are to accommodate future Dwelling houses. The applicant seeks to establish the development over five (5) stages, as follows:

- Stage 1: Proposed Lots 1 and 13;
- Stage 2: Proposed Lots 14 - 16;
- Stage 3: Proposed Lots 2 - 4, 11 and 12;
- Stage 4: Proposed Lots 5 - 8 and 10;
- Stage 5: Proposed Lot 9.

Lot 4 RP908472 is currently improved by a Dwelling house and Horse Riding School ('Slickers Horse Riding'). The Dwelling house and Horse Riding School are proposed to be retained on Lots 17 and 9, respectively.

There is an existing dam that is predominately located on Lot 4, however, marginally traverses Lot 90 RP850910. The dam was authorised by a waterworks licence issued in April 1993, having a licenced capacity of 350 megalitres, and embankment height of 13.4m.

The development application has a long history which has been detailed further in this report. The application is subject to code assessment procedures and was properly made on 26 October 2004 in accordance with the *Integrated Planning Act 1997* (IPA). In effect when lodged and properly made, the development application has been assessed against the Transitional 1998 Town Planning Scheme for the Shire of Pine Rivers (Transitional Planning Scheme). However, the *PineRiversPlan 2006* (*PineRiversPlan*) commenced on 15 December 2006. The application entered the Decision Making Period on 26 July 2007 however the period was stopped and then restarted on 24 August 2007. Pursuant to section 3.5.6(2) of the IPA, Council is able to give consideration of the proposal against the version of the *PineRiversPlan* in effect on 24 August 2007.

On 23 July 2008, the Council's Strategic & Planning Committee recommended to the full Council that the development application be approved. However, on 5 August 2008, the Council decided that the recommendation be set aside and the matter be held in abeyance to a future Strategic & Planning Committee to enable further investigation and consideration of technical aspects relating to the application.

On 28 June 2021, the applicant submitted an amended plan to Council. The amended plan resolved outstanding issues for the application and now demonstrates compliance with the Transitional Planning Scheme and also the version of the *PineRiversPlan* that was in effect when the application entered the Decision Making Period.

This matter is presented to the Council for decision in accordance with the General Meeting minutes on 5 August 2008. Therefore, Council is now the authorised entity to decide the development application.

## RESOLUTION

**Moved by Cr Mick Gillam**

**Seconded by Cr Yvonne Barlow**

*Cr Cath Tonks voted against the motion*

**CARRIED 10/1**

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

ITEM 3.3 DA/12844/2004/V3RS - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 17 LOTS) - 23 NICHOLSON ROAD, KURWONGBAH - 66767727 (Cont.)

**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Integrated Planning Act 1997*, approves the development application for a Reconfiguring a lot - Development Permit for Subdivision (2 lots into 17 lots) at 23 Nicholson Road, Kurwongbah, described as Lot 90 RP850910 and Lot 4 RP908472, subject to the following plans/documents and conditions:

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Proposed Reconfiguration of Lot 90 on RP850910 & Lot 4 on RP908472 Kurwongbah	BRJD7861-000-18-6 Sheet 1 of 1	LandPartners	26 May 2021

**Conditions**

CONDITION		TIMING
<b>RECONFIGURING A LOT</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 submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development and to be maintained at all times.
<b>2.</b>	<b>Environmental Management Register</b>	
	Submit satisfactory documentation to the Council demonstrating that the subject site is no longer listed on the Environmental Management Register.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development.
<b>3.</b>	<b>Amended Plan Required</b>	
A	Submit an amended Proposed Reconfiguration of Lot 90 on RP850910 & Lot 4 on RP908472 Kurwongbah plan incorporating the following: (a) The existing dam being wholly located into one (1) single allotment; and (b) The high-water mark of the dam to be identified and property boundaries to be at least 5m from the high water mark; and (c) Maintain a minimum lot size of 16 hectares. If the minimum lot sizes cannot be maintained, the number of lots are to be reduced to ensure the minimum lot size is preserved, and (d) Changes to Building Areas as required by the recommendations and any conditions attached the Council's approval of an amended Bushfire Management Plan; and (e) Merge Stages 4 and 5.	Prior to submitting to the Council any application for Operational Works or works commencing on site, whichever occurs first.
B	Obtain approval from Council for the amended Proposed Reconfiguration of Lot 90 on RP850910 & Lot 4 on RP908472 Kurwongbah plan in accordance with (A) above.	

ITEM 3.3 DA/12844/2004/V3RS - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 17 LOTS) - 23 NICHOLSON ROAD, KURWONGBAH - 66767727 (Cont.)

CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
C	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
4.	<b>Develop in Stages</b>	
	Develop the site generally in accordance with the stages identified on the approved plans in consecutive order. Development must comply with each condition of the development approval as it relates to each stage, unless otherwise stated in the condition.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
5.	<b>Building Areas - Certification</b>	
	<p>Submit to Council one A3 size copy of the approved plan of subdivision that is marked with the approved building areas conforming with Council's requirements under the Pine Rivers Plan 2005 and certified as follows:</p> <p>(a) By the Developer's Consulting Engineer:</p> <p>"I ..... being a Registered Professional Engineer, hereby</p> <p>(i) certify that each lot has an area which satisfies the minimum development level requirements of Council's Design Manual;</p> <p>(ii) certify that building areas shown on this drawing are contained within the area on each lot which satisfies the minimum development levels of Council's Design Manual;</p> <p>(iii) acknowledge that the information shown on this drawing will be used by Council and others for the purpose of locating an appropriate site on each lot for buildings.</p> <p>..... (Signature)</p> <p>Registration No : ....."</p> <p>(b) By the Developer's Surveyor:</p> <p>"I ..... being a Licensed Surveyor, hereby certify:</p> <p>(i) that the building sites shown on this drawing satisfy the requirements of Council's Subdivision of Land Provisions of the Town Planning Scheme, Part 3, Division 4, Clause 2(i)(c), (d) and (e);</p> <p>(ii) that the dimensions of all the lots in the subdivision satisfy the requirement of Council's Subdivision of Land Provisions of the Town Planning Scheme, Part 3, Division 1 – Subdivision Table and Division 4, Clause 2(ii).</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.

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CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
	<p>..... (Signature) Registration No : ....."</p> <p>Both certifications must be provided on the same drawing.</p> <p>Council does not object to the drawing showing other constraints over the land such as Q100 flood lines, the 2mG EMR contour, revegetated areas, areas affected by a bushfire management plan, buffer areas or setbacks and areas subject to slip or erosion.</p>	
<b>6.</b>	<b>Designated (Mandatory) Building Areas</b>	
A	<p>All buildings and structures including garages, sheds, tennis courts, swimming pools, pergolas, effluent systems and the like must be constructed within the Designated Building areas certified on the approved plan, which must also be consistent with the Department of Natural Resources and Water (DNRW) (Concurrence Agency) amended referral agency responses.</p> <p>For clarity, the area shown as "1500m<sup>2</sup> Building Site" on the approved plan is the "Designated Building Areas".</p> <p>The clearing of existing vegetation outside the Designated Building Areas will require additional approvals.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
B	<p>At the time that the plans of subdivision are endorsed by Council, Council's delegate will arrange for the following property note to be attached to each new residential lot:</p> <p>"It is a condition of subdivision that is attached to and remains with the land that all buildings and structures such as garages, sheds, tennis courts, swimming pools, pergolas, etc.) shall be constructed within the Designated Building Areas shown on the approved plan. Reference is to be made to the Department of Natural Resources and Water amended referral agency response available with the Decision Notice.</p> <p>The landowner shall also note that clearing of existing vegetation outside the Designated Building Area will require additional approvals. Advice should be sought from Council's Development Services."</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
<b>7.</b>	<b>Advice to Purchasers Regarding Designated Building Area</b>	
	<p>Acknowledge in writing the potential purchasers will be advised of the approved Designated Building Area and the requirement to comply with the Designated Building Area.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.

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CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>8.</b>	<b>Fencing of Building Envelopes</b>	
A	If domestic animals, including dogs, are to be kept on the premises, designated building areas are to be fenced with dog-proof fencing as approved by Council's delegate in writing. The location of any fencing is to be consistent with the attached Department of Natural Resources and Water (Concurrence Agency) conditions including plans.	At all times.
B	At the time that the plans of subdivision are endorsed by Council, Council's delegate will arrange for the following property note to be attached to each new residential lot:  "If domestic animals, including dogs are to be kept on the premises, a condition of subdivision that attaches to and remains with the land that the owner/occupier of this lot is required to strictly comply with the requirement to fence building envelopes with dog-proof fencing as approved by Council's delegate in writing. The location of any fencing is to be consistent with the attached Department of Natural Resources and Water (Concurrence Agency) amended referral agency response."	Prior to Council's endorsement of any plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
<b>9.</b>	<b>Street Names</b>	
A	Submit requests for the names of new street/s to the satisfaction of Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
B	Obtain approval from Council for the names of new streets in accordance with (A) above;	
C	Erect approved street name boards on all new roads in accordance (A) and (B); and	
D	Mark all street names on the survey plans.	
<b>10.</b>	<b>Existing Telecommunications Infrastructure</b>	
	Provide a 'Telecommunications Infrastructure Provisioning Confirmation' or a 'Telecommunications Network Infrastructure Notification' letter from a telecommunications carrier licensed under the <i>Telecommunications Act 1997</i> (e.g. Telstra) confirming that a telecommunications carrier has been engaged to install telecommunications infrastructure within the proposed development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
<b>11.</b>	<b>Existing Service Connections</b>	
	Submit certification from a suitably qualified person that: (a) All of the existing service connections (electricity, telecommunications) to an existing building or a private property pole is wholly contained in the lot it serves; and (b) Any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
<b>12.</b>	<b>Electricity</b>	
	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an electricity supply network has or will be constructed within all new roads and along the frontage of each proposed lot.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of

ITEM 3.3 DA/12844/2004/V3RS - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 17 LOTS) - 23 NICHOLSON ROAD, KURWONGBAH - 66767727 (Cont.)

CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
		the development where there are stages.
<b>13.</b>	<b>Vegetation Management Plan</b>	
A	Submit a Vegetation Management Plan prepared by a suitably qualified person and include scaled plans and supporting documentation that provides for the following: (a) Retention of all vegetation, excluding where removal is required for New Roads as shown on the approved plans and documents; (b) Retention of habitat trees and healthy trees throughout the development; (c) Control measures, maintenance procedures and monitoring programs.	Prior to submitting to the Council any application for Operational Works or works commencing on site, whichever occurs first.
B	Obtain approval from Council for the Vegetation Management Plan in accordance with (A) above.	
C	Carry out works in accordance with the approved Vegetation Management Plan.	Prior to and during site works, and prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
<b>14.</b>	<b>Fauna Management Plan</b>	
A	Submit a Fauna Management Plan to reduce potential impacts on native fauna. The plan must be prepared by a suitably qualified person and contain at least the following information: (a) Procedures for dealing with fauna observed immediately prior to vegetation clearing; (b) Procedures for dealing with fauna during vegetation clearing; (c) Procedures for the treatment / removal of injured fauna from the site.	Prior to submitting to the Council any application for Operational Works or works commencing on site, whichever occurs first.
B	Obtain approval from Council for the Fauna Management Plan in accordance with (A) above.	
C	Carry out works in accordance with the approved Fauna Management Plan.	Prior to and during site works.
<b>15.</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>16.</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.



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CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>17.</b>	<b>Removal of Noxious Weeds</b>	
A	Ensure as a General Biosecurity Obligation under the <i>Biosecurity Act 2014</i> , the land is free from groundsel and restricted matter, including any infestations of undesirable species as listed in the Planning Scheme Policy - Integrated Design - Appendix D - Landscaping of the MBRC Planning Scheme, unless otherwise agreed to in writing by the Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
B	Submit evidence to Council from a suitably qualified person that the obligations under (A) above have been complied with.	
<b>18.</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>19.</b>	<b>Bushfire Management Plan Required</b>	
A	<p>Submit an updated Bushfire Management Plan prepared by a suitably qualified person generally in accordance with the approved plans and documents and the applicable legislation. The following criteria will be used to determine the level of fire hazard or risk on the site:</p> <ul style="list-style-type: none"> <li>(a) Size of the open space;</li> <li>(b) Area of vegetation coverage;</li> <li>(c) Vegetation structural type;</li> <li>(d) Type, quality and density of understorey;</li> <li>(e) Significance as identified in the Atlas of Natural Assets;</li> <li>(f) Proximity to structural assets;</li> <li>(g) Existence of firebreaks or other fuel reduced areas; and</li> <li>(h) Observed or potential fuel load.</li> </ul> <p>Management measures are to be identified on the Bushfire Management Plan for each lot to reduce the level of fire hazard. These methods must include but are not limited to:</p> <ul style="list-style-type: none"> <li>(a) Adjustments to the Designated Building Area for each proposed lot to ensure that it is located in the best locations on the land having regard to minimising the risks associated with bushfire in accordance with current best practice; and</li> <li>(b) Firebreaks and/or fire trails including specifics of width, grades for any firefighting vehicles, location and ongoing responsibility of maintenance and how and when maintenance is to occur;</li> <li>(c) Prescribed burns including details on responsibility and where, when and how they should occur; and</li> <li>(d) Fuel reduction zones/areas including details on responsibility and what should occur, and when for maintenance purposes; and</li> <li>(e) Ensuring that an adequate water supply is provided for each lot for fire-fighting purposes in proximity to the Designated Building Area, including water supply size and location and if a tank, is fitted with standard rural fire brigade fittings and constructed of concrete or any other non-combustible material.</li> </ul>	Prior to submitting to the Council any application for Operational Works or works commencing on site, whichever occurs first.

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CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
	Note: The above requirements are to be developed in consultation with the Rural Fire Brigade for the local district.	
B	Ensure that each allotment has access to a trafficable (by a standard 2 wheel drive vehicle) emergency evacuation route, in addition to any sealed vehicle access. Provide the detailed evacuation route for bushfire emergencies to Council within the amended Bushfire Management Plan.	
C	Obtain approval from Council for the Bushfire Management Plan in accordance with (A) and (B) above.	
D	Implement the requirements and recommendations of the approved Bushfire Management Plan.	At all times.
E	Notify the Council in writing that potential purchasers of all lots will be advised of the approved Bushfire Management Plan and the requirement to comply with the approved Bushfire Management Plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
F	Provide potential purchasers by written notice a copy of the approved Bushfire Management Plan and direction of the requirement to comply with the approved Bushfire Management Plan.	Prior to entering into a contract of sale for the relevant lot.
<b>20.</b>	<b>Non-combustible fencing</b>	
	Ensure that any fencing constructed as a part of the development is constructed with non-combustible materials. Fencing is to be consistent in materials and design to allow the free movement of fauna.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>DEVELOPMENT ENGINEERING</b>		
<b>21.</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
<b>22.</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
<b>23.</b>	<b>New Council Roads</b>	
A	Submit and have approved by Council, a development application for operational works for all new and frontage Council roads and associated works. The following classifications are to be applied: (a) Rural Access and Collector Road Standards - Pine Rivers Shire Council Standard Drawing 8-10021 and 8-10022.	Prior to commencement of works associated with this condition.

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CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
	<p>(b) Rural Access and Collector Road Verge Profiles to accord with Pine Rivers Shire Council Standard Drawing 8-10025.</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.</p>	
B	<p>Construct, at no cost to Council and in accordance with the approved plans and documents of development the following:</p> <ul style="list-style-type: none"> <li>(a) All new roads and associated works</li> <li>(b) All frontage roads and associated works</li> <li>(c) All external roads and associated works.</li> </ul>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each respective stage of the development the works are located within.
<b>24.</b>	<b>Amended Plan - Integrated Transport Assessment</b>	
A	<p>Submit and have approved by Council, an amended Integrated Transport Assessment (ITA) of the intersection of McCormack Road South with the proposed New Road to confirm the type and configuration of intersection required for the development, to the satisfaction of Council's Engineer.</p> <p>The ITA is to be prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ).</p>	Prior to lodging an application for operational works associated with this condition.
B	<p>Submit and have approved by Council, a development application for operational works for the intersection of the McCormack Road South with the proposed New Road.</p> <p>Ensure the detailed design of any operational works application is in accordance with the Integrated Transport Assessment (ITA) approved in this development approval for determining impacts on the road system including necessary mitigation measures. Any configuration or layouts provided are accepted as demonstrating the conceptual configuration of the works only and are subject to detailed design.</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the conceptual intersection configuration in the Council approved ITA and the MBRC Planning Scheme current at the time of the operational works application.</p>	Prior to commencement of works associated with this condition.
C	<p>Construct the intersection of the McCormack Road South with the proposed New Road at no cost to Council and in accordance with the approved plans and documents of development.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for the stage of the development that creates the new road.

