



# AGENDA

## Delegated Decisions Committee Meeting

**Tuesday 4 February 2020**

commencing at the conclusion of the  
General Meeting on this day

Strathpine Chambers  
220 Gympie Road, Strathpine

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**COUNCILLOR:**

NOTICE IS HEREBY GIVEN, that a meeting of the Delegated Decisions Committee will be held on Tuesday 4 February 2020 commencing at the conclusion of the General Meeting on this day in Strathpine Chambers, 220 Gympie Road, Strathpine to give consideration to the matters listed on this agenda.

Greg Chemello  
Chief Executive Officer

30 January 2020

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**Membership = 5**

**Quorum = 3**

Acting Mayor (Cr Mike Charlton) (Chairperson) and four Councillors

LIST OF ITEMS

**APPOINTMENT OF CHAIRPERSON**

**CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

#1 Unconfirmed Minutes - Delegated Decisions Committee - 28 January 2020

**NEXT DELEGATED DECISIONS COMMITTEE MEETING**

## ATTENDANCE & APOLOGIES

### **Attendance:**

#### Committee Members:

Cr Mike Charlton (Acting Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Denise Sims  
Cr Matt Constance  
Cr Darren Grimwade

### **Officers:**

### **Apologies:**

#### **Delegated Decisions Committee:**

##### **Establishment:**

The Delegated Decisions Committee ("the Committee") is established as a Standing Committee in accordance with s.264 of the Local Government Regulation 2012.

##### **Purpose:**

The sole purpose of the Committee is to decide matters as may be delegated to it by Council under s.257 of the *Local Government Act 2009* ("the Act"), where that delegation arises as a consequence of s175E(6) of the Act, and a quorum cannot be formed.

*"175E(6) If a majority of the councillors at a meeting of the local government inform the meeting about personal interests in the matter under subsection (2), the local government must delegate deciding the matter under section 257, unless deciding the matter cannot be delegated under that section."*

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## APPOINTMENT OF CHAIRPERSON

In accordance with the Terms of Reference, the Acting Mayor (Cr Mike Charlton) is the appointed Chairperson of the Delegated Decisions Committee.

Should the Chairperson be unable to attend, or is not present at the meeting, s267(3) of the Local Government Regulation 2012 enables the Committee members present to appoint a Chairperson for the meeting.

## CONFIRMATION OF MINUTES OF PREVIOUS MEETING

### Delegated Decisions Committee Meeting - 28 January 2020 - (Pages 20/101 - 20/152)

**RESOLUTION** that the minutes of Delegated Decisions Committee Meeting held 28 January 2020, be confirmed.

### ***#1 Unconfirmed Minutes - Delegated Decisions Committee - 28 January 2020***

## NEXT DELEGATED DECISIONS COMMITTEE MEETING

Meetings of the Delegated Decisions Committee are held on an 'as-needs' basis, as fixed by resolution of Council.



# MINUTES

## Delegated Decisions Committee Meeting

**Tuesday 28 January 2020**  
commencing at 11.57am

Caboolture Chambers  
2 Hasking Street, Caboolture

**UNCONFIRMED**

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**Membership = 5**

Acting Mayor (Cr Mike Charlton) (Chairperson), Cr Brooke Savige, Cr Denise Sims, Cr Matt Constance,  
Cr Darren Grimwade

**Quorum = 3**

## LIST OF ITEMS

### COUNCIL DELEGATION TO STANDING COMMITTEE

#### ITEM 2.1 - DECLARATION OF INTEREST

103

*Conflict of Interest - Declaration - Cr Mike Charlton (Acting Mayor)*

*Conflict of Interest - Declaration - Cr Brooke Savige*

*Councillors not voluntarily left meeting - other Councillors who are entitled to vote must decide*

### MATTER/S DELEGATED TO THE COMMITTEE TO DECIDE

**ITEM 2.1 FROM GENERAL MEETING 21 JANUARY 2020 - (COUNCIL DELEGATION #144) 104**  
DA/37893/2017/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR  
MULTIPLE DWELLING (12 UNITS) 233 WELSBY PARADE BONGAREE - DIVISION 1

#### COMMITTEE RESOLUTION

REPORT DETAIL

### CONFIRMATION OF MINUTES OF PREVIOUS MEETING

*Delegated Decisions Committee Meeting - 13 August 2019 (Pages 19/1804 - 19/1805)*

#### COMMITTEE RESOLUTION

### NEXT DELEGATED DECISIONS COMMITTEE MEETING

### CLOSURE

## ATTENDANCE & APOLOGIES

### Attendance:

#### Committee Members:

Cr Mike Charlton (Acting Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Denise Sims  
Cr Matt Constance  
Cr Darren Grimwade

#### Officers:

Chief Executive Officer	(Mr Greg Chemello)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Finance & Corporate Services	(Ms Donna Gregory)
Director Infrastructure Planning	(Mr Andrew Ryan)
Director Planning	(Mr David Corkill)
Manager Development Services	(Mr Dan Staley)
Team Leader Planning	(Ms Tina Maltby-Wells)
Meeting Support	(Larissa Kerrisk)

### Apologies:

Nil

### Delegated Decisions Committee:

#### Establishment:

The Delegated Decisions Committee ("the Committee") is established as a Standing Committee in accordance with s.264 of the Local Government Regulation 2012.

#### Purpose:

The sole purpose of the Committee is to decide matters as may be delegated to it by Council under s.257 of the *Local Government Act 2009* ("the Act"), where that delegation arises as a consequence of s175E(6) of the Act, and a quorum cannot be formed.

*"175E(6) If a majority of the councillors at a meeting of the local government inform the meeting about personal interests in the matter under subsection (2), the local government must delegate deciding the matter under section 257, unless deciding the matter cannot be delegated under that section."*

## COUNCIL DELEGATION TO STANDING COMMITTEE

Pursuant to s275 of the *Local Government Act 2009*, Council may, by resolution, delegate a power under this Act or another Act to a Standing Committee.

The following resolution appears on minute page 20/60 of the General Meeting held 21 January 2020:

1. ***That the Delegated Decisions Committee be scheduled to meet on:***
  - a) ***Tuesday 28 January 2020 at Caboolture, commencing at the conclusion of the General Meeting on that day, to decide the matter delegated to it at the General Meeting of today's date, being Officers' Report Item 2.1; and***
  - b) ***Tuesday 4 February 2020 at Strathpine commencing at the conclusion of the General Meeting on that day, to confirm the minutes of the Delegated Decisions Committee meeting held 28 January 2020.***
2. ***That the meeting days/times be advertised in accordance with s277(1)(b) of the Local Government Regulation 2012.***
3. ***That the composition of the Delegated Decisions Committee be amended to:***
  - a) ***Cr Mike Charlton (Acting Mayor)***
  - b) ***Cr Brooke Savige***
  - c) ***Cr Denise Sims***
  - d) ***Cr Matt Constance***
  - e) ***Cr Darren Grimwade***

Council Delegation 144 refers as noted in Council's Register of Delegations.

### **ATTENDANCE**

Mr Dan Staley and Ms Tina Maltby-Wells attended the meeting at 11.57am for discussion on Item 2.1.



**ITEM 2.1 - DECLARATION OF INTEREST**

**Conflict of Interest - Declaration - Cr Mike Charlton (Acting Mayor)**

Pursuant to s175E of the *Local Government Act 2009*, Cr Mike Charlton (Acting Mayor) declared a perceived conflict of interest in Item 2.1 as two of the submitters (Greg and Leigh Chippendale) are known by Cr Charlton. Greg Chippendale was a former Councillor/Deputy Mayor of Moreton Bay Regional Council and was therefore a peer of Cr Charlton. Cr Charlton has attended the home of Greg and Leigh Chippendale and has been provided hospitality.

**However, Cr Mike Charlton (Acting Mayor) has considered his position and is firmly of the opinion that he could participate in the debate and resolution on the matter in the public interest.**

**Conflict of Interest - Declaration - Cr Brooke Savige**

Pursuant to s175E of the *Local Government Act 2009*, Cr Brooke Savige declared a perceived conflict of interest in Item 2.1 as one of the Councillor's 2016 election signs was located on a property owned by Mr David Alexander, one of the Directors of Djakala Investments Pty Ltd - the applicant. However, Mr Alexander is not a close personal friend and Mr Alexander was not requested to place electoral sign on his property by Cr Savige or her office. Cr Savige's connection to Mr Alexander is similar to the typical connections that local councillors generally have with local business owners.

**However, Cr Brooke Savige has considered her position and is firmly of the opinion that she could participate in the debate and resolution on the matter in the public interest.**

**Councillors not voluntarily left meeting - other Councillors who are entitled to vote must decide**

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about a Councillor's personal interests in the matter and the Councillor has not voluntarily left the meeting, and in accordance with s175E(4) the other Councillors must decide whether the Councillor has a real or perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr Darren Grimwade**

**Seconded by Cr Denise Sims**

**CARRIED 3/0**

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

**Cr Mike Charlton (Acting Mayor) remained in the meeting.**

**Moved by Cr Darren Grimwade**

**Seconded by Cr Denise Sims**

**CARRIED 3/0**

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

**Cr Brooke Savige remained in the meeting.**

**MATTER/S DELEGATED TO THE COMMITTEE TO DECIDE**

**ITEM 2.1 FROM GENERAL MEETING 21 JANUARY 2020 - (COUNCIL DELEGATION #144)**

**DA/37893/2017/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (12 UNITS) 233 WELSBY PARADE BONGAREE - DIVISION 1**

**APPLICANT:** Djakala Investments Pty Ltd C/-DTS Group QLD Pty Ltd

**OWNER:** Djakala Investments Pty Ltd

Meeting / Session: 2 PLANNING & DEVELOPMENT  
Reference: A18538028 : 10 May 2019 – Refer Supporting Information A19533633, A19421930 & A19537058  
Responsible Officer: RC, Principal Planner (Development Services)

**Executive Summary**

This report has been provided to Council as the matter is inconsistent with the Instrument of Delegation under the *Local Government Act 2012* and therefore Council is the authorised entity to decide the development application.

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Djakala Investments Pty Ltd C/-DTS Group QLD Pty Ltd
<b>Lodgement Date:</b>	8 February 2019
<b>Properly Made Date:</b>	12 February 2019
<b>Confirmation Notice Date:</b>	21 February 2019
<b>Information Request Date:</b>	Not applicable
<b>Info Response Received Date:</b>	Not applicable
<b>Public Notification Dates:</b>	Started: 14 March 2019 Finished: 13 May 2019
<b>No. of Submissions:</b>	Properly Made: Thirty-Three (33) Petition: Twelve (12) Not Properly Made: Two (2)
<b>Decision Due Date:</b>	22 January 2020
<b>Prelodgement Meeting Held:</b>	Yes: PRE/4478

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 1
<b>Property Address:</b>	233 Welsby Parade Bongaree
<b>RP Description</b>	Lot 25 and Lot 26 RP62926
<b>Land Area:</b>	Total: 1,204m <sup>2</sup> Lot 25 RP62929: 607.00m <sup>2</sup> Lot 26 RP62929: 597.00m <sup>2</sup>
<b>Property Owner</b>	Djakala Investments Pty Ltd

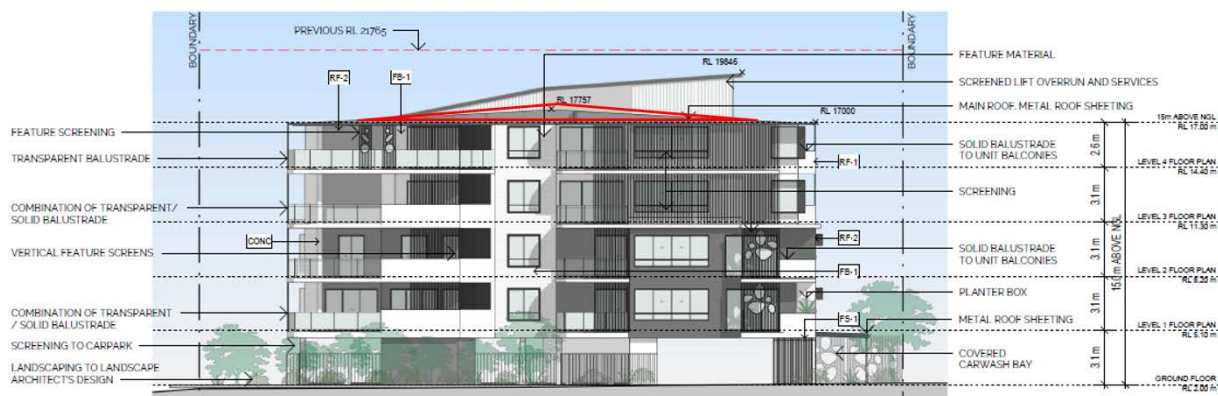
<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	MBRC Planning Scheme
<b>Planning Locality / Zone</b>	General residential - Next generation neighbourhood precinct - Suburban neighbourhood Place type
<b>Level of Assessment:</b>	Impact Consistent

ITEM 2.1 FROM GENERAL MEETING 21 JANUARY 2020 - (COUNCIL DELEGATION #144) DA/37893/2017/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (12 UNITS) 233 WELSBY PARADE BONGAREE - DIVISION 1 - A18538028 (Cont.)