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CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>25.</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>26.</b>	<b>Stormwater Management</b>	
A	Submit and have approved by Council, a Stormwater Management Plan (SMP) prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ). The SMP is to demonstrate that stormwater can be managed on/from the subject land to the satisfaction of Council's Engineer.	Prior to lodging an application for operational works.
B	Submit and have approved by Council, a development application for operational works for stormwater infrastructure to service the development.  Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.	Prior to commencement of works associated with this condition.
C	Construct stormwater infrastructure to service the development at no cost to Council and in accordance with the approved plans and documents of development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each respective stage of the development the works are located within.
D	Provide registered easements in favour of Council over any drainage paths and drainage infrastructure within all new lot/s in accordance with the approved plans and documents of development.  The easement documents must acknowledge the maintenance, repair and replacement responsibilities of the owner of this development site.  Note: All easements are to be shown on plans submitted as part of operational works applications.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
E	Provide registered easements for private drainage infrastructure in accordance with the approved plans and documents of development.  The easement documents must acknowledge the maintenance, repair and replacement responsibilities of the owner of this development site.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development where there are stages.
<b>27.</b>	<b>Turnarounds</b>	
A	Submit and have approved by Council a development application for operational works for a sealed turnaround at the end of New Road.	Prior to commencement of works associated with this condition.

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CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
	Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application and the following: (a) The turnaround is to be of a configuration that enables Council's standard waste collection vehicle to undertake a three-point turn or better.	
B	Construct the sealed turnaround at no cost to Council and in accordance with approved plans and documents of development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for the respective stage of the development that the turnaround is located within.
<b>28.</b>	<b>Construction Management Plan</b>	
A	<p>Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following:</p> <ul style="list-style-type: none"> <li>(a) Material delivery and storage locations</li> <li>(b) Waste locations and collection details</li> <li>(c) Construction office accommodation</li> <li>(d) Contractor / tradesman vehicle parking arrangements</li> <li>(e) Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> </ul> <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>1. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs)</li> <li>2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable</li> <li>3. Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP</li> <li>4. Materials unloading and loading must occur on-site unless prior written approval is given by Council.</li> <li>5. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.</li> </ul>	Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.

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<b>CONDITION</b>		<b>TIMING</b>
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
<b>29.</b>	<b>Erosion and Sediment Control</b>	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works and to be maintained current at all times during construction.
<b>30.</b>	<b>Landslide Hazard</b>	
	<p>Submit for Council approval an updated Geotechnical Report - Landslide Hazard to ensure the Development Areas (Building Site) locations are suitable. Where parts of the Development Areas are determined to be unsuitable, obtain an approval from the Council for an amendment to the approved Development Areas.</p> <p>This report is to be prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and to the satisfaction of Council's Engineer.</p>	Prior to works commencing on site.
<b>31.</b>	<b>Earth Retaining Structures</b>	
A	<p>Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the operational works application. In addition, ensure the minimum design life (the period assumed in design for which a structure or structural element is required to perform its intended purpose without replacement or major structural repairs) for the earth retaining structure that is specified in Table 3.1 of Australian Standard AS4678;</p> <p>(a) Earth retaining structures within the land and around areas of cut on or near the boundaries of the site must be designed to allow for live and dead loads associated with the land/premise's current occupancy use;</p> <p>(b) Provide temporary safety fencing to all earth retaining structures over 1.0m in height.</p>	Prior to commencement of works associated with this condition.
B	<p>Submit and have approved by Council, a development application for operational works for all earth retaining structures.</p> <p>Design drawing are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application and they are to clearly show the location and overall configuration (fully dimensioned), design parameters and loads, materials and finishes of all earth retaining structures for the development.</p>	Prior to commencement of works associated with this condition.
C	Construct all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and approved plans and documents of development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey)

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CONDITION		TIMING
<b>RECONFIGURING A LOT</b>		
<b>DEVELOPMENT PLANNING</b>		
		plan) for each respective stage of the development.
<b>32.</b>	<b>Existing Driveway Crossover</b>	
	Remove completely all redundant driveway crossovers. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each respective stage of the development.
<b>33.</b>	<b>Access and Service Easement</b>	
	Provide a 20m wide reciprocal access and services (if required) easement over Lot 14 in favour of Lot 15 and Lot 16, generally in accordance with the approved plans and documents of development, unless otherwise approved in writing from Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for the stage these lots are located within.
<b>34.</b>	<b>Rear Allotment Access Driveways</b>	
	Design and construct residential rear allotment access driveways from the back of kerb for the full length of the access handle in accordance with the approved plans and documents of development. The following are the minimum requirements: (a) Design loading of 2.5x10 <sup>3</sup> Equivalent Standard Axles (ESA) for each lot entitled to use the driveway; (b) Minimum sealed width must be 3.0m; (c) The construction must be reinforced concrete slabs or a 2-coat sealed gravel or 25mm asphalt sealed gravel pavement with a minimum gravel class of 2.1 and minimum thickness of 150mm; (d) Appropriate longitudinal drainage, cross drainage and scour/erosion protection works must be provided; (e) General maximum longitudinal grade must be 16%, unless approved otherwise; (f) Install conduits for underground electricity supply and telecommunications including draw wires within and for the entire length of the access handle.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each rear access lot in the respective stage of the development the lot is located within.
<b>35.</b>	<b>Site Access – Restricted</b>	
	Ensure vehicular access directly from Mistake Road to proposed Lot 9 does not occur as it is prohibited for traffic management and safety reasons.  Note: A property condition will be attached to the affected lots to advise land owners of this restriction.	To be maintained at all times.
<b>36.</b>	<b>Concurrence Agency</b>	
A	Comply with the conditions of Department of Natural Resources and Water response dated 23 August 2007 (Their reference: 2007/007817) or as amended.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for each stage of the development.
B	Provide certification to Council prepared by the agency demonstrating the requirements of the Concurrence Agency have been met.	

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ADVICES	
<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The Aboriginal Cultural Heritage Act 2003 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 likely 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. Council strongly advises that before undertaking the land use activity, you refer to the <a href="https://www.qld.gov.au/cultural-heritage-duty-of-care">Cultural heritage duty of care   Aboriginal and Torres Strait Islander peoples   Queensland Government (www.qld.gov.au)</a> for further information regarding the responsibilities of the developer.</p>
<b>2</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 10) dated 5 October 2022 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (e.g. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
<b>3</b>	<b>Biosecurity Act 2014 - Fire Ant Control</b>
	<p>Significant portions of the Moreton Bay are within Fire Ant Biosecurity Zone 2 and must remain vigilant for the presence of fire ants. Under the Biosecurity Act 2014, individuals and businesses are responsible for ensuring that they follow the movement controls for specific organic materials to help prevent the spread of fire ants within South East Queensland's fire ant biosecurity zones. Movement of a fire ant carrier from within the fire ant biosecurity zone may need a biosecurity instrument permit.</p> <p>More information is available on <a href="https://www.fireants.org.au/treat/business-and-industry/movement-controls">https://www.fireants.org.au/treat/business-and-industry/movement-controls</a></p>

- B. That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.



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## **REPORT DETAIL**

### **1. Background**

On 26 October 2004, the application was lodged with Council. At the time of lodgement the relevant planning instrument was the 1998 Town Planning Scheme for the Shire of Pine Rivers.

On 27 October 2004, the original Draft South East Queensland Regional Plan was released that would have prohibited the development application from being lodged. Accordingly, the regional plan does not regulate the development proposal.

On 8 December 2004, Council confirmed the application as property made on 26 October 2004 and issued an Acknowledgement Notice under *Section 3.2.3 of IPA 1997*.

On 9 December 2004, Council issued a notice of extension of the information request period until 18 January 2005.

On 18 January 2005, the former Pine Rivers Council issued an information request.

On 20 January 2005, the Department of Natural Resources and Mines advised Council that a failure impact assessment for the dam could be brought forward if it was considered that the dam now had population as risk.

On 11 February 2005, the Department of Natural Resources and Mines requested further information to complete their assessment of the application.

On 16 September 2005, Council received a request from the applicant to extend the Information Request Response period by 7 months until 11 August 2006. The request was agreed to by Council on 21 September 2005. Subsequent to this, Council received 4 more separate requests from the applicant totalling extensions of 11 months that were agreed to by Council, with a response to the Council's information request due on 27 July 2007.

On 24 April 2007, the Department of Natural Resources and Mines granted an extension to the Information Response until 29 June 2007.

On 28 June 2007, the Department of Natural Resources and Mines issued a Referral Agency Response. Council was directed to refuse the development application.

On 26 July 2007, the applicant responded to Council's Information Request and the Decision Making stage of the development application commenced.

On 30 July 2007, the applicant requested the Decision Making Stage be stopped so they could make written representations to the Department of Natural Resources and Mines about their Referral Agency Response. The Decision Making Stage recommended on 24 August 2007 as requested by the applicant.

On 28 August 2007, Council received an amended referral agency response from the Department of Natural Resources and Mines, retracting the requirement to refuse the application.

Between 20 September 2007 and 16 November 2007, several extensions to the Decision Making Stage were issued and agreed between Council and the applicant.

On 19 October 2007, Council requested clarification from the Department of Natural Resources and Mines if the failure impact assessment had been completed.

On 12 November 2007, Council requested further clarification from the Applicant with regard to assessment of the Dam, future ownership of the Dam, tenure arrangement of lots, revised Bushfire Plan and provision of park.

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On 4 February 2008, the applicant responded to Council's request for further information with a more detailed response received on 22 February 2008.

On 22 April 2008, Council notified the applicant that Council was not in possession of a response from the electrical infrastructure referral agency to which Easement A on RP137852 relates and which traverses the development site.

On 8 June 2008, Council received a referral agency response from Powerlink with no objection to the development application.

On 23 July 2008, the application was placed on the Strategic & Planning Committee Meeting agenda (*Item 15, Page 08/2156*), with a recommendation for approval. The Strategic & Planning Committee adopted the recommendation of officers subject to minor adjustment of one of the recommended conditions.

On 5 August 2008, the Council at its general meeting adopted the recommendations of the Strategic & Planning Committee meeting held on 23 July 2008 with an amendment that Item 15 (in respect to the subject development application) be set aside and the matter be held in abeyance to a future Strategic & Planning Committee to enable further investigation and consideration of technical aspects relating to the application.

On 13 August 2008, Council issued as a request for further information to the applicant that they justify the development against the Key Extractive Resources and Mining Tenements Overlay Code of the *PineRiversPlan* and State Planning Policy 2/07 – Protection of Extractive Resources.

On 3 December 2008, Council received an Amenity Impact Assessment, for the assessment of noise amenity aspects of the proposed subdivision with respect to the nearby quarry operations. The Amenity Impact Assessment included short term noise monitoring results from 4 November 2008, and a brief discussion on the aspect of Dust. This material was not subject to independent peer review.

On 7 September 2009, Council requested further information with regard to blast noise from the quarry in relation to the impact of ground vibration and / or overpressure waves.

On 22 December 2009, Council received a letter from the applicant on behalf of the consultant (Heilig & Partners) with recommendations on how best to obtain the necessary data with regard to blasting activities from the Quarry either by onsite monitoring or by Quarry records. It is noted that Council at the time was only able to provide minimal information on the blasting activities for the quarry. This material was limited to the number of blasts that had occurred over a number of years, rather than any scientific data in relation to blast ground vibration / air overpressure waves or the amount of the blast charge.

On 21 May 2010, Council received a blasting effects report from consultants for the applicant (Heilig & Partners). As Council officers do not have the expertise to assess such a report, it was sent for external peer review by Worley Parsons on Council's behalf.

From May 2010 – December 2013, the Decision Making Period of the application was extended by agreement as the consultants addressed the issue with some significant periods of time between comments due to the availability of the consultants. Consensus on how to measure impacts was not achieved. The agreement expired 27 January 2013.

On 14 January 2014, Council was notified by the Department of Environment and Heritage Protection (DEHP) that Lot 90 on RP850910 had been listed on the Environmental Management Register (EMR) as the land had been used as a landfill. The notice stated that regulated waste including asbestos and oxidising agents were confirmed as being disposed on site. The land is still on the Register today.

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On 24 March 2014, the applicant appealed the listing of Lot 90 on RP850910 onto the EMR. It is understood that the applicant and the DEHP reached an agreement in 2018 that the areas on the site affected by landfill uses were constrained to three (3) key areas, as opposed to the entirety of Lot 90 on RP850910, and that in order for the site to be removed from the EMR, appropriate mitigation measures were required to be undertaken to the three (3) areas.

On 28 June 2021, the applicant provided Council with an amended plan in response to the concerns previously raised by Council. The plan reduced the development proposal from seeking 20 lots down to 17 lots and relocated additional Dwelling House sites outside of the separation area to the quarry.

A Councillors' briefing was conducted on 23 May 2023 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

**The CEO noted the way forward:**

Report to be prepared for consideration by Council at a future General Meeting.

**2. Explanation of Item**

**2.1 Proposal Description**

This application seeks approval for Reconfiguring a Lot - Development permit for Subdivision (2 into 17 lots), located at 23 Nicholson Road, Kurwongbah on land described as Lot 90 RP850910 and Lot 4 RP908472.

The application proposes to reconfigure the site into 17 new rural allotments including two (2) new roads. The proposed lot sizes range from 16ha to 63.95ha, and includes nominated building areas of 1,500m<sup>2</sup> for fifteen (15) of the proposed allotments. The building areas are to accommodate for future Dwelling houses. The applicant seeks to establish the development over five (5) stages, as follows:

- Stage 1: Proposed Lots 1 and 13;
- Stage 2: Proposed Lots 14 - 16;
- Stage 3: Proposed Lots 2 - 4, 11 and 12;
- Stage 4: Proposed Lots 5 - 8 and 10;
- Stage 5: Proposed Lot 9.

It should be noted however that it is a recommended condition of approval that Stages 4 and 5 are merged as it is not possible for the last stage to represent the creation of a single lot as the lot would have been automatically created when the previous stage occurred.

Existing Lot 4 RP908472 is currently improved by a Dwelling house and Horse Riding School ('Slickers Horse Riding'). The Dwelling house and Horse Riding School are proposed to be retained on Lots 17 and 9, respectively.

The application is subject to code assessment procedures and was properly made on 26 October 2004 in accordance with the IPA. The development application has a long history since being lodged in 2004 as described in Section 1 of this report. The development application has been assessed against the Transitional 1998 Town Planning Scheme for the Shire of Pine Rivers (Transitional Planning Scheme), which was in effect when lodged and properly made.

The *PineRiversPlan* commenced on 15 December 2006. The application entered the Decision Making Period on 26 July 2007 however the period was stopped and then restarted on 24 August 2007. Pursuant to section 3.5.6(2) of the IPA, Council is able to give consideration of the proposal against the version of the *PineRiversPlan* in effect on 24 August 2007.

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On 23 July 2008, the Council's Strategic & Planning Committee recommended the development application be approved. However, on 5 August 2008, the Council decided that the recommendation be set aside and the matter be held in abeyance to a future Strategic & Planning Committee to enable further investigation and consideration of technical aspects relating to the application.

On 28 June 2021, the applicant submitted an amended plan to Council. The amended plan resolved some outstanding issues for the application and it now demonstrates compliance with the Transitional Planning Scheme and also the version of the *PineRiversPlan* that was in effect when the application entered the Decision Making Period.

2.2 Description of the Site and Surrounds

The site is located at 25 Nicholson Road (Lot 90 McCormack Road South & 116 Dunlop Lane), Kurwongbah, on land described as Lot 90 RP 850910 and Lot 4 on RP 908472 having a total site area of 329.31 ha. Lot 90 on RP 850910 is currently vacant while Lot 4 on RP 908472 contains a Dwelling House and Horse Riding School. The site has been used unlawfully in the past as a landfill.

The site predominantly exhibits relatively long crested ridges with moderately steep escarpments interspersed by gullies of milder longitudinal slope. Areas of slope greater than 20% are evenly dispersed across the site. Mosquito Creek within McCormack Road Reserve is located in the eastern part of the site.

There is an existing dam that is predominately located on Lot 4, however, marginally traverses Lot 90 RP850910. The dam was authorised by a waterworks licence issued in April 1993, having a licenced capacity of 350 megalitres, and embankment height of 13.4m. The dam water area is large enough that it is used for boating and water skiing.

The site contains a mixed density of established native vegetation, semi cleared and cleared areas for grazing, including a large, cleared section of land running southeast – northwest for the purpose of a Power Link easement. The dominant vegetation is generally constrained to the existing drainage lines and areas of land with steep relief. In accordance with State Government Mapping at the time the application was lodged, the land was mapped as containing remnant of concern and not of concern vegetation (2007).

Direction	Planning Scheme Zone	Current Land Use
North	Rural	Rural Living
South	Rural and extractive industry	Petrie Holcim Quarry
East	Rural	Rural Living
West	Rural	Rural Living

2.3 Assessment Benchmarks

The development application was lodged on 26 October 2004 when the repealed IPA was in effect. In accordance with section 288 of the *Planning Act 2016*, the development application must continue to be assessed under the repealed IPA.

Pursuant to section 3.5.6(2) of the IPA the assessment manager may give the weight it is satisfied is appropriate to a code, planning instrument, law or policy that came into effect after the application was made, but -

- (a) before the day the decision stage for the application started; or
- (b) if the decision stage is stopped - before the day the decision stage is restarted.

In this instance, the Decision Making Period commenced on 26 July 2007 however the period was stopped and then restarted on 24 August 2007. Accordingly, any State Planning Policies (SPP) that came into effect after 24 August 2007 are not able to be given weight in the assessment of this application.

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### 2.3.1 State Planning Policy

The following SPPs were in effect when the application was properly made, and as such are applicable to the application.

Number	State Planning Instrument	Applicable Requirements
SPP 1/92	Development and the Conservation of Agricultural Land	The land is not identified as being valuable Agricultural Land.
SPP 1/02	Development in the Vicinity of Certain Airports and Aviation Facilities	The site is not proximate to nor will it interfere with Aviation Facilities.
SPP 2/02	Planning and Managing Development Involving Acid Sulfate Soils	The site does not contain Acid Sulfate Soils.
SPP 1/03	Mitigating the Adverse Impacts of Flood, Bushfire and Landslide	In accordance with section 3.5.4 of IPA, the development application does not need to be assessed against a SPP that has been reflected in a planning scheme. The <i>PineRiversPlan</i> reflected the requirements of the SPP 1/03 and was in effect when the application entered the Decision Making Period. As such, the SPP does not need to be addressed as it is reflected in the <i>PineRiversPlan</i> , and the proposal has been assessed against the Bushfire Fire Hazard and Potential Landslip Hazard Overlay. Refer to Section 2.5.1.5 of this report below.
SPP 2/07	Protection of Extractive Resources and Guideline	SPP 2/07 was adopted on 8 June 2007 and came into effect on 3 September 2007. Pursuant to s3.5.6(2) IPA, the Decision Making Period commenced prior to the SPP taking effect on 3 September 2007 and therefore the SPP cannot be given weight in the assessment of this application.  It is noted however that the Key Extractive Resources and Mining Tenements Overlay in the <i>PineRiversPlan</i> at the time reflected the draft SPP and the proposal has been assessed against this overlay. Refer to Section 2.5.1.7 of the report below.

### 2.3.2 South East Queensland Regional Plan 2005 - 2026 (SEQ Regional Plan)

At the time the application originally entered the Decision Making Stage - 26 July 2007, the SEQ Regional Plan had taken effect on 31 October 2006.

The land is mapped as Regional Landscape and Rural Production Area. Pursuant to *Part G Draft Regulatory Provisions Division 2 – Provisions affecting planning scheme (Act s2.5A.12(2)(d)4(2))* the reconfiguration of a lot within the Regional Landscape and Rural Production Area may not occur if any resulting lot would have an area less than 100 hectares. Had the application been made after the Regulatory Provisions were in effect, the application would have been prohibited development.

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In this instance, the application is in conflict with SEQ Regional Plan, in effect at the time the application entered the Decision Making Stage and the SEQ Regional Plan can be given weight under s3.5.6(2) of the IPA. However, given the previous preparedness for the Strategic & Planning Committee to support the development application at its general meeting on 23 July 2008 (Item 15, Page 08/2156), it is apparent that historically the Council did not apply a significant amount of weight to the SEQ Regional Plan. It is therefore considered appropriate that the development application proceed to approval and weight not be given to the SEQ Regional Plan in effect at the time the application entered the Decision Making Stage.

It is acknowledged that the SEQ Regional Plan 2005-2026 was replaced with the Southeast Queensland Regional Plan 2009-2031 Regulatory Provisions (SEQ Regional Plan) which has also been replaced by the Southeast Queensland Regional Plan 2017 (*ShapingSEQ*). Neither of these versions were applicable to the development application.

2.4 Assessment Against Local Categorising Instrument – 1998 Town Planning Scheme for the Shire of Pine Rivers

The development application was accepted on 26 October 2004 and is therefore to be assessed against the Transitional 1998 Town Planning Scheme for the Shire of Pine Rivers.

Pursuant to the 1998 Town Planning Scheme, the site is zoned Rural. The intent of the Rural zone is stated to be as follows:

*The intent of the Rural zone is to designate areas of the Shire which are to be retained for rural activities or which are physically unsuitable for closer residential settlement. The rural zone is also intended to protect the rural amenity of the less closely settled areas of the Shire, which is important to overall character of the Shire. In some areas, the Rural zone is intended to protect the long-term viability of agricultural or pastoral land uses.*

*Activities which may prejudice rural operations will not be permitted in these situations. In those parts of the Rural zone within the water supply catchments of Lake Kurwongbah and Lake Samsonvale, activities which may endanger water quality may not be permitted to establish or will be permitted only subject to conditions designed to protect water quality.*

The applicant amended the proposal to ensure that all lots meet the minimum 16 hectares lot size requirement. As such, the proposal is consistent with the intent of the zone and the amenity of the locality sought to be preserved.

2.4.1 *Shire of Pine Rivers – Subdivision of Land Provisions*

Within Part 3, Division 1, clause 1 of the Subdivision of Land provisions, land in the Rural zone is to have a minimum lot size of 16 hectares. The subdivision plan initially lodged by the applicant did not achieve the minimum lot size requirement. However, in the amended plan received by Council on 28 June 2021, the proposed lot sizes were increased to achieve the minimum 16 hectares requirement. As such, the proposed lot sizes comply with the Subdivision of Land provisions.

2.4.2 *Shire of Pine Rivers - Strategic Plan 1998*

The 1998 Strategic Plan identifies the site as having a Preferred Dominant Land Use of Rural.

Section 3 of the Strategic Plan identifies the Objectives and Implementation mechanisms to achieve the objectives for Rural Areas. The Objectives are as follows;

- (a) *“To enable the continued use of the existing agricultural and pastoral holdings and allow alternative agricultural and horticultural activities.”*
- (b) *“To maintain rural amenity”*
- (c) *“To ensure that the Rural Areas are adequately serviced”; and*

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(d) *“To facilitate the provision of special forms of residential accommodation such as community dwellings or institutions in rural areas.”*

In assessing the development proposal against the implementation criteria for each of the objectives, the following are relevant to the development proposal;

Implementation	Comment	Compliance
Objective (a)		
(ii) <i>The minimum area stipulated in the Subdivision of Land provisions contained in Council's Town Planning Scheme for subdivision in the Rural zone is mostly 16 hectares and it is envisaged that this will prevent land being fragmented into holdings which are unable to be used for agricultural activities.</i>	The proposed development achieves the minimum lot size of 16 hectares.	Yes
(iii) <i>The size of allotments in the Rural Areas is large enough to minimize the impact of incompatible uses upon one another.</i>	The proposed development achieves the minimum lot size of 16 hectares.	Yes
Objective (b)		
(i) <i>The minimum allotment size of 16 hectares will assist in maintaining this objective. This objective is very important in maintaining the character and attractiveness of the Shire. The Rural Areas are quite extensive and are contiguous with the major landscape features of the Shire. The Rural Areas support the Open Space Areas in providing visual relief and recreation opportunities for residents of the Urban Areas.</i>	The proposed development achieves the minimum lot size of 16 hectares.	Yes

In addition to the above, section 3 of the Strategic Plan also identifies the Objectives and Implementation mechanisms to achieve the objectives for Preferred Extractive Industry Areas. The Objectives are as follows;

- (a) *“To ensure that known significant deposits of extractive material in locations considered by Council suitable for extraction are preserved for extraction when required.”*
- (b) *“To ensure that adequate safeguards are implemented during the extraction of and distribution of the material and that appropriate progressive restoration of the land surface is undertaken as extraction is completed” and*
- (c) *“Council will encourage the establishment of uses on expended extractive industry operations which are in keeping with surrounding preferred dominant land use.”*

The subject land is located immediately adjacent to land identified as a Preferred Extractive Industry Area.

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In assessing the development proposal against the implementation criteria for each of the objectives, the following are relevant to the development proposal;

Implementation	Comment	Compliance
Objective (a)		
(iii) Council will only support development applications in the vicinity of such preferred extractive industry deposits where Council is of the opinion that conflict with likely future extractive industry operations will not occur.	<p>Although the proposal is partially within the Extractive Resources and Mining Tenements Overlay mapping area, the proposed reconfiguring a lot plan has been amended to ensure that there is no increase in the number of people living within the separation area (Figure 1 below).</p> <p>The initial reconfiguring a lot plan proposed sought to create additional allotments within the separation area and therefore resulted in additional sensitive use receptors (i.e. future Dwelling houses on proposed lots) being located within proximity to an active extractive resource area.</p> <p>The amended plan has sufficiently demonstrated compliance with the Key Extractive Resources and Mining Tenements Overlay Code (discussed in Section 2.5.1.7), and as such, Council officers are of the opinion that conflict with existing extractive industry operations will not be increased and compliance with this objective has been demonstrated.</p>	Yes

The proposed development achieves compliance with the *Strategic Plan 1998*.

**2.4.3 Shire of Pine Rivers – Lake Kurwongbah Catchment – Development Control Plan 12**

The site is controlled by the Lake Kurwongbah Catchment Development Control Plan No.12 1998 (DCP) and is identified in the DCP as having a predominant Preferred Dominant Land Use of “Rural areas with moderate to high environmental significance” with smaller areas of “moderate to high environmental significance” and a small portion in the northern part of the site identified simply as a Rural Area. In close proximity to the subject site is land identified as *Quarry / Extractive Resources*.

In accordance with section 2.3.2 of the DCP, the intent of these areas is described as follows;

**Quarry/Extractive Resources:** *These areas are shaded yellow and designated “E” on the Local Area Structure Plan Map. This designation applies to areas which are subject to existing approvals, or where it has been proven resources are available for viable extractive industry operations. Council intends to protect these areas for encroachment by incompatible uses.*

**Rural Area with Moderate to High Environmental Significance:** *These areas are shaded light green. These areas contain remnant vegetation identified as having a very high ranking for conservation purposes and/or less defined water ways. Rural and other lawfully established uses with these areas are intended to continue. Development is intended to be designed to protect the environmental significance of these areas and to not unduly interfere with the natural*



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flow of flood waters. All new development and land use activities are to be constructed, operated and undertaken in accordance with the stated objectives and implementation criteria.

**Area with Moderate to High Environmental Significance:** These areas are shaded (dark green) on the Local Area Structure Plan Map. These areas contain remnant vegetation identified as having a high to very high ranking for conservation purposes and the main water courses with well-defined bed and banks and form the principal environmental corridors within the catchment. The flood prone areas within designated watercourses are generally considered to be unsuitable for development. Development within or adjacent to areas with moderate to high environmental significance and forming part of these corridors, is intended to be designed to protect the environmental values within these areas and in particular to retain or enhance the integrity of these corridors.

Section 3 of the DCP identifies the Objectives and Implementation Criteria applying to all development and those relevant to the proposal are listed below;

Lake Kurwongbah Catchment – Development Control Plan 12		Comment
<b>Water Quality Protection</b>		
<u><b>Objectives</b></u>		
<ul style="list-style-type: none"> <li>To protect the lake's role as an urban water supply storage.</li> <li>To maintain or improve lake water quality, particularly in relation to nutrients, turbidity, bacteria and algae.</li> </ul>		
<u><b>Implementation</b></u>		
(b) <i>Fragmentation of Rural Land Holdings</i>		The development seeks to subdivide rural land holdings that achieve the required minimum lot size of 16 hectares that is consistent with the 1998 Subdivision of Land Provisions for the Rural zone.
<i>Further fragmentation of rural land / holdings, other than in accordance with existing zoning provisions, is generally considered inappropriate except where in the opinion of Council, the proposal will result in better protection of water quality or environmental values... Except in the case of a rural excision allotment, the lot size permitted in the catchment on land zoned Rural shall be in accordance with the Subdivision of Land Provisions in the Town Planning Scheme, namely minimum area 16 ha.</i>		The development seeks to establish allotment boundaries through the large dam located on Lot 4 RP9008472. As such, a condition is recommended for the applicant to provide an amended Subdivision Plan demonstrating the existing dam wholly located within one (1) single allotment, with the high-water mark of the dam to be identified and property boundaries to be located at least 5m from the high water mark.
		It is also recommended to be conditioned that the minimum lot size of 16 hectares is maintained and as such, the amended plan required may cause the number of lots to be reduced to ensure the minimum is preserved.
		In this instance, the proposal will achieve compliance with the intent of this Objective, subject to conditions.
<b>Character and Amenity</b>		
<u><b>Objective</b></u>		
<ul style="list-style-type: none"> <li>To protect the existing quarries, golf course, and motor sport facilities from encroachment by incompatible uses.</li> </ul>		

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<p><b><u>Implementation</u></b></p> <p>(a) New development should provide effective buffering from areas of incompatible land use and environmental sensitivity. Any area, structure or physical feature provided to serve as a buffer is to be approved by Council and designed to be visually attractive and compatible with the desired character of the locality.</p>	<p>The proposed development ensures that there is no increase in the number of people living within the separation area indicated on the Key Extractive Resource and Mining Tenements Overlay map and therefore a suitable buffer is maintained to ensure the development does not encroach on the existing active extractive industry operations.</p>
<p><b>Extractive Industry Resources</b></p>	
<p><b><u>Objective</u></b></p> <ul style="list-style-type: none"> <li>To ensure potentially viable extractive industry resources are protected for the future use of the community.</li> </ul>	
<p><b><u>Implementation</u></b></p> <p>(b) In the interim, the currently generally known area of extractive industry resources will continue to be retained in rural uses compatible with the catchment's potable water collection and storage role, and Council will use its best endeavours to limit the spread of additional subdivision in proximity of the existing operational quarries.</p>	<p>The proposed development ensures that there is no increase in the number of people living within the separation area indicated on the Key Extractive Resource and Mining Tenements Overlay map and therefore a suitable buffer is maintained to ensure the development does not encroach on the existing active extractive industry operations.</p>

The above assessment demonstrates that the application is consistent with the objectives of the DCP.