This application seeks a Material Change of Use - Development Permit for a Multiple Dwelling (12 Units) at 233 Welsby Parade, Bongaree, on land described as Lot 25 and Lot 26 RP62929. It is proposed to construct a residential building over four (4) storeys, with carparking for 24 vehicle spaces provided under the building at ground level. The proposal includes eight (8) two-bedroom units and four (4) three-bedroom units having a maximum building height of 15.757 metres and a site density of 99.67 Dwellings per hectare.

The site is included within the General Residential zone - Next Generation Neighbourhood Precinct and within the Suburban Neighbourhood Place type under the Strategic Framework of the Moreton Bay Regional Council Planning Scheme (MBRC Planning Scheme). Further the site is mapped as being located within the Medium risk flood hazard area and Medium risk storm tide inundation and Balance coastal planning area.

The design of the proposed building is elevated to allow for the habitable rooms of the proposed building to meet the defined planning flood level. While most of the building complies with the maximum height limit of 15 metres, a small portion of the roof structure and the lift over run area exceed the maximum height provision. Under the maximum height definition of the MBRC Planning Scheme the lift over run area (which includes service plant and equipment required to run the building) is excluded however the 0.757m roof encroachment is included and results in the building being over height by 0.757m.



The 0.757 roof encroachment is resultant from the addition of a slight pitch to the roof form in the centre of the building which assists to add a defined top to the building. The additional height when viewed externally to the site is negligible and will not result in amenity impacts (i.e. scale, bulk and overshadowing) to adjoining properties. Having regard to the broader locality/wider context, the slight increase in height will not interrupt significant view corridors given it relates to a small part of the roof.

The proposed development also exceeds the site density provisions for the General Residential zone - Next Generation Neighbourhood Precinct providing a site density of 99.67 Dwellings per hectare instead of Site density of 15 - 75 Dwelling per hectare. This is due in part to the small size of the lot being 1,204m<sup>2</sup> and represents the difference of approximately three (3) additional units (9 unit development verses 12 units) without effecting the built form.

The application was publicly advertised with thirty-three (33) properly made submissions, twelve (12) properly made petitions and two (2) not properly made submissions received. The proposed development does not comply with provisions of the MBRC Planning Scheme specifically relating to relating to Building height and Site density. An assessment against the provisions of the MBRC Planning Scheme has been completed in detail and as a result the areas of non-compliance are not sufficient to warrant refusal of the application. In addition, there are other relevant matters identified to warrant support of the proposal. Accordingly, the application is recommended to be approved, subject to conditions.

ITEM 2.1 FROM GENERAL MEETING 21 JANUARY 2020 - (COUNCIL DELEGATION #144) DA/37893/2017/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (12 UNITS) 233 WELSBY PARADE BONGAREE - DIVISION 1 - A18538028 (Cont.)

### COMMITTEE RESOLUTION

Moved by Cr Darren Grimwade

Seconded by Cr Matt Constance

CARRIED 4/1

*Cr Brooke Savige voted against the motion*

1. That the Officer's Recommendation be adopted as detailed in the report.
2. That Council write to the State Member for Pumicestone, Ms Simone Wilson MP, in relation to the upgrade of Bribie Island Road.

UNCONFIRMED

ITEM 2.1 FROM GENERAL MEETING 21 JANUARY 2020 - (COUNCIL DELEGATION #144) DA/37893/2017/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (12 UNITS) 233 WELSBY PARADE BONGAREE - DIVISION 1 - A18538028 (Cont.)

**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application (for a Material Change of Use - Development Permit for Multiple dwelling (12 Units) at 233 Welsby Parade Bongaree, described as Lot 25 and Lot 26 RP62926, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Date recd
Development Data	DA 180020 DA-051 Revision 3	WG Architects	23/12/2019
Development Data	DA 180020 DA-052 Revision 3	WG Architects	23/12/2019
Existing/Demo Plan	180020 DA-060 Revision 5	WG Architects	23/12/2019
Proposed Site Plan	180020 DA-090 Revision 6	WG Architects	23/12/2019
Ground Floor Plan	180020 DA-0100 Revision 6	WG Architects	23/12/2019
Level 1 Floor Plan 1-200	DA 180020 DA-101 Revision 6	WG Architects	23/12/2019
Level 2 Floor Plan 1-200	DA 180020 DA-102 Revision 5	WG Architects	23/12/2019
Level 3 Floor Plan 1-200	DA 180020 DA-103 Revision 5	WG Architects	23/12/2019
Level 4 Floor Plan 1-200	DA 180020 DA-104 Revision 5	WG Architects	23/12/2019
Roof Plan 1-200	DA 180020 DA-105 Revision 5	WG Architects	23/12/2019
Elevations - Sheet 1	DA 180020 DA-300 Revision 6	WG Architects	23/12/2019
Elevations - Sheet 2	DA 180020 DA-301 Revision 6	WG Architects	23/12/2019
Perspectives 1	DA 180020 DA-350 Revision 3	WG Architects	23/12/2019
Perspectives 2	DA 180020 DA-351 Revision 1	WG Architects	23/12/2019
Perspectives 3	DA 180020 DA-352 Revision 1	WG Architects	23/12/2019
Sections	DA 180020 DA-400 Revision 5	WG Architects	23/12/2019
Subtropical Design	DA 180020 DA-410 Revision 6	WG Architects	23/12/2019

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Landscape Concept Plan Ground Floor Plan	SK001 Revision B	Laud ink	11/12/18

**Conditions**

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
<b>1. 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 the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>2. Community Management Statement</b>	
Ensure that any Community Management Statement for the development reflects the following: 1. Car parking provisions; 2. Landscaping requirements;	Prior to submitting to the Council any request for approval of a plan of

ITEM 2.1 FROM GENERAL MEETING 21 JANUARY 2020 - (COUNCIL DELEGATION #144) DA/37893/2017/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (12 UNITS) 233 WELSBY PARADE BONGAREE - DIVISION 1 - A18538028 (Cont.)

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
<ul style="list-style-type: none"> <li>3. Communal Open Space and Recreation areas;</li> <li>4. Bin storage requirements and collection locations;</li> <li>5. Stormwater Management requirements; and</li> <li>6. Flood Emergency Management Plan.</li> </ul>	subdivision (i.e. a survey plan).
<b>3. Extent of Dwellings and non-residential uses</b>	
<p>Develop the Dwellings on the site as follows:</p> <ul style="list-style-type: none"> <li>1. Eight (8) containing two (2) bedrooms; and</li> <li>2. Four (4) containing three (3) bedrooms.</li> </ul>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>4. On-Site Car Spaces</b>	
<p>A Provide on-site car parking as generally shown on the approved plans.</p>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<p>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.</p>	
<b>5. Bicycle Parking Facilities</b>	
<p>Install secure bicycle parking facilities for a minimum of twelve (12) bicycles for residents. 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 or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>6. Electrical Transformer</b>	
<p>Ensure that where electrical transformers are located in the front setback (only where an internal road is not proposed) it is screened so that the transformer is not visible from any road frontage and achieves the following:</p> <ul style="list-style-type: none"> <li>1. A combination of screening device and landscaping;</li> <li>2. The screening device is constructed of durable, weather resistant materials; and</li> <li>3. Is integrated with the design of the development and positively contributes to the streetscape.</li> </ul> <p>Where an internal road is proposed the transformer is to be located at the end of the roadway internal to the site with provision made for maintenance access through the site.</p> <p>Note: The use of barbed wire or metal prongs is not permitted.</p>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.

ITEM 2.1 FROM GENERAL MEETING 21 JANUARY 2020 - (COUNCIL DELEGATION #144) DA/37893/2017/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (12 UNITS) 233 WELSBY PARADE BONGAREE - DIVISION 1 - A18538028 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>7.</b>	<b>Clothes Drying Facilities</b>	
	Provide external clothes drying facilities that are screened from adjoining properties and the street, or provide an electric clothes dryer within each dwelling.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>8.</b>	<b>Privacy Screening</b>	
A	Provide privacy screening or alternate treatments where: <ol style="list-style-type: none"> <li>1. Habitable room windows or balconies of above ground floor dwellings directly face another habitable room or balconies on the same site or an adjoining site that are within 9m; and/or</li> <li>2. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site.</li> </ol> <p><i>Note: this will include the living / dining room windows located along the northern sides of Units 2 and 6. Further feature screen panels are also to be installed to all upper balconies as identified on the approved elevation plans.</i></p>	A&B Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
B	Treatments may consist of one or more of the following: <ol style="list-style-type: none"> <li>1. Sill heights at a minimum of 1.5 metres above floor level; or</li> <li>2. Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading between the floor level of the dwelling or balcony and 1.5m for windows and 1.2m for balconies; or</li> <li>3. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.</li> </ol>	
<b>9.</b>	<b>Materials and Finishes to Driveway and External Car Parking Spaces</b>	
	Construct the driveway and visitor parking spaces (of the development footprint only, excluding the existing access handle) of materials and finishes to soften the visual impact of these areas. In order to achieve the above, one or a combination of the following is to be used: <ol style="list-style-type: none"> <li>1. coloured aggregate;</li> <li>2. coloured asphalt;</li> <li>3. brick pavers;</li> <li>4. approved porous surfacing; and/or</li> <li>5. banding patterns in the surface design.</li> </ol> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. Council may approve other materials and finishes that are compatible with the objectives of this requirement.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.

ITEM 2.1 FROM GENERAL MEETING 21 JANUARY 2020 - (COUNCIL DELEGATION #144) DA/37893/2017/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (12 UNITS) 233 WELSBY PARADE BONGAREE - DIVISION 1 - A18538028 (Cont.)

CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	<p>2. Driveways and parking areas must not be surfaced with the same material, unless different colours, textures or borders are used to differentiate between them.</p> <p>3. The use of a plain concrete finish for the driveways and parking areas is not acceptable.</p> <p>4. Refer other conditions of this permit for requirements for 'Shared Pedestrian Zone'. In the event of a conflict between this condition and the Shared Pedestrian Zone condition, the requirements of the Shared Pedestrian Zone conditions prevail.</p>	
<b>10.</b>	<b>Street Numbering and Building Names</b>	
	Install dwelling and street numbering and lockable mail boxes. Ensure street numbers and any building names are prominently displayed to enable identification by emergency services.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>11.</b>	<b>Internal Fire System</b>	
	Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.	
A	External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	A continuous path of travel having the following characteristics is provided between the vehicle access point to the site and each external fire hydrant and hydrant booster point on the land: <ol style="list-style-type: none"> <li>1. An unobstructed width of no less than 3.5m;</li> <li>2. An unobstructed height of no less than 4.8m;</li> <li>3. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance;</li> <li>4. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point.</li> </ol>	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
C	On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.	At all times.
D	For development that contains on-site fire hydrants external to buildings: <ol style="list-style-type: none"> <li>1. Those external hydrants can be seen from the vehicular entry point to the site; or</li> <li>2. A sign identifying the following is provided at the vehicular entry to the site:</li> </ol>	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever



ITEM 2.1 FROM GENERAL MEETING 21 JANUARY 2020 - (COUNCIL DELEGATION #144) DA/37893/2017/V2M - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (12 UNITS) 233 WELSBY PARADE BONGAREE - DIVISION 1 - A18538028 (Cont.)

CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
<ul style="list-style-type: none"> <li>○ The overall layout of the development (to scale);</li> <li>○ Internal road names (where used);</li> <li>○ All communal facilities (where provided);</li> <li>○ The reception area and on-site manager's office (where provided);</li> <li>○ External hydrants and hydrant booster points;</li> <li>○ Physical constrains within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and</li> <li>○ Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.</li> </ul>	occurs first, and to be maintained at all times.
E	For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.
12.	<b>Screen Fencing</b>
<p>Construct a screen fence along the northern boundary of the site. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber. Fencing along the southern portion of the eastern boundary is to taper to 1.2 metres (adjacent to the shared driveway).</p> <p>Note: Where there is a conflict between the fence style and height identified within this condition and another condition requiring an acoustic barrier; the requirements of the acoustic barrier fencing prevails.</p> <p>Note: the existing pool fence along the western boundary is to be retained on site (as per agreement with the land adjoining owner).</p>	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
13.	<b>Front Fencing Plan</b>
<p>Submit for Council approval, a plan identifying any front fencing proposed along Welsby Parade and Ferguson Avenue.</p> <p>The front fencing is to include areas of transparency and be incorporated into the front landscaping.</p> <p>Note: To remove any doubt the front fencing within the mapped Medium risk flood hazard area and / or Medium risk storm tide inundation area is to be a minimum 50% transparent.</p>	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>14.</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.
<b>15.</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 or endorsement of any Community Management Statement whichever comes first 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 or endorsement of any Community Management Statement whichever comes first.
<b>16.</b>	<b>Waste Management Program Required</b>	
A	Implement the approved waste management arrangements identified on the approved plan.  Note: This development will use 2 x 1.1 m <sup>3</sup> bins serviced at the kerbside of Ferguson Avenue.	Prior to commencement of use.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
<b>17.</b>	<b>Acoustic Attenuation Report (Traffic Noise) Required</b>	
A	Submit a transport noise impact assessment report to address road noise from the transport noise corridor and Council controlled arterial road. The report is to be prepared by a suitably qualified person in accordance with SC 6.16 Planning Scheme Policy - Noise.	Prior to submitting an application for building works.