## 2.5 PineRiversPlan 2006

The *PineRiversPlan* commenced on 15 December 2006. Pursuant to section 3.5.6(2) of the IPA the assessment manager may give the weight it is satisfied is appropriate to a code, planning instrument, law or policy that came into effect after the application was made, but —

- (a) before the day the decision stage for the application started; or
- (b) if the decision stage is stopped—before the day the decision stage is restarted.

The application entered the Decision Making Period on 26 July 2007 however the period was stopped and then restarted on 24 August 2007. On this basis Council is able to give consideration of the proposal against the version of the *PineRiversPlan* in effect on 24 August 2007.

Under the *PineRiversPlan*, the subject site is zoned Rural and contained within the Catchment Locality. The following codes are applicable had the development sought approval under the *PineRiversPlan* in effect on 24 August 2007.

### 2.5.1 Relevant Overall Outcomes

An assessment of individual Specific Outcomes of the relevant codes has not been undertaken, as the Overall Outcomes are of a higher planning order and provide the strategic intent of the planning scheme at the time the application entered into the Decision Making Period. A summary of the Overall Outcomes for each of the relevant codes where relevant to the proposal is outlined below;

#### 2.5.1.1 Catchment Locality Code

The overall outcomes seek to ensure that existing extractive industry operations and extractive resources are protected from encroachment.

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The development initially sought to create additional lots within 600 metres of the eastern most quarry and more than 750 metres from the western quarry. As a consequence of the development, an increase in sensitive use receptors “dwellings” would be established within the extractive resources locality. A “dwelling” is regarded as an inappropriate form of development that may compromise an extractive resource.

In response to these concerns, the applicant submitted to Council on 28 June 2021 an amended subdivision plan which demonstrated all proposed building site areas (for future Dwelling houses) outside of the separation area, being now approximately 1km from the eastern and western quarries.

The development demonstrated compliance with the Overall Outcomes of the Catchment Locality.

**2.5.1.2 Catchment Locality – Rural Zone**

The overall outcomes seek to maintain the predominant form of large parcels of land retained for rural activities, with further fragmentation of rural land holdings at densities greater than specified (16 ha) not being supported unless 50% of the site is transferred to Council for environmental purposes and the maximum density of 0.0625 lots per hectare is maintained.

The application proposes to create lots that achieve the minimum 16 ha requirement, and therefore complies with the Overall Outcomes of the Catchment Locality – Rural Zone.

**2.5.1.3 Biodiversity Overlay Code**

The overall outcomes seek to protect and retain the Shire’s biodiversity by minimising the land degradation caused by vegetation clearing, retention of the Shire’s native vegetation and maintenance of the long-term sustainability of koala populations within the Shire.

The site is constrained by mapped Koala Habitat (Koala Conservation Area) and Regulated Vegetation (Class 3). The development requires vegetation clearing in mapped areas that may contain vegetation of significant environmental value. This includes the construction of 2.57km of new road (reduced from initially 3.14km) and vegetation clearing needed for the asset protection of new dwellings on the proposed lots created as a consequence of the development in accordance with the recommendations of the submitted Bushfire Hazard Report, prepared by *Place Planning & Design*, July 2007.

A Vegetation Management Plan and Fauna Management Plan have been conditioned to be submitted and approved by Council in order to demonstrate compliance with the Overall outcomes of the Biodiversity Overlay Code

**2.5.1.4 Waterways Overlay Code**

The overall outcomes seek to protect the existing waterways within the shire from degradation or loss of biodiversity values, including a net no worsening of the ecosystems’ health.

The revised locations of building areas for future Dwelling houses follow the edge of the Waterway overlay mapped area and demonstrate no worsening of the ecosystems’ health, subject to conditions. In this instance the development, achieves compliance with the Overall Outcomes of the Waterways Overlay Code.

**2.5.1.5 Bushfire Hazard Areas Overlay Code**

The overall outcomes seek to ensure that life and property are protected by limiting, where possible, the number of people living and working in a high or medium bushfire hazard area.

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The site is mapped as High and Medium Bushfire Hazard Area. The applicant submitted a Bushfire Management Plan, prepared by *Place Planning & Design, July 2007*, in support of the development application which demonstrated compliance with the Overall outcomes of the Bushfire Hazards Areas Overlay Code.

As the proposed subdivision layout has been amended since the Bushfire Management Plan was received and deemed appropriate, it is a recommended condition that an updated Bushfire Management Plan is prepared and submitted for Council approval.

**2.5.1.6 Potential Landslide Areas Overlay Code**

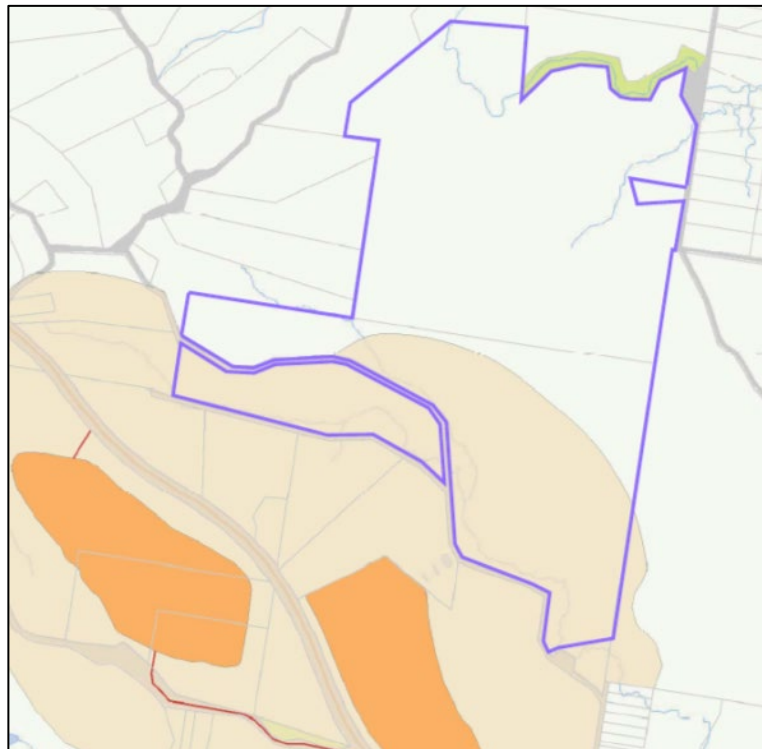
The overall outcomes seek to ensure that development provides adequate protection of people, buildings, structures and activities from landslide events.

The site is mapped as being located within a potential landslide area. The mapped areas represent a small area proportion to the lot sizes. The applicant submitted a Geotechnical report demonstrating that a dwelling can be sited on each proposed lot, achieving compliance with the Potential Landslide Area Overlay Code.

As the proposed subdivision layout has been amended since the Geotechnical Report was received and deemed appropriate, it is a recommended condition that an updated Geotechnical Report is prepared and submitted for Council approval.

**2.5.1.7 Extractive Resources and Mining Tenements Overlay Code**

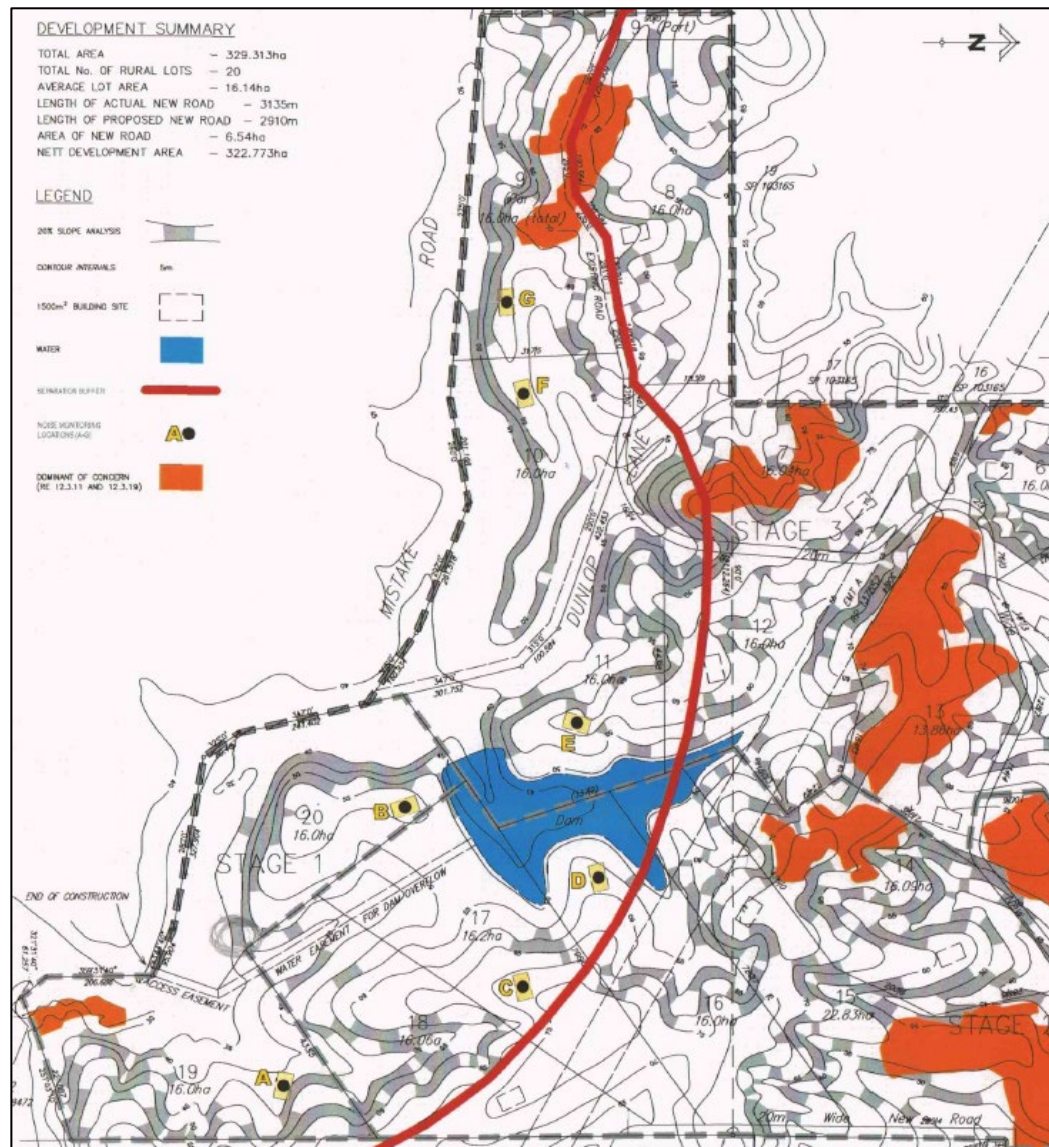
Lot 4 RP 908472 is mapped within the separation area. The purpose of the separation area is to ensure development does not prevent or constrain the current or future viability of the quarry operations. In this instance, the probable solution is to not increase the number of persons living within the separation area, unless the appropriate separation distances can be achieved.



**Figure 1: Extractive Resources and Mining Tenements Overlay Map (Light orange - Separation area; Dark orange - Key Extractive Resource)**

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During the application, Council requested further information to justify the development against the *PineRiversPlan* Key Extractive Resources and Mining Tenements Overlay Code, particularly Specific Outcome S02, as the original proposal plan nominated seven (7) building areas (to establish future Dwelling houses) within the Separation area of the overlay mapping.



**Figure 1: Building sites/Noise monitoring locations (A-G) identified within the Separation buffer area (Red line) (Source: Amenity Impact Assessment Report, prepared by MWA Environment, 7 November 2008)**

On 3 December 2008, Council received an *Amenity Impact Assessment*, prepared by *MWA Environment*, dated 27 November 2008. The assessment concluded that the noise from the quarry was discernible, however, less than the noise limit requirements at a noise sensitive place. The report also concluded future owners would be aware of the existing quarry activities and would orientate future Dwelling houses accordingly to minimise amenity impacts. In relation to dust, the report concluded that dust amenity constraints are not considered to be of significance.

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The assessment also concluded that the presence of existing dwellings in closer proximity to the quarry already act as the limiting factor to future operations of the quarry and control its operations.

On 7 September 2009, Council requested future information with regard to the impact of blast noise from the quarry, as this aspect of the original assessment was not addressed.

On 21 May 2010, Council received a *blasting effects report, prepared by Heilig & Partners, May 2010*. The report concluded that all future Dwelling house building areas will not be impacted on by the quarry activities. In addition, the blasting activities of the quarry are currently already restricted by the proximity of the existing dwellings located closer to the quarry than the proposal, and ultimately 'control the scale of blasting' of the quarry.

On the 3 August 2010, Council received an external peer review of the applicants (*Heilig & Partners*) assessment from Worley Parsons. The peer review concluded that the *Heilig & Partners* assessment relied on the blasting size limitations based on the proximity to two (2) existing dwellings (control points) at 1200 and 1204-1210 Dayboro Road and questioned if they should be relied upon as existing control points. The closest dwelling at 1200 Dayboro Road (Lot 1 RP200877) is owned by Moreton Bay Regional Council and was transferred by Cemex Australia Pty Ltd (the quarry owner) on 10 June 2007 to Council to assist in maintaining a buffer to the quarry from incompatible land uses. It is arguable as to whether the dwelling house is suitable to be used as a control point as it is owned by Council and was given to the Council by the quarry to extend the buffer area to mitigate against the potential and/or actual impacts of the quarry operation.

Further, the applicant's *Heilig & Partners* assessment based their assessment on 50kg charges being the self-imposed limitation by the quarry in relation to the closest 'control points'. The report did not fully consider higher charge sizes up to 160kg that may actually be used or could be used/needed for future quarry activities that would impact on the wider locality.

In this instance, Council officers cannot with accuracy confirm if an increase in the number of people living within the separation area would be unaffected by blasting at the quarry. Further, any expansion to the quarry or change in blasting operations may be compromised by the existence of new dwellings within the extractive resource separation area.

In response to these issues, the applicant submitted to Council on 28 June 2021 an amended subdivision plan which reduced the proposal from 20 lots to 17 lots and demonstrated all proposed building site areas (for future Dwelling houses) outside of the separation area. In doing so, the proposal demonstrates compliance with Specific Outcome S02, as detailed below.

For completeness, an assessment against *Table 5.11.3: Specific Outcomes and Probable Solutions for Assessable Development, Chapter 5, Part 11 – Extractive Resources and Mining Tenements Overlay Code* is detailed below.

Specific Outcomes	Probable Solution	Comment
<b>Key Extractive Resources and Mining Tenements</b>		
<b>S01</b> Development within key extractive resources and mining tenements indicated on the Key Extractive Resources and Mining Tenements Overlay Map	<b>PS 1</b> There is no increase in the number of persons living, working or congregating within key extractive resources or mining tenements, unless	Complies.  The land is <u>not</u> located within the Key extractive resource or



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does not prevent or constrain the current or future viability and efficient winning or processing of extractive or mineral resources.	for the purposes associated with the winning or processing of extractive resources.	mining tenements mapped areas, as such the development does not compromise this Specific Outcome.
<b>Separation Areas for Key Extractive Resources and Mining Tenements</b>		
<p><b>SO 2</b> Development within the Separation area indicated on the Key Extractive Resources and Mining Tenements Overlay Map:-</p> <p>(1) does not prevent or constrain the current or future viability and efficient winning or processing of extractive or mineral resources;</p> <p>(2) is not subject to adverse impacts from existing and future quarry operations; and</p> <p>(3) does not prevent or constrain the transport of extractive resources.</p>	<p><b>PS 2.1</b> Development does not increase the number of people living within the separation area indicated on the Key Extractive Resources and Mining Tenements Overlay Map.</p> <p><b>AND</b></p> <p><b>PS 2.2</b> Sensitive development incorporates measures that minimise potential adverse impacts and conflicts associated with extractive industry operations and associated activities including:-</p> <p>(1) extensively planted and/or mounded landscape buffer strips to maximise visual and acoustic screening;</p> <p>(2) the maintenance of adequate separation distances; and</p> <p>(3) positioning buildings and other structures to utilise landform and vegetation to provide a natural buffer and maximise visual or acoustic screening. Hardrock Haulage Corridor.</p>	<p>Complies.</p> <p>The land <u>is</u> located within the mapped Separation area indicated on the Key Extractive Resources and Mining Tenements Overlay Map. However, all building location sites (for future Dwelling houses) are located outside of the mapped Separation area, as such, the development does not increase the number of people living within the Separation area of the overlay mapping.</p> <p>The proposed development does not incorporate sensitive development (i.e. Dwelling houses are not proposed to be constructed as part of this approval). Future dwellings would need to be orientated, constructed and landscaped accordingly to minimise any amenity impacts.</p>
<p><b>SO 3</b> Development does not prevent or constrain the acquisition, construction or function and efficient transport of extractive material using the Narangba Hardrock Haulage Corridor.</p>	<p><b>PS 3.1</b> There is no increase in persons living, working or congregating on the premises within the Narangba</p> <p><b>AND</b></p> <p><b>PS 3.2</b> No access to premises is through or from the Narangba Hardrock Haulage Corridor.</p> <p><b>AND</b></p>	<p>Not applicable, the land is not located along the Narangba Hardrock Haulage Corridor.</p>

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	<p><b>PS 3.3</b> No new lots are created within the Narangba Hardrock Haulage Corridor.</p> <p><b>AND</b></p> <p><b>PS 3.4</b> Buildings are not located within the Narangba Hardrock Haulage Corridor.</p> <p><b>AND</b></p> <p><b>PS 3.5</b> Works are not carried out within the Narangba Hardrock Haulage Corridor, other than on public roads.</p>	
<p><b>SO 4</b> Buildings within the key extractive resource or separation areas are sited and designed to minimise impacts from the winning and transportation of extractive resources such as noise, dust and vibration.</p>	<p><b>PS 4</b> No solution provided.</p>	<p>Not applicable, no buildings sites for future Dwelling houses are located within the key resource or separation area.</p>

While determinative weight cannot be given to the current Moreton Bay Regional Council (MBRC) Planning Scheme, it is acknowledged that the MBRC Planning Scheme Extractive Resources Overlay, specifically the Separation area, is equivalent to the Extractive Resources and Mining Tenements Overlay mapping of the now superseded *PineRiversPlan*.

In accordance with s3.5.6(2) of the IPA, it is left for Council to decide the appropriate determinative weight to be given to the *PineRiversPlan* in effect when the Decision Making Period of the IDAS process recommenced.

It is recommended that determinative weight is given to the *PineRiversPlan*, and as the amended proposed now demonstrates compliance with the Overall outcomes of the applicable codes of the *PineRiversPlan*, it is recommended that the application is approved subject to conditions.

## 2.6 Trunk Infrastructure

Section 5.1.8 of IPA provides the mechanism for the Council to give an Infrastructure Charges Notice with any development approval. Infrastructure charges apply to the land and are to be applied in accordance the Council's Charges Resolution No. 10 commencing on 5 October 2022 (CR).

### 2.6.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been calculated as;

17 proposed lots x \$19,298.40 per lot = \$328,072.80

### 2.6.2 Levied Charge Credit

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

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

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



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(b) Existing lawful use of land

An assessment of existing lawful uses of the land has determined that a credit exists based on the existing dwelling houses and horse riding school on the subject site. However, the existing horse riding school will not cease to operate when subdivided onto their respective allotments. Therefore, the equivalent of a Dwelling House on each of the existing lots represents the credit for the existing uses and is;

2 existing 3+ bedroom Dwelling Houses x \$19,298.40 per Dwelling House = \$38,595.80.

(c) Previous and no longer taking place, lawful use of land

There is no record of a previous lawful use of the land. Accordingly, the credit available under this option is \$0.00.

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

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

2.7 Referrals

2.7.1 Referral Agencies

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

**Department of Natural Resources and Water**

The application was referred to the Department of Natural Resources and Water (DNRW) on the 18 January 2005. Council was directed in its response dated 28 June 2007 to refuse the development application. Under section 3.5.9(1) of the IPA, the applicant made written representations to DNRW on 30 July 2007.

On 29 August 2007, DNRW responded with Conditions, directing the assessment manager (Council) to impose conditions on any approval given (rather than refusal) in order to ensure the development met the Concurrence Agency Policy for Reconfiguring of a Lot (December 2004), specifically PRA.1, PRA.3, and PRA.4 9 (refer to attachments).

**2.7.1.2 Advice Agencies**

**Powerlink**

The application was referred to Powerlink. Council was advised on 8 June 2008 that Powerlink had no objection to the proposal subject to the applicant being made aware of the existing easement (dealing number E732287) that transects the land and Powerlink's current access arrangement.

There are no conditions recommended by Powerlink, however, the Advice Agency's response is to be included with Council's Decision package.

**2.7.1.3 Third Party Agencies**

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

2.8 Public Consultation

Not applicable. The development application is subject to Code assessment.

ITEM 3.3 DA/12844/2004/V3RS - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 17 LOTS) - 23 NICHOLSON ROAD, KURWONGBAH - 66767727 (Cont.)

## 2.9 Other Matters

### **Environmental Land Register (Notifiable Activity pursuant to s.374 of the *Environment Protection Act 1994*)**

On 14 January 2014, Council was notified by the Department of Environment and Heritage Protection (DEHP) that Lot 90 on RP850910 had been listed on the Environmental Management Register (EMR) as the land had been used for a landfill. The notice stated that regulated waste including asbestos and oxidising agents were confirmed as being disposed on site. The land is still on the Register today.

The EMR is a land-use planning and management register to record land that has been or is currently used for a notifiable activity or has been contaminated by a hazardous contaminant. If a property that is listed on the EMR is subdivided, the newly created lots are included on the register. Additionally, section 421 of the *Environmental Protection Act 1994* requires anyone selling or otherwise disposing of land listed on the register to give written notice of the land's listing to any potential purchaser.

If Lot 90 is subdivided, the individual subsequent lots can be removed from the EMR if the landowner provides information to the Department demonstrating that a notifiable activity has not commenced on that new lot, or the land is shown to be not contaminated. To do this, the lot must be investigated by a Suitably Qualified Person (SQP) to assess its state of contamination. The SQP can then prepare a site investigation report about that lot to be submitted to the department for assessment. If the department is satisfied the land is not contaminated, it is removed from the EMR.

As the future lots will be used for rural living purposes, a question arises as to the Council's duty of care in creating the lots in knowledge of contamination.

It is understood that the applicant and the DEHP reached an agreement in 2018 that the areas on the site affected by landfill uses were constrained to three (3) key areas, as opposed to the entirety of Lot 90 on RP850910, and that in order for the site to be removed from the EMR, appropriate mitigation measures were required to be undertaken to these three (3) areas. However, this is a decision for the DEHP for it to be satisfied that there were only 3 areas and not the Council.

To address the issue, it is a recommended condition of approval that the applicant demonstrates to Council that the subject site is remediated and no longer listed on the EMR or the like prior to plan endorsement of the survey plan for Stage 1 so that the issue is not passed onto future landowners as a legacy.

### **Existing Dam**

There is an existing dam that is predominately located on Lot 4, and marginally traverses Lot 90 RP850910. The dam was authorised by a waterworks licence issued in April 1993, having a licenced capacity of 350 megalitres, and embankment height of 13.4m.

The proposed plan demonstrates the existing dam being retained and traversing across several proposed property boundaries. Given the size of the dam and capacity to be used for boating, it isn't appropriate that the dam and its water be divided as proposed as it is likely to result in disputes between different landowners (e.g. water usage, trespass, liability) with maintenance of the dam wall falling to only one lot. A recommended condition is therefore that the subdivision layout be further amended to have the dam and its water wholly located in a single lot. To maintain the minimum lot size, this may result in the loss of additional lots.

## 3. **Strategic Implications**

### 3.1 Legislative/Legal Implications

The applicant is understood to have appeal rights in accordance with the *Planning Act 2016*.

*ITEM 3.3 DA/12844/2004/V3RS - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 17 LOTS) - 23 NICHOLSON ROAD, KURWONGBAH - 66767727 (Cont.)*

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Well-planned Places:

01 We have a clear urban growth boundary that protects our unique landscapes and environmental values.

02 We have a preferred sequence of growth that supports complete, sustainable and connected communities.

03 Our communities have access to safe, affordable and diverse living choices.

3.3 Policy Implications

The proposal is consistent with the planning provisions and relevant policies in effect at the time the application was properly made or when the application entered the decision stage in accordance with the *Integrated Planning Act 1997*.

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

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

b) Permit conditions require infrastructure contributions to Council.

3.7 Economic Benefit Implications

Appropriate development supports the growing Moreton Bay region.

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter

3.11 Consultation / Communication

Refer to sections 2.7 and 2.8.

## **ADJOURNMENT**

The meeting adjourned at 10.32am for morning tea.

The meeting resumed at 10.57am.

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**4 WELL-CONNECTED PLACES SESSION**

**(Cr A Hain / Cr M Gillam)**

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No items for consideration.

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**5 PROGRESSIVE ECONOMY SESSION**

**(Cr K Winchester / Cr T Latter)**

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**ITEM 5.1**

**THE VISION SPLENDID OUTBACK FILM FESTIVAL**

*Meeting / Session:* 5 PROGRESSIVE ECONOMY  
*Reference:* 66891299: 28 April 2023  
*Responsible Officer:* KR, Executive Support Officer (CEOs Office)

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**Executive Summary**

This report seeks consideration of Councillor attendance to The Vision Splendid Outback Film Festival to be held in Winton, Queensland from 23 June 2023 to 1 July 2023.

This matter is brought to the attention of Council under the **Progressive Economy portfolio** as participation aligns with the Regional Economic Development Strategy (REDS) and Council's Friendship City relationship with Winton Shire Council.

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**RESOLUTION**

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Moved by Cr Karl Winchester

Seconded by Cr Mark Booth

**CARRIED 11/0**

1. That Councillors Brooke Savige, Sandra Ruck, Yvonne Barlow and Cath Tonks be authorised to attend The Vision Splendid Outback Film Festival to be held in Winton, Queensland from 23 June 2023 to 1 July 2023.
2. That the Chief Executive Officer arrange for officer attendance to this event as appropriate.

*ITEM 5.1 THE VISION SPLENDID OUTBACK FILM FESTIVAL - 66891299 (Cont.)*

## OFFICER'S RECOMMENDATION

1. That Councillors Brooke Savige, Sandra Ruck, Yvonne Barlow and Cath Tonks be authorised to attend The Vision Splendid Outback Film Festival to be held in Winton, Queensland from 23 June 2023 to 1 July 2023.
2. That the Chief Executive Officer arrange for officer attendance to this event as appropriate.

## **REPORT DETAIL**

### **1. Background**

Council has had a city relationship with Winton Shire Council for over 26 years. This historical bond, which has significant civic and cultural ties to the Moreton Bay Region has been beneficial for both Councils.

The Vision Splendid Outback Film Festival is Australia's only outback film festival and the only film festival in the world dedicated to the profiling and supporting the Australian film industry.

2023 marks 10 years since The Vision Splendid Outback Film Festival was launched with the event fast becoming a major drawcard for Winton and providing huge economic benefits to the region.

Last year, the state's screen industry generated \$478 million through 37 films, series and games – almost double the previous high of \$262 million. The Moreton Bay Region has participated in recent productions of Young Rock, The Tiger King and Queensland tourism shows. There is an opportunity to grow our screen industry and presence.

Activities associated with Winton also link to the Mayor's 2032 Legacy objectives to ensure lasting benefits beyond the Moreton Bay Region and to our Friendship City.

Councillors Brooke Savige, Sandra Ruck, Yvonne Barlow and Cath Tonks have expressed an interest in representing Council at the festival.

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

The Vision Splendid Film Outback Festival is delivered in support of Winton's Friendship City agreement with Council.

Participation in activities connected to the film festival are provided as part of Council's sponsorship benefits under its agreement with Winton Shire Council.

Council is eager to continue supporting the Friendship City relationship it has with Winton Shire and by sponsoring and participating in events and activities such as the film festival as this will activate promotional opportunities and potential economic returns for the Moreton Bay Region.

Through Council's sponsorship, it is planned to activate regional brand positioning and messaging through a series of included benefits such as the inclusion of Council's logo on marketing collateral (key messaging in the program); website, e-newsletter, social media, media wall, and posters. Council also has naming rights to the Industry Days "*Vision Splendid Outback Film Festival Industry Days presented by Moreton Bay Regional Council*" which includes speaking, networking and photo opportunities. In addition to this, Council will have a promotional video played prior to the evening film at the Royal Open-Air Theatre.

This year Council has been able to secure participation in the event by local high school and UniSC students. Council is facilitating the participation of up to six local students in a 'Winton Experience' film boot camp. High School students from Moreton Bay will also be included in the Swaggies Film Competition. UniSC faculty and students can participate in a Kolpen Industry Day and students can enter films in the short film competition. The launch of the festival will for the first time, take place in the Moreton Bay Region, bringing additional profile and benefits to both organisations and the festival.

ITEM 5.1 THE VISION SPLENDID OUTBACK FILM FESTIVAL - 66891299 (Cont.)

Notable key events that occur within the festival include themed special events for selected films, Breakfast with the Stars, Silent Night Experience, and film location tours.

### 3. Strategic Implications

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Progressive Economy: 06 We have strong industry leadership and collaboration that harness our collective strength.

3.3 Policy Implications

Arrangements relating to attendance will be made in accordance with Council's Entertainment & Hospitality Policy and Sponsorship Policy.

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Funds for attendance to this festival have been provided in the 2022/23 budget.

3.7 Economic Benefit Implications

Participation in the festival aligns with the Regional Economic Development Strategy (REDS), adopted on 3 February 2021 and Council's Friendship City relationship with Winton Shire Council and provides profile building and industry development opportunities in creative industries including film making and pathways for students across the Moreton Bay Region.

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Councillors

Executive Leadership Team

## ITEM 5.2 WINTON OUTBACK FESTIVAL - COUNCILLOR ATTENDANCE

*Meeting / Session:* 5 PROGRESSIVE ECONOMY  
*Reference:* 66958305: 10 May 2023  
*Responsible Officer:* KR, Executive Support Officer (CEOs Office)

### Executive Summary

This report seeks consideration of Councillor attendance to the Winton Outback Festival to be held in Winton, Queensland from 19 to 23 September 2023.

This matter is brought to the attention of Council under the **Progressive Economy portfolio** as participation aligns with the Regional Economic Development Strategy (REDS) and Council's Friendship City relationship with Winton Shire Council.

### RESOLUTION

Moved by Cr Cath Tonks

Seconded by Cr Jodie Shipway (Acting Mayor)

CARRIED 11/0

1. That Councillors Mark Booth, Karl Winchester, Mick Gillam and Tony Latter and be authorised to attend the Winton Outback Festival to be held in Winton, Queensland from 19 to 23 September 2023.
2. That the Chief Executive Officer arrange for officer attendance to this event as appropriate.
3. That provision be made for this expenditure as part of Council's budget for the 2023/24 financial year.



*ITEM 5.2 WINTON OUTBACK FESTIVAL - COUNCILLOR ATTENDANCE - 66958305 (Cont.)*

## **OFFICER'S RECOMMENDATION**

1. That Councillors Mark Booth, Karl Winchester, Mick Gillam and Tony Latter and be authorised to attend the Winton Outback Festival to be held in Winton, Queensland from 19 to 23 September 2023.
2. That the Chief Executive Officer arrange for officer attendance to this event as appropriate.
3. That provision be made for this expenditure as part of Council's budget for the 2023/24 financial year.

## **REPORT DETAIL**

### **1. Background**

Council has had a city relationship with Winton Shire Council for over 26 years. This historical bond, which has significant civic and cultural ties to the Moreton Bay Region has been beneficial for both Councils.

Participation in activities connected to the Outback Festival are provided as part of Council's sponsorship benefits under its agreement with Winton Shire Council. Benefits include tickets to all major events including Welcome event dinner and the Bush Poets Breakfast and Show.