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
B	Obtain approval from Council for the acoustic impact report in accordance with (A) above.	B - D Prior to the commencement of the use and to be maintained at all times
C	Implement all noise attenuation measures recommended in the approved acoustic impact assessment in order to achieve the specified noise limits.	
D	Provide certification from a suitably qualified person that the above attenuation measures have been installed/implemented in accordance with the specifications of the approved acoustic report.	
<b>18.</b>	<b>DPU Landscaping</b>	
A	Submit for Council approval, an updated landscaping plan, identifying the approved site layout, generally in accordance with the approved plans and Planning Scheme Policy - Integrated Design Appendix D - Landscaping:  The landscaping must ensure the following: 1. Reflect the extent of landscaping identified on the approved 5.0 - Architectural Response - Ground floor plan (180020 DA-0100 Revision 6); 2. Ensure the landscaped buffer provided along the northern and western boundary of the site achieves a minimum mature height of 2.5 metres; 3. Ensure that the landscaped buffer provided along the northern and western boundary is an average of 2m in width and screens the communal area from the adjoining property to the west; and 4. Screening of the Carwash Bay area to a minimum mature height of 2.0 metres.	Prior to commencement of use or Council endorsement of any community management statement, whichever occurs first.
B	Implement landscaping onsite in accordance with (A) above.	
C	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	
D	Maintain the landscaping.	
		At all times.
<b>19.</b>	<b>Vehicle Encroachment</b>	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.
<b>20.</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.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>21.</b>	<b>Water and/or Sewerage</b>	
	<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming:</p> <ol style="list-style-type: none"> <li>1. A reticulated water supply network connection is available to the land; and</li> <li>2. A sewerage network connection is available to the land; and</li> <li>3. All the requirements of Unitywater have been satisfied.</li> </ol>	<p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.</p>
<b>22.</b>	<b>Fibre Ready Telecommunications – Multi</b>	
A	<p>Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that:</p> <ol style="list-style-type: none"> <li>1. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and</li> <li>2. Has suitable space and access for the installation, maintenance and repair of all elements up to and including the Network Termination Device (NTD) and Power Supply Unit (PSU) or the likely location of a NTD and PSU for each dwelling / tenancy; and</li> <li>3. A conduit with draw string, from either the telecommunication room or riser/closet location to each NTD or the likely location of each NTD.</li> </ol>	<p>Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.</p>
B	<p>Provide certification to Council from the Installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done.</p> <p>Note: The location or the likely location of the NTD is determined by the owner in consultation with the electrician/electrical engineer. NBN Co have guidelines available to help determine the best location. A template for certification is available from Council for the purpose of this condition.</p>	
<b>23.</b>	<b>Telecommunications Internal Wiring</b>	
A	<p>Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide for New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office for dwellings and receptions, staff rooms, offices and the like for non-residential land uses.</p>	<p>Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.</p>

## Moreton Bay Regional Council

DELEGATED DECISIONS COMMITTEE MEETING  
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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
B Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	
<b>24. Electricity</b>	
A Provide an underground electricity supply to the development.	Prior to commencement of use or prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan), whichever occurs first and for (A) to be maintained.
B Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	
<b>25. DPU - Flood Emergency Management Plan</b>	
Provide written advice that a Flood Emergency Management Plan has been established to create awareness of the inundation potential to each Unit owner. The Flood Emergency Management Plan must include how the ground level carpark is to be managed during a Flood Event.	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
<b>26. Building Height</b>	
Provide certification from a suitably qualified person verifying the roof height does not exceed RL17800 as per the administrative definition of 'height' as contained within the Moreton Bay Regional Council Planning Scheme.  Note: the roof top lift over run area including service plant and equipment required to run the building is excluded from the above maximum height limit.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>27. Storage</b>	
Ensure storage area is provided to each unit in accordance with the approved plans at a minimum capacity of 8m <sup>3</sup>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>28. DPU Street Trees</b>	
If any street trees along Ferguson Avenue are damaged or removed as a consequence of the development, provide street trees within the development in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to the commencement of use or Council endorsement of any Community Management

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
		Statement, whichever occurs first and to be maintained.
<b>29.</b>	<b>Electricity Welsby Parade</b>	
A	All existing overhead power lines are to be relocated underground for the full frontage of the site. The works will consist of the power lines between post 29870 and 29872 being transitioned underground.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
B	Provide an underground electricity supply connection from power pole P30622-B to the proposed dwelling units.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
C	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that: <ol style="list-style-type: none"> <li>1. required works prescribed in (A) above has been completed;</li> <li>2. required works prescribed in (B) above has been completed;</li> <li>3. any electricity supply connection to the building is wholly contained in the lot it serves; and</li> <li>4. any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>30.</b>	<b>Configuration of Lots</b>	
	Amalgamate Lots 25 and 26 on RP62926 into a single title.  OR  Lodge a Community Management Statement associated with a community-titled subdivision application with Council for endorsement.	Prior to commencement of use or endorsement of any Community Management Statement whichever occurs first.
<b>31.</b>	<b>Removal/ Demolition of Buildings</b>	
A	Remove / demolish the existing structures located on the land.	Prior to works commencing on site.
B	Maintain the site in a clean and manageable state.	Prior to works commencing on site.
<b>DEVELOPMENT ENGINEERING</b>		
<b>32.</b>	<b>Replace Existing Council Infrastructure</b>	

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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of construction works, to a standard which is consistent with Council's standards.	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>33.</b>	<b>Alterations and Relocation of Existing Services</b>	
	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>34.</b>	<b>Construction Management Plan</b>	
A	Submit a Construction Management Plan (CMP) prepared by a suitably qualified person. The CMP is required to ensure the development works (including all construction, demolition and excavation) do not adversely affect the health, safety, amenity, traffic or environment in the surrounding area. The plan is to include (but is not limited to) at least the following: <ul style="list-style-type: none"> <li>(a) Proposed construction program;</li> <li>(b) Public safety, amenity and site security;</li> <li>(c) Operating Hours, Noise and Vibration Controls;</li> <li>(d) Air &amp; dust management;</li> <li>(e) Stormwater runoff, erosion &amp; sediment control;</li> <li>(f) Waste &amp; materials refuse management;</li> <li>(g) Traffic management;</li> <li>(h) Construction materials delivery &amp; storage;</li> <li>(i) Construction office accommodation;</li> <li>(j) Contractors vehicle parking arrangements; and</li> <li>(k) Extent of earthworks exposed on the site at any time.</li> </ul>	Not less than two (2) weeks prior to any works commencing on site.
B	Obtain approval from Council for the Construction Management Plan.	Prior to works commencing on site.
C	Implement the approved Construction Management Plan and keep a copy of the CMP on site at all times during construction.	At all times during construction of the development.
	Notes: <ul style="list-style-type: none"> <li>(a) The CMP should be based on the following:</li> <li>(b) Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable.</li> <li>(c) Materials unloading and loading must occur on-site unless prior written approval is given by Council.</li> </ul>	Notes.

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CONDITION	TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>	
<b>DEVELOPMENT PLANNING</b>	
	(d) All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.
<b>35.</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>
A	Design, construct and maintain, all line-marking, accesses, internal roadways, parking and servicing areas, in accordance with the approved plan(s) of layout, MUTCD and Australian Standard AS2890. The works must be designed, constructed and maintained in accordance with good engineering practices and Council's Planning Scheme requirements unless conditioned otherwise.
B	Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.
	Prior to commencement of use and or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first
<b>36.</b>	<b>Driveway Crossover</b>
	The driveway crossover from the constructed road to the site must be designed and built as a General Wide Flared in accordance with IPWEA standard drawing RS-051.  Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.  Notes: 1. The internal access works must be designed to ensure the correct line, level and layout is achieved for the driveway crossover. 2. Council will not accept driveway crossovers that do not conform to the above requirements.
	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>37.</b>	<b>Construction Affecting Existing Roads</b>
	Provide and maintain control measures for any works in or affecting roads (including verges) to ensure that the works will not injure, endanger, obstruct or unduly inconvenience any person or user of the road.  Note: All traffic control devices must be installed and maintained in accordance with the Manual of Traffic Control Devices (Queensland).
	At all times.
<b>38.</b>	<b>Stormwater Drainage - Lawful Discharge</b>
	Ensure that stormwater from the proposed development is lawfully discharged from the subject land without causing nuisance and annoyance to any person.
	At all times.



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CONDITION		TIMING
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>39.</b>	<b>Stormwater Management Plan (Quantity &amp; Quality)</b>	
A	<p>Prepare and Implement a Stormwater Management Plan to demonstrate how stormwater from the proposed development can be managed on/from the subject land in accordance with the MBRC Planning Scheme and achieve a lawful point of discharge.</p> <p>The Stormwater Management Plan is to consider the following;</p> <ul style="list-style-type: none"> <li>• The flood &amp; Coastal planning level affecting the site,</li> <li>• Pipe sizes, grades and cover,</li> <li>• Existing medium risk flow paths,</li> <li>• Grade losses through the proposed stormwater quality management best practice measures,</li> <li>• Non worsening of the existing downstream stormwater conditions over adjoining properties, fill levels and locations.</li> </ul>	Prior to building approval.
B	Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of the use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>40.</b>	<b>Minimum Floor Level</b>	
	<p>Design and construct the habitable floor level for the proposed building to at least the Council adopted Flood Planning Level (FPL). The FPL for this site at the time of approval is 3.3m AHD and the carpark level at a minimum of 2.0m AHD.</p> <p>Notes:</p> <ul style="list-style-type: none"> <li>• The carpark level of the building has been determined to be 2.0m AHD with free drainage flows. The perimeter of the carpark is to be designed and constructed of materials so as not to obstruct any flows.</li> <li>• The carpark area is to be graded and surrounds constructed to ensure that the carpark remains free draining at all time</li> </ul>	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.
<b>41.</b>	<b>Removal of Redundant Crossovers</b>	
	Remove completely all redundant driveway crossovers fronting the development site on Ferguson Avenue and Welsby Parade. Reinstate all disturbed areas (including kerb and channel) to Council's standards current at the time of development.	Prior to commencement of use or Council endorsement of any Community Management Statement, whichever occurs first.

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ADVICES	
<b>1.</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. 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>
<b>2.</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 December 2017 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

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

**Decision Notice information**

	Details to Insert
<b>Application Type</b>	Material Change of Use Development Permit Approval for a Multiple Dwelling (12 Units)
<b>Relevant Period of Approval</b>	Material Change of Use – 6 years

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	Details to Insert
<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>• 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>	<p>There were forty-five (45) properly made submissions about this application.</p> <p>There were two (2) not properly made submissions about this application.</p>

## REPORT DETAIL

### 1. Background

On 27 April 2018, a Prelodgement was held for a proposed Material Change of Use - Development Permit for a Multiple Dwelling (10 Units). The material in support of the Prelodgement included a proposed Four (4) Storey residential building with a maximum Building height of 16.00 metres (PRE/4478).

On 8 February 2019, the application was lodged for a Material Change of Use - Development Permit for a Multiple Dwelling (10 Units). The applicant proposed a six (6) Storey residential building with a maximum Building height of 19.765 metres.

On 25 July 2019, the applicant provided additional material in support of the proposed Building height of 19.765 metres.

On 31 July 2019, Development Services issued written correspondence to the applicant in relation to Council's interpretation of the Overlay map - Building heights and Planning Scheme Policy - Residential design. This written advice reaffirmed Development Service position that the proposed Building height of 19.765 metres was not consistent with the expected built form within the Next generation neighbourhood precinct in this location along the western shore of Bribie Island. It was noted that there are other areas of Bribie Island within the Next generation neighbourhood precinct that provide for a maximum Building height of 21.00 metres.

On 15 November 2019, the applicant notified Council of a change to the proposed residential building design in response to Council's written correspondence dated 31 July 2019. The proposed changes included:

- i. A reduction in the proposed Building height from 19.765 metres to 15.757 metres,
- ii. A reduction of the number of residential levels from five (5) to four (4),
- iii. A change in the number of proposed Units from ten (10) to twelve (12) resulting in the Site density increasing from 83 Dwelling per hectare to 99 Dwelling per hectare.

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## 2. Explanation of Item

### 2.1 Proposed Details

The application seeks a Material Change of Use - Development Permit for a Multiple Dwelling (12 Units) with a site area of 1,204m<sup>2</sup>, consisting of eight (8) two-bedroom units and four (4) three-bedroom units with a maximum Building height of 15.757 metres and a Site density of 99.67 Dwellings per hectare.

The proposed residential building design includes:

- Twenty-four (24) onsite parking spaces, stairway, lift shaft, metre room, carwash bay, communal area, landscaping and waste storage area at ground level,
- Four (4) two-bedroom Units over the first Storey,
- Four (4) two-bedroom Units over the second Storey,
- Two (2) three-bedroom Units over the third Storey,
- Two (2) three-bedroom Units over the four Storey,
- A maximum Building height of 15.757 metres (RL17.757 metres),
- A maximum structural height (screened lift overrun and services) of 17.846 metres (RL 19.846 metres),
- Vehicle access from Ferguson Ave; and
- Pedestrian access from Welsby Parade and Ferguson Ave.