Councillors Mark Booth, Karl Winchester, Mick Gillam and Tony Latter have expressed an interest in representing Council at the festival.

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

The Winton Outback Festival was established in 1972 to help stimulate the drought-stricken community of Winton and build on its local economy. Held every second year and now in its 51<sup>st</sup> year, the Winton Outback Festival attracts thousands of visitors to the region which in turn, provides a huge economic benefit to the Winton region.

Council is eager to continue supporting the Friendship City relationship it has with Winton Shire and by sponsoring and participating in events and activities such as this festival, Council will be activating promotional opportunities and potential economic returns for the Moreton Bay Region. Through Council's sponsorship, it is planned to activate regional brand positioning and messaging through a series of included benefits such as, television advertising, event collateral, naming rights, festival website and print media content.

This five-day festival offers a variety of events including live music and entertainment, Bush Poets Breakfast and Show, Roving Entertainment and Sporting Events (Outback Ironman and Ironwoman) closing with a Grand Parade Spectacular.

Activities associated with Winton also link to the Mayor's 2032 Legacy objectives to ensure lasting benefits beyond the Moreton Bay Region and to our Friendship City.

### **3. Strategic Implications**

3.1 Legislative / Legal Implications ☒ Nil identified

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Progressive Economy: 06 We have strong industry leadership and collaboration that harness our collective strength.

3.3 Policy Implications

Arrangements relating to attendance will be made in accordance with Council's Entertainment & Hospitality Policy and Sponsorship Policy.

*ITEM 5.2 WINTON OUTBACK FESTIVAL - COUNCILLOR ATTENDANCE - 66958305 (Cont.)*

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications  
Funds for attendance to the conference will need to be provided in the 2023/24 budget as per recommendation 3 above.

3.7 Economic Benefit Implications  
Participation in the Festival aligns with the Regional Economic Development Strategy (REDS), adopted on 3 February 2021 and Council's Friendship City relationship with Winton Shire Council and provides profile building and industry development opportunities in creative industries.

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications  
Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication  
Councillors  
Executive Leadership Team

## 6 ENGAGED COUNCIL SESSION

(Cr M Constance / Cr D Grimwade)

### ITEM 6.1

### INFRINGEMENT NOTICE COURT ELECTION - PARKING

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 66857146 : 3 May 2023  
*Responsible Officer:* JD, Brief Management and Prosecutions Coordinator (CES Customer Response)

#### Executive Summary

Council's approval is sought for the commencement of 10 prosecutions in the Magistrates Court for alleged offences under the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*.

The *State Penalties Enforcement Act 1999* allows for a person who has been issued with a penalty infringement notice to elect to have the matter heard through the Magistrates Court instead of paying the infringement.

Council has received court election requests from 10 members of the community who have (separately) received a penalty infringement notice. These matters have been assessed and are considered appropriate to proceed as requested to the Magistrates Court. In order to progress the matter a resolution of Council is sought authorising officers to commence court proceedings.

This matter is brought to the attention of Council under **An Engaged Council portfolio** as the enforcement of statutory offences, including the commencement of prosecutions, is a function required to support community safety and amenity.

#### RESOLUTION

Moved by Cr Mark Booth

Seconded by Cr Cath Tonks

CARRIED 11/0

1. The Council authorise the Chief Executive Officer to take steps to commence, conduct and resolve 10 prosecutions in the Magistrates Court for the matters described in this report, for what Council officers allege to be offences under the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

ITEM 6.1 INFRINGEMENT NOTICE COURT ELECTION - PARKING - 66857146 (Cont.)

**OFFICER'S RECOMMENDATION**

1. The Council authorise the Chief Executive Officer to take steps to commence, conduct and resolve 10 prosecutions in the Magistrates Court for the matters described in this report, for what Council officers allege to be offences under the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*.
2. That the prosecutions described be commenced in the name of the Chief Executive Officer, pursuant to section 237(2) of the *Local Government Act 2009*.

**REPORT DETAIL**

**1. Background**

The *Transport Operations (Road Use Management - Road Rules) Regulation 2009* provides a legal and procedural framework with the objective to provide road rules in Queensland that are substantially uniform with road rules elsewhere in Australia and provides for their administration, implementation and enforcement.

Council officers are authorised by the Chief Executive Officer, in accordance with their delegations, to issue Penalty Infringement Notices for offences that relate to Council's Local Laws and State legislation.

When a Penalty Infringement Notice is issued to a person for an offence, the *State Penalties Enforcement Act 1999* states that the alleged offender must, within 28 days after the date of the infringement notice, elect one of the following options:

- a) pay the fine in full or
- b) pay the fine in instalments (penalty amounts over \$200) or
- c) make an election to the administering authority to have the matter of the offence decided in a Magistrates Court.

In addition to the abovementioned options, Council provides the alleged offender with the opportunity to request a review of the issuing of the penalty infringement notice. Whilst there is no legislative requirement for this review, Council will undertake a review of the facts and circumstances relating to the issue of the penalty infringement notice and consider any reasonable or compassionate grounds offered by the alleged offender. A review decision is provided to the requestor in writing.

If an alleged offender elects to have the matter heard and determined by a Magistrates Court, officers undertake the same review process to ensure that the infringement notice has been correctly and lawfully issued before progressing the matter.

**2. Explanation of Item**

Council has received 10 requests from community members who were issued with penalty infringement notices. All 10 requests have elected for the matter to be heard by the Magistrates Court instead of paying the infringement.

The penalty infringement notices were issued to the requestor for what Council officers allege to be offences under the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*.

The *Transport Operations (Road Use Management - Road Rules) Regulation 2009* provides amongst other things, offences in relation to regulated parking including s167 which establishes an offence for stopping contrary to no stopping signs; s169 which establishes an offence for stopping on a road with a yellow edge line; s197 which establishes an offence for stopping on a path, dividing or nature strip, painted or traffic island; s183 which established an offence for stopping in a bus zone; s203 which establishes an offence for stopping in a parking area for people with disabilities and s205 for parking longer than indicated.

ITEM 6.1 INFRINGEMENT NOTICE COURT ELECTION - PARKING - 66857146 (Cont.)

Council is the responsible agency for enforcement and regulation of part 12 of the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*. The matters have been reviewed to ensure the penalty infringement notices have been correctly and lawfully issued in preparation for progressing to court.

Officers propose to proceed as requested by the alleged offenders with a prosecution via the Magistrates Court. Table 1 below outlines the offences for which the alleged offenders have elected to proceed to court.

Table 1 - Court elect infringements

Matter	Date	Summary of charges	Infringement amount	Prosecution reference number
<b>Matter 1</b>	23-May-2022	Stop contrary to continuous yellow edge line S169	\$96.00	BP/2023/0042
<b>Matter 2</b>	18-Feb-2023	Stop contrary to 'NO STOPPING' sign, S168(1)	\$100.00	BP/2023/0039
<b>Matter 3</b>	6-Feb-2023	Stop on path, dividing or nature strip, painted or traffic island S197(1)	\$100.00	BP/2023/0070
<b>Matter 4</b>	22-Mar-2023	Stop on path, dividing or nature strip, painted or traffic island S197(1)	\$100.00	BP/2023/0084
<b>Matter 5</b>	17-Mar-2023	Stop in a parking area for people with disabilities S203(1)	\$575.00	BP/2023/0095
<b>Matter 6</b>	5-Mar-2023	Stop in a parking area for people with disabilities S203(1)	\$575.00	BP/2023/0045
<b>Matter 7</b>	1-Mar-2023	Parking for longer than indicated S205(1)	\$79.00	BP/2023/0046
<b>Matter 8</b>	18-Dec-2022	Stop on path, dividing or nature strip, painted or traffic island S197(1)	\$100.00	BP/2023/0078
<b>Matter 9</b>	08-Sep-2022	Parking for longer than indicated S205(1)	\$79.00	BP/2023/0081
<b>Matter 10</b>	29-Jul-2022	Parking for longer than indicated S205(1)	\$79.00	BP/2023/0083

### 3. Strategic Implications

#### 3.1 Legislative / Legal Implications

Prosecutions would be commenced in the Magistrates Court against the individuals who were, at the material time, the responsible persons for the offences under the *Transport Operations (Road Use Management - Road Rules) Regulation 2009*.

Section 237(2) of the *Local Government Act 2009* provides that 'a local government may start proceeding under the *Justices Act 1886* in the name of a local government employee who is a public officer within the meaning of that Act'. The Chief Executive Officer falls within that definition and there are several advantages in commencing a prosecution in the name of the employee as opposed to the Council itself, in particular some degree of protection in relation to costs and the ability to deal with the matter should the defendant fail to appear.

*ITEM 6.1 INFRINGEMENT NOTICE COURT ELECTION - PARKING - 66857146 (Cont.)*

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 04 We are responsive, trusted and provide great customer experiences.

3.3 Policy Implications

☒ Nil identified

3.4 Risk Management Implications

The statutory schemes established by the *Transport Operations (Road Use Management - Road Rules) Regulation 2009* rely on Council to investigate, monitor, and enforce the offences against those laws. The matters have been reviewed in preparation for court.

3.5 Delegated Authority Implications

☒ Nil identified

3.6 Financial Implications

Legal and court costs associated with the commencement of legal proceedings, including court filing fees will be met through existing budget allocations. The matters will be handled by Council officers through to the Magistrates Court therefore no external fees will be applicable.

3.7 Economic Benefit Implications

☒ Nil identified

3.8 Environmental Implications

☒ Nil identified

3.9 Social Implications

Court proceedings can establish broader understanding of statutory and local laws regulation and build community confidence in Council's ability to effectively address offending.

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Council officers consider that Council's decision in this circumstance is compatible with a person's human rights because any person against whom prosecution proceedings are commenced will have the right to a fair hearing.

3.11 Consultation / Communication

- Director Community and Environmental Services
- Legal Services

## ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 30 APRIL 2023

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 66962717 : 11 May 2023 - **Refer Supporting Information 66981428**  
*Responsible Officer:* DC, Manager Accounting Services (FCS Accounting Services)

### Executive Summary

The purpose of this report is to present the Financial Reporting Package for the year-to-date period ending 30 April 2023. In accordance with Part 9, Section 204 of the *Local Government Regulation 2012*, a financial report is required to be presented to Council on a monthly basis.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as prudent fiscal management is important to ensure the financial sustainability of Council.

### RESOLUTION

Moved by Cr Yvonne Barlow

Seconded by Cr Sandra Ruck

CARRIED 11/0

That the Financial Reporting Package for the year-to-date period ending 30 April 2023 be received.

ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 30 APRIL 2023 - 66962717 (Cont.)

**OFFICER'S RECOMMENDATION**

That the Financial Reporting Package for the year-to-date period ending 30 April 2023 be received.

**REPORT DETAIL**

**1. Background**

The Financial Reporting Package for the month ending 30 April 2023 is contained within the supporting information to this report.

This package contains slices of financial information broken down into the following:

- Overview
- Operating Revenue
- Operating Expenses
- Capital Revenue
- Capital Expenditure Progress
- Balance Sheet
- Cash Flow
- Treasury Information (investments and debt)

**2. Explanation of Item**

The 2022/23 financial year to date performance and position of Council is in the attached report (supporting information #1) with an associated commentary.

Council's budget was reviewed at the end of the first quarter which resulted in Council amending the budget at its final General Meeting in January 2023. The supporting information reflects the new amended budget. A further review of the budget occurred at the end of the second and third quarter which resulted in budget monies being re-allocated, amongst numerous capital projects, however as a whole, the Council's budget did not change and accordingly no formal budget amendment was required.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Part 9, Section 204 of the *Local Government Regulation 2012* states the following:

- (1) The local government must prepare a financial report.
- (2) The chief executive officer must present the financial report—
  - (a) if the local government meets less frequently than monthly—at each meeting of the local government; or
  - (b) otherwise—at a meeting of the local government once a month.
- (3) The financial report must state the progress that has been made in relation to the local government's budget for the period of the financial year up to a day as near as practicable to the end of the month before the meeting is held.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

**3.3 Policy Implications**

Compliance to Council's Investment Policy is confirmed.



*ITEM 6.2 MONTHLY FINANCIAL REPORTING PACKAGE - 30 APRIL 2023 - 66962717 (Cont.)*

3.4 Risk Management Implications

Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. The current inflationary environment will add pressures to the deliverability of services and projects within the budget parameters adopted for 2022/23. The quarterly budget review process will act as the review mechanism to manage the potential outcomes of the current economic climate and adjust priorities accordingly and represent an amended budget to Council if required.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

As at the end of April 2023, Council's financial position continues to be sound.

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication ☒ Nil identified

## ITEM 6.3 OPERATIONAL PLAN PERFORMANCE REPORT - QUARTER 3 2022-23

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 66838597 : 19 April 2023 - **Refer Supporting Information 66838556**  
*Responsible Officer:* KM, Principal Corporate Policy Officer (FCS Governance & Executive Services)

### Executive Summary

The purpose of this report is to present an update on the progress of the Operational Plan 2022-2023 for Quarter 3 of the financial year being the period from 1 January to 31 March 2023.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as performance reporting is an important element in good governance as it highlights how Council is progressing towards achieving specific goals and objectives.

### RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Sandra Ruck

CARRIED 11/0

That Council notes and endorses the Operational Plan 2022-2023 Quarterly Performance Report for Quarter 3.

*ITEM 6.3 OPERATIONAL PLAN PERFORMANCE REPORT - QUARTER 3 2022-23 - 66838597 (Cont.)*

## **OFFICER'S RECOMMENDATION**

That Council notes and endorses the Operational Plan 2022-2023 Quarterly Performance Report for Quarter 3.

## **REPORT DETAIL**

### **1. Background**

The *Local Government Act 2009* (the Act) requires Council to adopt an Operational Plan each year. The Operational Plan 2022-2023 forms an important part of Council's corporate planning framework and sets out the work Council plans to deliver towards the achievement of the Corporate Plan 2022-2027.

The Act also requires the Chief Executive Officer to present a written assessment of Council's progress towards implementing the Operational Plan at a Council meeting, at least quarterly. The Operational Plan provides non-financial information on Council's operational performance.

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

The Operational Plan 2022-2023 defines 123 key performance indicators and targets that represent the work Council plans to undertake during the financial year.

The attached Operational Plan 2022-2023 Quarterly Performance Report (the Report) for Quarter 3 (refer to Supporting Information #1) provides an assessment of Council's progress towards the achievement of the key performance indicators and targets for the reporting period (January to March), along with relevant commentary.

The Report uses a traffic light system (red, orange and green) as visual representation of the status and commentary provided by the relevant Department teams on the progress and risks associated with their performance measures.

### **3. Strategic Implications**

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

Council's Operational Plan 2022-2023 is an important statutory document which sets out the work that Council plans to deliver for the financial year. In accordance with the Local Government Regulation 2012 (LGR) section 174, the Chief Executive Officer is required to present a written assessment of Council's progress towards implementing the annual operational plan at meetings of Council held at regular intervals not more than 3 months. Under the same section of the LGR, Council is able to amend the plan at any time before the end of the financial year.

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

Tracking progress against the Operational Plan provides a useful assessment of Council's performance in delivering the Corporate Plan 2022-2027. The key performance indicators are aligned and contribute to the outcomes specified in the Corporate Plan. The preparation of the Operational Plan quarterly performance reports is aligned to the Corporate Plan goals and outcomes relating to the *Our Engaged Council* pillar.

#### **3.3 Policy Implications**

The Operational Plan 2022-2023 outlines planned activities and key performance indicators aligned to the key outcomes in the Corporate Plan 2022-2027. As such, it is a key planning document and consistent with both the Corporate Plan 2022-2027 and Annual Budget.

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

Operationally there are risks that may impact on the delivery of the Operational Plan. These risks are recorded in the Council's enterprise risk management register and managed accordingly by each department. These risks include:

ITEM 6.3 OPERATIONAL PLAN PERFORMANCE REPORT - QUARTER 3 2022-23 - 66838597 (Cont.)

- Delivery of strategic contracting and asset management plans within agreed timeframes.
- Introduction of several programs to improve the overall waste being diverted from landfill.
- Delivery of various infrastructure planning projects within agreed timeframes.
- Delivery of detailed designs for infrastructure planning projects for the 22/23 financial within agreed timeframes.
- Decisions on minor change applications and compliance certificates are currently not being completed within statutory timeframes.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

Relevant Council Departments.

## ITEM 6.4 2023/24 SCHEDULE OF FEES AND CHARGES

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 66821269 : 30 April 2023 - **Refer Supporting Information 66925863, 66328482 & 66904302**  
*Responsible Officer:* DW, Management Accounting Coordinator (FCS Accounting Services)

### Executive Summary

The purpose of this report is to seek Council's adoption of the 2023/24 schedule of fees and charges. This schedule of fees and charges will be used to estimate the fees and charges budget revenue for 2023/24.

The *Local Government Act 2009* requires Council to maintain a register of fees and charges and to fix cost-recovery fees by way of resolution (or local law).

This matter is brought to the attention of Council under the **Engaged Council portfolio** as prudent financial budgeting and compliance is important to ensure the financial sustainability of Council.

### RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Sandra Ruck

CARRIED 11/0

1. That the 2023/24 Schedule of Fees and Charges as provided in Supporting Information #1 be adopted and commence from 1 July 2023.
2. That the explanatory notes included in Supporting Information #2 and #3 be noted.

*ITEM 6.4 2023/24 SCHEDULE OF FEES AND CHARGES - 66821269 (Cont.)*

## **OFFICER'S RECOMMENDATION**

1. That the 2023/24 Schedule of Fees and Charges as provided in Supporting Information #1 be adopted and commence from 1 July 2023.
2. That the explanatory notes included in Supporting Information #2 and #3 be noted.

## **REPORT DETAIL**

### **1. Background**

A Councillors' briefing was conducted on 5 April 2023 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the briefing, is provided below:

*A report be submitted to a future General Meeting for consideration of the 2023/24 Schedule of Fees and Charges.*

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

Council has in excess of 1,000 fees and charges across the organisation charged for specific services. Each Directorate reviews these fees and charges annually as part of the budget process.

The setting of separate fees and charges applies the "user-pays" philosophy to the services of the Council. Fees and charges revenue represents a sizeable portion of the Council's overall operating revenues, approximately \$44 million per annum and assists in covering the costs of the provision of services.

To a large extent revenue generated from fees and charges is dependent on the level of economic activity and/or demand for Council services. Accordingly, a conservative approach is taken with estimating the level of revenue expected.

If revenue projections vary significantly outside the expected budget for 2023/24 financial year, this will be addressed during Council's quarterly budget reviews as appropriate.

In addition to the fees and charges schedule, further supporting information is provided to assist members of the community in understanding any concessions, exemptions, pro rata fees, refunds, fee variations and other nuances that may occur in the application of certain fees and charges. These documents will be available on Council's website.

### **3. Strategic Implications**

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

All cost recovery fees identified in the attached reports have been prepared in accordance with the *Local Government Act 2009*. The Act requires Council to adopt these fees by resolution or local law.

#### **3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

#### **3.3 Policy Implications**

☒ Nil identified

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

The key strategic risk for Council in the setting of fees and charges is the projected revenue stream that they generate. Fees and charges revenue represent a sizeable portion of the Council's overall operating revenues and as such there is an element of risk associated with forecasting the expected revenue as many fees and charges are dependent on the level of economic activity and/or demand for

*ITEM 6.4 2023/24 SCHEDULE OF FEES AND CHARGES - 66821269 (Cont.)*

Council services. To mitigate this risk, a conservative approach is taken as to the expected levels of revenue anticipated in the context of the fee and the current economic environment.

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications

Fees and charges represent a significant component of Council's operational revenues and contributes toward funding various operational services provided. This schedule of fees and charges will be used to estimate the fees and charges budget revenue for 2023/24.

3.7 Economic Benefit Implications

Whilst the fees and charges do not drive any direct economic benefit to the region they do act as a barometer in terms of the level of economic activity in the region as their charging can demonstrate the demand, or otherwise, for Council services.

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication

- Councillors
- Executive Leadership Team
- Relevant Council Departments

## ITEM 6.5 REVENUE POLICY 2023/24

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 66859664 : 2 May 2023 - **Refer Supporting Information 66891057**  
*Responsible Officer:* TM, A/Manager Financial Operations (FCS Financial Operations)

### Executive Summary

Pursuant to section 104 of the *Local Government Act 2009* (Act) and section 193 of the *Local Government Regulation 2012* (Regulation) Council is required to prepare a Revenue Policy on an annual basis.

Council must prepare an annual budget that is consistent with the revenue policy to be adopted for the next financial year.

The Revenue Policy is a key component of the system of financial management established by Council in accordance with the Act.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the Revenue Policy is a key component in the development of the annual budget and exemplifies good governance.

### RESOLUTION

Moved by Cr Sandra Ruck

Seconded by Cr Cath Tonks

CARRIED 11/0

That the 2023/24 Revenue Policy be adopted, as appearing in supporting information #1



ITEM 6.5 REVENUE POLICY 2023/24 - 66859664 (Cont.)

**OFFICER'S RECOMMENDATION**

That the 2023/24 Revenue Policy be adopted, as appearing in supporting information #1.

**REPORT DETAIL**

**1. Background**

The Revenue Policy is a key component of the Financial Policies required under the *Local Government Act 2009* and will provide guidance during the development of the 2023/24 budget.

**2. Explanation of Item**

In accordance with the requirements set out under section 193 of the *Local Government Regulation 2012*, the Revenue Policy must incorporate:

- (a) the principles that the local government intends to apply in the financial year for—
  - I. levying rates and charges;
  - II. granting concessions for rates and charges;
  - III. recovering overdue rates and charges; and
  - IV. cost-recovery methods;
- (b) if the local government intends to grant concessions for rates and charges - the purpose for the concessions; and
- (c) the extent to which physical and social infrastructure costs for a new development are to be funded by charges for the development.

The Council must review the Revenue Policy annually and prepare an annual budget that is consistent with the Revenue Policy to be adopted for the next financial year.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Council is required to prepare a Revenue Policy under section 104 of the *Local Government Act 2009*. Section 193 of the *Local Government Regulation 2012* outlines the requirements of the Revenue Policy.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

**3.3 Policy Implications**

The Revenue Policy is required under section 104 of the *Local Government Act 2009*.

**3.4 Risk Management Implications**

The risk to Council lies in the implementation and application of the Revenue Policy. Council must set rates and charges at a level that is sufficient to provide for both current and future community requirements. To mitigate this risk, Council undertakes long term financial modelling to inform decision making.

**3.5 Delegated Authority Implications**

☒ Nil identified

**3.6 Financial Implications**

The annual budget for 2023/24 financial year must be consistent with the principles outlined in the Revenue Policy.

*ITEM 6.5 REVENUE POLICY 2023/24 - 66859664 (Cont.)*

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication ☒ Nil identified

## ITEM 6.6 DEBT POLICY 2023/24

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 66871988 : 27 April 2023 - **Refer Supporting Information 66871853**  
*Responsible Officer:* DC, Manager Accounting Services (FCS Accounting Services)

### Executive Summary

Pursuant to section 104 of the *Local Government Act 2009* (Act) and section 192 of the *Local Government Regulation 2012* (Regulation) Council is required to prepare a Debt Policy on an annual basis.

The policy must be prepared in sufficient time to allow an annual budget that is consistent with the Debt Policy to be adopted for the next financial year.

The Debt Policy is a key component of the system of financial management established by Council in accordance with the Act.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as the Debt Policy is a key component in the development of the annual budget as required under the *Local Government Act 2009*.

### RESOLUTION

Moved by Cr Adam Hain

Seconded by Cr Jodie Shipway (Acting Mayor)

CARRIED 11/0

That the Debt Policy be adopted, as appearing in Supporting Information #1.

ITEM 6.6 DEBT POLICY 2023/24 - 66871988 (Cont.)

**OFFICER'S RECOMMENDATION**

That the Debt Policy be adopted, as appearing in Supporting Information #1.

**REPORT DETAIL**

**1. Background**

In accordance with section 192 of the *Local Government Regulation 2012*, Council must prepare and adopt an annual debt policy.

**2. Explanation of Item**

Every financial year the Council must prepare and adopt an annual Debt Policy. The Debt Policy must state:

- i. the new borrowings planned for the current financial year and the next nine financial years.
- ii. the period over which the Council plans to repay existing and new borrowings.

The Debt Policy is prepared and formulated in the context of Council's Annual Budget cycle and Long Term Financial Forecast.

The Debt Policy summarises Council's forecast borrowings, covering the period from 1 July 2023 to 30 June 2033.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

In accordance with section 192 of the *Local Government Regulation 2012 (Qld)*:

- (1) A local government must prepare and adopt a debt policy for a financial year.
- (2) The debt policy must state:
  - a) the new borrowings planned for the current financial year and the next 9 financial years; and
  - b) the period over which the local government plans to repay existing and new borrowings

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
Our Engaged Council: 01 We are leaders in good governance and sustainably manage our finances and assets.

**3.3 Policy Implications**

The Debt Policy is updated at least annually in line with the annual budget cycle but can be amended at any time if borrowing requirements change. However, any amendments to the Debt Policy must be made prior to Council lodging its borrowings application with the State Government.

**3.4 Risk Management Implications**

The risk to Council lies in the implementation and application of the Debt Policy. Council must only borrow for capital expenditure purposes as approved through the annual budget and ensure it adheres to appropriate financial ratios in determining those borrowings. The policy is prepared based on the best information available on the projected revenue and expenditure levels as well as the economic outlook.

**3.5 Delegated Authority Implications**

☒ Nil identified

*ITEM 6.6 DEBT POLICY 2023/24 - 66871988 (Cont.)*

3.6 Financial Implications

The Debt Policy allows Council to borrow money that assists in funding capital expenditure. Borrowings must be approved by the State Government. The borrowings forecasted allows Council to fund the capital expenditure required and remain within acceptable financial ratios over the short and long term to ensure long term sustainability

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019 (Qld)*, Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that there are no human right implications relevant to Council's decision in this matter.

3.11 Consultation / Communication ☒ Nil identified

## ITEM 6.7

### ADOPTION OF GOVERNANCE MODEL - MILLOVATE PTY LTD

Meeting / Session: 6 ENGAGED COUNCIL  
Reference: 66996016 : 15 May 2023 - Refer **Confidential** Supporting Information  
66996233 & 66996302  
Responsible Officer: SW, Chief Executive Officer (CEOs Office)

#### Executive Summary

As resolved by Council on 3 May 2023, the Chief Executive Officer conducted a review and audit of the governance documentation for Millovate Pty Ltd and recommends the changes incorporated within this Report.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as matters relating to beneficial enterprises are addressed under the *Local Government Act 2009* as a core governance arrangement for Council.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

#### RESOLUTION

Moved by Cr Jodie Shipway (Acting Mayor)

Seconded by Cr Mick Gillam

CARRIED 11/0

That pursuant to section 249B of the *Corporations Act 2001* (Cth) (Act), Council, being the sole member of Millovate Pty Ltd (the Company), resolves:

- a) as a special resolution, that for the purposes of section 136 of the Act and for all other purposes, the Company modify the constitution of the Company as set out in Supporting Information #1 with effect on and from 14 June 2023 (Effective Date); and
- b) that, for the purposes of rule 1.4(a) of the constitution of the Company, the Board of the Company has consulted with Council in respect of, and Council agrees that the Company may adopt on and from the Effective Date, the Statement of Corporate Intent set out in Supporting Information #2 to replace the existing Statement of Corporate Intent dated 6 August 2020.

ITEM 6.7 ADOPTION OF GOVERNANCE MODEL - MILLOVATE PTY LTD - 66996016 (Cont.)

**OFFICER'S RECOMMENDATION**

That pursuant to section 249B of the *Corporations Act 2001* (Cth) (**Act**), Council, being the sole member of Millovate Pty Ltd (the **Company**), resolves:

- (a) as a special resolution, that for the purposes of section 136 of the Act and for all other purposes, the Company modify the constitution of the Company as set out in Supporting Information #1 with effect on and from 14 June 2023 (**Effective Date**); and
- (b) that, for the purposes of rule 1.4(a) of the constitution of the Company, the Board of the Company has consulted with Council in respect of, and Council agrees that the Company may adopt on and from the Effective Date, the Statement of Corporate Intent set out in Supporting Information #2 to replace the existing Statement of Corporate Intent dated 6 August 2020.

**REPORT DETAIL**

**1. Background**

On 26 November 2019, Council resolved to establish a beneficial enterprise under the *Local Government Act 2009* to Council to ensure the optimal development of the Council-owned lots within the Priority Development Area (PDA) at The Mill at Moreton Bay. The registered name of the established company was Millovate Pty Ltd (Millovate).

Millovate was established to plan, deliver and activate The Mill at Moreton Bay, transforming the project site into a landmark destination for the Moreton Bay region, as well as South East Queensland. Millovate is focused on The Mill at Moreton Bay:

- Becoming a significant landmark destination in the heart of the Moreton Bay region
- Building capabilities in healthcare and wellbeing
- Delivering and supporting lifelong learning, innovation and research
- Providing world-class educational opportunities
- Delivering and supporting high-value employment opportunities, as well as talent creation, attraction and retention, that supports the region's continued economic development, and
- Elevating and delivering community aspirations and expectations.

**2. Explanation of Item**

As resolved by Council on 3 May 2023, the Chief Executive Officer conducted a review and audit of the governance documentation for Millovate Pty Ltd and recommends amendment of the Constitution of Millovate and the Statement of Corporate Intent to remove the CEO as Board member.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Under section 249B of the Act, Council, being the sole member of Millovate Pty Ltd (the **Company**) can resolve to adopt a revised Governance Model by amending the Constitution and Statement of Corporate Intent of Millovate.

**3.2 Corporate Plan linkage**

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:

Our Engaged Council: 03 Our communities are engaged, heard and informed.

Our Engaged Council: 02 We actively plan for the future and advocate in the best interests of our communities.

**3.3 Policy Implications**

☒ Nil identified

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*ITEM 6.7 ADOPTION OF GOVERNANCE MODEL - MILLOVATE PTY LTD - 66996016 (Cont.)*

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications ☒ Nil identified

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications ☒ Nil identified

3.8 Environmental Implications ☒ Nil identified

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld), Council must not make a decision which is incompatible with a person's human rights. Council must also give proper consideration to any human rights relevant to its decision. Officers consider that Council's decision in this circumstance is compatible with (and does not limit) a person's human rights.

3.11 Consultation / Communication

Millovate Pty Ltd  
Mayor



## ITEM 6.8 PROPOSED LOCAL LAW - SIGNS

*Meeting / Session:* 6 ENGAGED COUNCIL  
*Reference:* 67008519: 18 May 2023 - **Refer Supporting Information 67008520**  
*Responsible Officer:* AN, Senior Legal Counsel (CEO Legal)

### Executive Summary

This report seeks Council's resolution to commence the making of the *Signs Local Law 2023* using Council's adopted local law-making process, which includes a period of public consultation from 5 June 2023 to 25 June 2023.

This matter is brought to the attention of Council under **Engaged Council portfolio** as the purpose and general effect of the local law is to provide a tailored response to the current needs and interests of the Moreton Bay community regarding the regulation of signs.

### RESOLUTION

Moved by Cr Sandra Ruck

Seconded by Cr Adam Hain

CARRIED 11/0

1. That Council resolves to propose to make the *Signs Local Law 2023* which is annexed to this report (proposed Local Law).
2. That Council resolves to propose to make the *Explanatory Notes - Signs Local Law 2023* (Explanatory Notes).
3. That the Chief Executive Officer be authorised to undertake public consultation from 5 June 2023 to 25 June 2023 in relation to the proposed Local Law in accordance with Council's adopted local law-making process which is annexed to this report (public consultation).
4. That the Chief Executive Officer be authorised to provide the Explanatory Notes as part of the public consultation.
5. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Local Law, which includes the power to:
  - a) identify any anti-competitive provisions in the proposed Local Law;
  - b) determine whether any identified anti-competitive provisions need to be reviewed;
  - c) decide the process for conducting a review of any identified anti-competitive provisions;
  - d) conduct a review of any identified anti-competitive provisions.