The site is located within the General residential zone - Next generation neighbourhood precinct. Residential development within the Next generation neighbourhood precinct has a Site density of 15 - 75 Dwelling per hectare. Further, the site is mapped as having a maximum Building height of 15.00 metres under the Overlay map - Building heights. In this instance, the applicant seeks to establish a residential building that that cannot comply with or be conditioned to comply with the relevant Performance Outcomes and Overall Outcomes of the General residential zone - Next generation neighbourhood precinct specifically in relation to Site Density.

The site is located within the Medium risk flood hazard area and Medium risk storm tide inundation and Balance coastal planning area. The first level of habitable rooms exceeds the adopted Flood and Storm Tide Planning level with onsite parking, building entrance, driveway and pedestrian pathways intended to be construction at natural ground level.

Specifically, the following definitions under the MBRC Planning Scheme are relevant for the assessment of this application:

- (i) **Building Height:** *If specified:*
- a. *in metres, the vertical distance between the ground level and the highest point of the building roof (apex) or parapet at any point, but not including load-bearing antenna, aerial, chimney, flagpole or the like;*
  - b. *in storeys, the number of storeys above ground level; or*
  - c. *in both metres and storeys, both (a) and (b) apply.*

**Editor's note - Lift overruns, air conditioners and the like, are excluded from the measure of building height.**

- (ii) **Storey:** *A space that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but not a space that contains only:*
- a. *a lift shaft, stairway or meter room*
  - b. *a bathroom, shower room, laundry, water closet, or other sanitary compartment*
  - c. *a combination of the above.*

*A mezzanine is a storey. A roofed structure on or part of a rooftop that does not solely accommodate building plant and equipment is a storey. A basement is not a storey.*

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- (iii) **Site density** is the total number of dwellings in a development divided by the site area in hectares (the property on which the building(s) are constructed, not including roads, footpaths or parks). Site density only includes the residential component of the land area. It is the most concentrated measure of density and is useful when considering the density of smaller developments, such as multiple dwellings. This is often calculated on a per hectare basis. An example of site density would be 10 dwellings, sitting on a 0.3ha site (10 dwellings divided by the site area of 0.3ha), would equal 33.33 dw/ha.

## 2.2 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	General residential zone - Next generation precinct	Multiple dwelling (Townhouses)
South		Pumicestone passage
East	General residential zone - Next generation precinct	Dwelling house
West	General residential zone - Next generation precinct	Dwelling house

## 2.3 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

### 2.3.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable.

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

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Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable.

2.3.2 South East Queensland Regional Plan

The site is located in the Urban Footprint.

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, given that the proposed development does not meet the required site density listed in Overall Outcomes section 1.a of the Next generation neighbourhood precinct where site densities between 15 and 75 dwellings per hectare are supported.

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 also located within the Suburban neighbourhood Place type of the MBRC Planning Scheme and within the Coastal Communities and Bribie island Planning Area. A summary of the relevant themes and the applicable Strategic Outcomes under the Themes for the planning scheme are discussed as follows:

Strategic Outcome	Complies	Assessment
<b>3.3 Theme - Sustainability and Resilience</b>		
<b>3.3.3 Strategic Outcome - Natural hazards and adaptation</b> <i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i>	Yes	The proposed development is responsive to natural hazards by ensuring that all habitable areas are constructed above the adopted Flood and Storm Tide Planning levels. It is noted during a year 2100 storm tide event; the access driveway and at

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Strategic Outcome	Complies	Assessment
<p>1. Respond to the risk from natural hazards, including projected changes in weather, by avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;</p>		<p>ground level parking area potentially could be inundated by &lt;200mm of flooding.</p> <p>A recommendation of this report is a Condition requiring the Body Corporate establish a Flood Emergency Management Plan to create awareness of the inundation potential for the carpark area.</p>
<p><b>3.4.3 Strategic Outcomes - Coastal Management</b> <i>The natural values of all coastal areas, including Bribie Island, Pumicestone 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></p>	Yes	<p>The proposed development can be undertaken without detrimental impact to the natural values of the coastal areas of Bribie island.</p>
<p><b>3.5.3 Strategic Outcome - Sense of place and identity</b> <i>The built form contributes to a sense of place and identity.</i></p> <p>1. All new prominent building projects in the Region's higher order centres and transit communities will contribute to the creation of high-quality public spaces;</p> <p>4. The valuable features, landscape character, built environment and land use pattern across the Region contributes to the creation of a distinct sense of place and identity for the Region and individual communities through respect for natural significant landscape features, local values, local climatic considerations and the use of traditional building materials and forms.</p>	Yes	<p>The proposed development is a four (4) Storey residential building with a Building height of 15.757 metres. The main portion of the building meets the Building height limit of 15.00 metres along Welsby Parade, with only a small portion of the roof line exceeding the height in the centre of the building by 0.757.</p> <p>The proposal will contribute to a distinct sense of place in conjunction with the existing development to the north of the site within the District centre zone (Benabrow Avenue) and is consistent with the strategic built form of future development intended along Welsby Parade.</p>
<p><b>3.5.7 Strategic Outcome - Housing choice and affordability</b> <i>A variety of housing options is provided to meet diverse community needs and achieve housing choice and affordability.</i></p> <p>1. Council's planning initiatives are primarily aimed at increasing population in close proximity to services, public transport and employment to make the overall cost of living more affordable by reducing overall lifestyle costs, particularly transport costs, energy costs by requiring services and facilities close to where people live;</p> <p>3. New housing developments will be planned, designed and delivered taking into account the neighbourhood and place type, existing and future housing needs in the area, and the connectivity and accessibility required to</p>	Yes	<p>The proposal will provide for a housing choice through the provision of a Multiple dwelling in a locality that supports a variety of housing options. The proposed residential building will provide additional Units along Welsby Parade within proximity to a District centre zone area along Benabrow Avenue to the North of the site.</p> <p>The site represents an infill development opportunity on Bribie Island that has access to public transport, active transport (walking and cycling) and has convenient access to an established District centre along Benabrow Avenue to the north of the site.</p>