ITEM 6.8 PROPOSED LOCAL LAW - SIGNS - 67008519 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council resolves to propose to make the *Signs Local Law 2023* which is annexed to this report (**proposed Local Law**).
2. That Council resolves to propose to make the *Explanatory Notes - Signs Local Law 2023* (**Explanatory Notes**).
3. That the Chief Executive Officer be authorised to undertake public consultation from 5 June 2023 to 25 June 2023 in relation to the proposed Local Law in accordance with Council's adopted local law-making process which is annexed to this report (**public consultation**).
4. That the Chief Executive Officer be authorised to provide the Explanatory Notes as part of the public consultation.
5. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed Local Law, which includes the power to:
  - (a) identify any anti-competitive provisions in the proposed Local Law;
  - (b) determine whether any identified anti-competitive provisions need to be reviewed;
  - (c) decide the process for conducting a review of any identified anti-competitive provisions;
  - (d) conduct a review of any identified anti-competitive provisions.

**REPORT DETAIL**

**1. Background**

The Council has undertaken a comprehensive review of its Local Laws through its Local Laws review project. The project involves re-drafting Council's Local Laws in order to develop a suite of Local Laws:

- in which the community feels a sense of ownership;
- that are easy for the community to understand;
- that are easy to administer;
- that are consistent with current laws; and
- that reinforced strongly with supporting documents (e.g. fact sheets, explanatory notes) to help guide both officers and the community.

As part of the project, in 2021 Council undertook two rounds of public consultation to ascertain the community's views regarding the local laws and matters regulated by the local laws. The Council received almost 23,000 responses to the consultation. The community's feedback has been considered in drafting the proposed Local Law.

The Explanatory Notes contains information on:

- what the proposed Local Law is trying to achieve and why;
- how the proposed Local Law achieves those aims; and
- the feedback sought from the community and peak bodies prior to drafting the proposed Local Law.

Councillors were consulted at various points during the project to provide their feedback on a range of matters relating to the Local Laws. A Councillors' briefing was conducted on 15 March 2023, 19 April 2023 and 11 May 2023 for the purpose of sharing information and providing advice/views to Council on the matter. In line with Council's decision-making framework, an extract from the minutes of the most recent briefing, is provided below:

ITEM 6.8 PROPOSED LOCAL LAW - SIGNS - 67008519 (Cont.)

11 May 2023

**The CEO noted the way forward:**

A report to be submitted to a General Meeting for consideration to endorse Signs Local Law.

**2. Explanation of Item**

Officers have prepared the proposed Local Law (**annexed** to this report).

Officers are seeking Council's resolution to propose to make the proposed Local Law so that officers may commence the necessary State interest check and public consultation process.

Officers note the following key effects that the proposed Local Law will have:

- Narrowing the scope of signs dealt with by the Local Law to those ordinarily understood to be temporary. The proposed Local Law does not apply to:
  - Signs that constitute development under the *Planning Act 2016* (i.e. permanent signs)
  - Signs on public land that cannot be readily removed or relocated (e.g. a bus shelter sign)—these signs will be managed through contractual arrangements with Council
  - Election signs—these are regulated under the *Local Law No. 8 (Election Signs) 2011*
  - Signs authorised under other legislation
  - Stickers or signwriting on vehicles advertising goods or services, where the use of the vehicle is **not** for the primary purpose of advertising
- Consolidating the number of self-assessable signs (reducing from 24 categories to 6 categories) and updating the minimum conditions. If a sign is listed as a self-assessable sign and the minimum conditions can be met, then an approval under the Local Law is not required to install and display the sign. If a person wishes to install a sign that is not listed as a self-assessable sign or the listed conditions cannot be met, then an approval under the Local Law will be required to install and display the sign.
- Modifying and streamlining the application process for signs requiring an approval (referred to in the local law as a 'licensable sign').
- Allows Council to immediately seize and dispose of 'low-value' signs that contravene the local law. A 'low-value' sign is a sign made from cardboard, paper, corflute sheet or similar low-value materials.
- Providing a review process for decisions made by Council under the proposed Local Law; and
- Incorporating relevant offences, enforcement powers and administrative provisions.

As part of the Local Law-making process, Council must identify any possible anti-competitive provisions in the proposed Local Law. To determine whether a provision is anti-competitive requires consideration of the "*National Competition Policy - Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws*" published by the Department of Local Government, Racing and Multicultural Affairs (**Guidelines**).

It is recommended that the Chief Executive Officer be delegated authority to determine whether any provisions of the proposed Local Laws are required to be subjected to the review process under the Guidelines, and if so, to undertake that review process.

A consultation process will be undertaken in accordance with the relevant provisions of the *Local Government Act 2009* and Council's adopted Local Law-making process. Once this consultation process is finalised, all feedback from that consultation process will be presented to Council for its further consideration.

**3. Strategic Implications**

**3.1 Legislative / Legal Implications**

Section 28 of the *Local Government Act 2009* permits Council to make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area if certain criteria are met. Council can do this by following its existing local law-making process.

ITEM 6.8 PROPOSED LOCAL LAW - SIGNS - 67008519 (Cont.)

3.2 Corporate Plan linkage

This matter is in keeping with Council's Corporate Plan 2022-2027, in particular:  
*Our Engaged Council: 03 Our communities are engaged, heard and informed.*

3.3 Policy Implications ☒ Nil identified

3.4 Risk Management Implications ☒ Nil identified

3.5 Delegated Authority Implications

It is necessary for Council to delegate, in favour of the Chief Executive Officer, pursuant to section 257 of the *Local Government Act 2009*, the powers of Council under each of section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012*.

3.6 Financial Implications ☒ Nil identified

3.7 Economic Benefit Implications

The proposed Local Law aims to create flexibility, where the application, assessment and approval requirements can be tailored based on the nature, scale, impacts and risk associated with signs. As a Small Business Friendly Council, Council intends that the proposed Local Law will help reduce red-tape for small businesses using signs and support the Regional Economic Development Strategy 2020-2041.

3.8 Environmental Implications

The object of the proposed Local Law is to regulate the installation and display of signs to avoid, where possible, or minimise risks of environmental harm (among other things).

3.9 Social Implications ☒ Nil identified

3.10 Human Rights Implications

Under the *Human Rights Act 2019* (Qld) (**HR Act**), Council must not make a decision which is incompatible with human rights. Council must also give proper consideration to any human rights relevant to its decision. This Local Law is generally compatible the HR Act. It only limits human rights to the extent it is reasonable and justifiable in accordance with section 13 of the HR Act. Property rights, protected by section 24 of the HR Act, may be limited by this Local Law. Generally, this section relates to the right to own, and not be arbitrarily deprived of property. However, this provision can extend to restrictions on the use of private property. Under the proposed Local Law, Council may prevent a person from installing a licensable sign on private land. Licensable signs may be refused where they are inconsistent with the object of the proposed Local Law, and Council is unable to impose sufficient conditions to minimise or prevent the inconsistency. In most cases, the flexibility provided by this Local Law will allow conditions to be imposed to mitigate any inconsistencies. Where this is not possible, an application may be refused to protect the broader public, minimising risks to matters such as public safety and road safety. This is a reasonable and justifiable limit on a person's property rights in accordance with section 13 of the HR Act.

3.11 Consultation / Communication

- Customer Response Department
- Economic Development Department
- Development Services Department
- Strategic Planning and Place Making Department

### 13. NOTIFIED GENERAL BUSINESS ITEMS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

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#### ITEM 13.1 REGIONAL EVENTS

Cr Adam Hain congratulated the **Business Professional Women's Association (BPA) of Caboolture** for their well-attended Business Showcase held on Saturday 27 May 2023 at the Morayfield Sport & Events Centre (MSEC). Cr Hain said that The Hon Di Farmer MP (Minister for Employment and Small Business, Minister for Training and Skills Development and Minister for Youth Justice) opened the showcase and thanked Council's Economic Development department for their support.

Cr Adam Hain referred to his attendance together with the Mayor and other Councillors at the **Dolphins Black Tie Bingo** fundraising event for Grassroots Rugby League held on Saturday 27 May 2023 at the Royal International Convention Centre. Cr Hain mentioned his wife won \$1,000 in a bingo draw, however she did not accept the win.

Cr Adam Hain made mention of the 100<sup>th</sup> Anniversary celebrations of the **Caboolture Cricket Club**. Cr Hain said that it was a good evening with Steve Adams receiving much praise, having been a member of the club for some 35 years and the President for approximately 20 years.

Cr Jodie Shipway (Acting Mayor) congratulated **North Lakes State College** on celebrating their 21<sup>st</sup> Anniversary on Saturday 27 May 2023. Cr Shipway said that the college held a 'Picnic on the Green' event to celebrate and acknowledged that Cr Yvonne Barlow had taken part in its opening 21 years ago.

Cr Jodie Shipway (Acting Mayor) extended her best wishes to the **Dolphins Rugby League** players who will be debuting in the first 2023 State of Origin game to be held tonight in Adelaide.

Cr Jodie Shipway (Acting Mayor) made mention of the recent tour undertaken by Councillors of Stage Two of construction at the **UniSC Petrie Campus**. Cr Shipway said that Stage Two is an amazing building, urging the community to pay a visit to the campus, and commended the team at UniSC on the progress made.

Cr Yvonne Barlow made mention of her attendance at the **Rotary Club of Pine Rivers University of Sunshine Coast Moreton Bay Dinner** held on 16 May 2023 at Murrumba Downs Tavern. Cr Barlow said guest speakers included Paul Martins, Chief Economic Development Officer who spoke about economic development successes in our region and speakers from UniSC discussing mental health research.

#### ITEM 13.2 AWARDS & ACHIEVEMENTS

Cr Mark Booth congratulated Council's Strategic Planning and Placemaking Team for a *Commendation Award in the Urban Design category* of the **Australian Institute of Architects - 2023 Greater Brisbane Regional Architecture Awards** for the *Reshaping our Region's Planning - Your Home and Living Guidelines*. Cr Booth said the Guidelines are now nominated for the upcoming State AIA awards to be announced in late June.

Cr Jodie Shipway (Acting Mayor) also congratulated the team on their success.

Scott Waters, Chief Executive Officer (CEO), congratulated Kate Draper, Council's Chief Legal Counsel, in taking out the *Government Lawyer of the Year* award at the **Lawyers Weekly Corporate Counsel Awards 2023** held in Sydney on Thursday 25 May 2023. The CEO said the award and recognition received is amazing and thanked Kate for all of her hard work.

#### 14. CLOSED SESSION

*(s254J of the Local Government Regulation 2012)*

#### CLOSED SESSION

##### RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Yvonne Barlow

CARRIED 11/0

That Council move into closed session pursuant to the provisions of s254J of the Local Government Regulation 2012 to discuss Items C.1 to C.2.

Members of the press and public gallery left the Chambers.  
The closed session commenced at 11.21am (livestreaming paused).

Deanne Wheeler attended the meeting for discussions during closed session for Item C.1.

#### OPEN SESSION

##### RESOLUTION

Moved by Cr Yvonne Barlow

Seconded by Cr Cath Tonks

CARRIED 11/0

That Council resume in open session and that the following motions be considered.

The open session (livestreaming) resumed at 11.27am.

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**15. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL  
PROPOSED ACQUISITION - CEDAR CREEK**

**Meeting / Session:** 1 VIBRANT COMMUNITIES (Cr Y Barlow / Cr S Ruck)  
**Reference:** 66906694 : 3 May 2023 - Refer **Confidential** Supporting Information  
66906693 & 66906861  
**Responsible Officer:** TQ, Property Advisory Manager (IP Property Services)

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**Basis of Confidentiality**

Pursuant to s254J(3) of the Local Government Regulation 2012, clause (g) as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

This report seeks Council's approval to acquire the land described in the confidential report for recreation, environmental, road safety and public safety purposes.

This matter is brought to the attention of Council under the **Vibrant Communities Portfolio** as it involves the acquisition of land for recreation, environmental, road safety and public safety purposes.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

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**RESOLUTION**

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Moved by Cr Cath Tonks

Seconded by Cr Mark Booth

CARRIED 11/0

1. That Council resolves to acquire the land as described in this confidential report for recreation and environmental purposes noting the additional benefits associated with improved traffic operations and public safety.
2. That Council delegates to the Chief Executive Officer the power to negotiate and finalise the purchase of the Land for recreation and environmental purposes, traffic operations and public safety improvements in accordance with this confidential report.
3. That Council authorises the Chief Executive Officer to do all other things reasonable and necessary to give effect to the purchase of the Land for recreation, environmental, road safety and public safety purposes, in accordance with the terms of this confidential report.

**ITEM C.2 – CONFIDENTIAL**  
**PREFERRED SUPPLIER ARRANGEMENTS EXTENSION**

**Meeting / Session:** 6 ENGAGED COUNCIL (Cr M Constance / Cr D Grimwade)  
**Reference:** 66954155 : 10 May 2023 - Refer **Confidential** Supporting Information  
66954179, 66987483, 66987484 & 66987485  
**Responsible Officer:** EH, Team Leader BSO Category (FCS Procurement)

**Basis of Confidentiality**

Pursuant to s254J(3) of the *Local Government Regulation 2012*, clause (g), as the matter involves negotiations relating to a commercial matter involving the local government for which a public discussion would be likely to prejudice the interests of the local government.

**Executive Summary**

Council is seeking to extend the following 4 existing Preferred Supplier Arrangements (PSAs):

1. MBRC008380 Road Construction Materials
2. MBRC008453 Civil Construction
3. MBRC008454 Landscape Construction
4. MBRC008501 Concrete Pathways and Kerb and Channel

The PSAs are due to expire on 30 June 2023 and do not have any further options to extend under the current contract. As such, Council requests to extend the existing arrangement under the same terms and conditions for a period of up to 12 months. A Tender Consideration Plan has been prepared under section 230 of the *Local Government Regulation 2012* to enter into a large-sized contractual arrangement with the current Suppliers as an exception to the usual requirement for a written tender process.

This matter is brought to the attention of Council under the **Engaged Council portfolio** as effective and compliant procurement processes that achieve value for money are important in order for Council to continue to deliver for its communities.

This matter is reported to Council as section 230(1) of the *Local Government Regulation 2012* requires a Council resolution to prepare and adopt a Tender Consideration Plan.

The supporting information to this report is confidential to the extent that it contains information that is confidential to the Council and is made available to councillors for the purposes of this meeting, in accordance with sections 254D(3) and 254D(5) of the *Local Government Regulation 2012*.

**RESOLUTION**

Moved by Cr Adam Hain

Seconded by Cr Sandra Ruck

CARRIED 11/0

1. That Council resolves to prepare Tender Consideration Plans for the extension of 4 Preferred Supplier Arrangements for a period of up to 12 months as described in this report.
2. That the Tender Consideration Plans for the extensions of the 4 Preferred Supplier Arrangement for a period of up to 12 months as tabled be adopted.
3. That Council enters into an agreement with each existing supplier on the 4 Preferred Supplier Arrangements for a further period of up to 12 months as described in this report.
4. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to negotiating, making, amending, signing and discharging the extension of each existing supplier agreement on the Preferred Supplier Arrangements and any further required variations of the agreements on Council's behalf.



**16. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

**17. CLOSURE**

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There being no further business the Chairperson closed the meeting at 11.30am.

CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 23/1008 to 23/1130 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 31 May 2023.

\_\_\_\_\_  
Scott Waters  
Chief Executive Officer

CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Wednesday 14 June 2023.

\_\_\_\_\_  
Scott Waters  
Chief Executive Officer

\_\_\_\_\_  
Councillor Peter Flannery  
Mayor