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Strategic Outcome	Complies	Assessment
create a walkable neighbourhood and encourage active transport;		
<b>3.6 Theme - Settlement Pattern and Urban Form</b>		
<p><b>3.6.1 Strategic Outcome - Compact urban form within the urban footprint</b> <i>A more compact urban form is developed within the urban footprint by a program of urban design and sustainability principles aimed at increasing the jobs and people per hectare in targeted locations (to help achieve Council's long term 70% local employment target), creating walkable communities, and a viable quality transit system.</i></p> <p>1. A more efficient land use and development pattern will be achieved progressively over time by:</p> <ol style="list-style-type: none"> <li>a. encouraging more intense development and a greater mix of uses at targeted locations within the Urban Footprint;</li> <li>b. requiring new development to be integrated into existing neighbourhoods in a spatially cohesive manner to help create walkable communities with an emphasis being placed on active transport and access by transit; and</li> </ol> <p>2. Ensure that new development and redevelopment in established urban areas reinforces the strengths and individual character of the urban area in which the development occurs;</p>	Yes	<p>The proposal will result in a more compact urban form through redevelopment of an underutilised site within the Urban Footprint. The proposed residential building will increase the number of people on a site with proximity to an established District centre along Benabrow Avenue to the north of the site.</p> <p>The site's locational attributes can support a more intense form of development given the site is located:</p> <ul style="list-style-type: none"> <li>• On a Council district collector road (Welsby Road),</li> <li>• Within 400m walking distance of Centre precinct, including established retail and commercial services along Benabrow Avenue to the North,</li> <li>• Within walking distance of the public transport network; and</li> <li>• Within adjoining a Primary active transport network.</li> </ul> <p>The surrounding locality within the Next generation precinct is typically characterised by one (1) to three (3) Storey residential buildings with a maximum Building height of 15.00 metres. Albeit a four (4) Storey residential building has been recently been completed within the District centre zone to the north of the site on Benabrow Avenue. The proposed residential building has been sited to be consistent with the strategic outcomes of the locality for a variety of housing types and built forms.</p>
<p><b>2.6.5 Strategic Outcome - Infill development</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></p>	Yes	<p>The site represents an infill development opportunity with a Site density of 99.67 Dwellings per hectare, on a site that has access to public transport, active transport (walking and cycling) and has convenient access to an established District centre.</p> <p>The proposal will provide for housing choice through the provision of a Multiple dwelling, in a locality that includes a variety of housing options. The proposed residential building would provide additional Units along Welsby</p>

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Strategic Outcome	Complies	Assessment
<ol style="list-style-type: none"> <li>1. Council will focus higher density and mixed-use development in higher order centres and public transport nodes and corridors;</li> <li>2. Council will also seek to encourage diversity in housing types throughout the urban area through the development of vacant and underutilised residential land in suburban areas to achieve greater housing choice and new suburban residential development within walking distance of local centres or neighbourhood hubs and bus stops;</li> <li>3. Council will also seek to encourage diversity in housing types throughout the urban area through the development of vacant and underutilised residential land in suburban areas (not included in dot points one and two above) to achieve greater housing choice and new suburban residential development within walking distance of local centres or neighbourhood hubs and bus stops;</li> <li>5. Ensure the provision of appropriate infrastructure is planned for and provided to support additional population in infill areas;</li> <li>6. Respond to natural hazards through adaptation measures that reduce the hazard risks and support additional population and economic development in infill areas, without placing additional vulnerable land uses at risk.</li> </ol>		<p>Parade within close proximity to a District centre zone area along Benabrow Avenue to the north of the site.</p> <p>The site represents an infill development opportunity on Bribie Island that has access to public transport, active transport (walking and cycling) and has convenient access to an established District centre along Benabrow Avenue to the north of the site.</p> <p>The proposed development is responsive to natural hazards by ensuring the first Storey of habitable rooms are constructed above the adopted Flood and Storm Tide Planning levels. It is noted during a year 2100 storm tide event, the access driveway and at ground level parking area potentially could be inundated by &lt;200mm of flooding at low velocity. At a depth less than &lt;200mm still supports trafficable and safe access.</p> <p>A recommendation of this report is a Condition requiring the Body Corporate establish a Flood Emergency Management Plan to create awareness of the inundation potential.</p>
<b>3.14.1 - MBRC Place Model</b>		
<p><b>3.14.1.7 - Strategic Outcome - Suburban neighbourhood place type</b></p> <ol style="list-style-type: none"> <li>1. This place type is primarily low density, dormitory suburbs that developed in the Region over the last 60 years which accommodate the bulk of the Region's resident population; and</li> <li>2. These areas will continue to provide low density residential, predominantly detached housing, with a limited range of local convenience services and facilities.</li> </ol>	Yes	<p>The proposed development is for a four (4) Storey residential building. Despite the site being within the Suburban neighbourhood place type, the underlying Next generation precinct supports a variety of housing types including a Multiple dwelling and a higher Site density between 45 - 75 dwellings per hectare than within the Suburban neighbourhood place type of 11 dwelling per hectare).</p> <p>Additionally, the site adjoins a District centre and is within the 400m walkable distance to a Centre precinct.</p> <p>In this instance, the proposed development of the site does not detract from the surrounding Suburban neighbourhood place type maintaining the low density suburb of Bongaree.</p>
<b>3.14 .8 Element - Suburban neighbourhood Place Type</b>		
<b>3.14.8.4 Specific Outcomes - Settlement pattern and urban form</b>	No	<ol style="list-style-type: none"> <li>1. The proposal is for a Multiple dwelling. Whilst the proposal is not for low-density detached housing, the proposed</li> </ol>

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Strategic Outcome	Complies	Assessment
<p>1. Suburban neighbourhood places cater for predominately low density detached housing;</p> <p>3. Development across a Suburban neighbourhood place type is characterised by a net residential density of 11 dwellings per hectare or development occurs in a manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties;</p> <p>5. Low rise multiple dwellings and housing for older persons may also be included adjacent to a local centre or community facilities and bus stops on main through streets and overlooking public open space;</p>		<p>development site is one of the few underutilised parcels of land along Welsby Parade adjoining a District centre to the north along Benabrow Avenue.</p> <p>3. No - The development seeks a net residential density of 99 Dwelling per hectare dwellings hectare, exceeding the characterised density of 11 dwellings per hectare within the Place type.</p> <p>For the purpose of completeness, net residential density is an appropriate density calculation for subdivision. Whereas Site density is more appropriate for smaller development such as a Multiple dwelling.</p> <p>With respect to development being consistent development pattern with the surrounding development, the locality around the site is also within the Next generation precinct with a Site density of 45 - 75 dwelling per hectare. In this instance, the surrounding development pattern maintains a greater net residential density than 11 Dwelling per hectare and includes surrounding developments with a Site density greater than 75 dwelling per hectare, albeit most development maintains a Site density of less than 75 dwelling per hectare.</p> <p>In this instance, despite some existing developments with the surrounding locality having a Site density greater than 75 Dwelling per hectare, the surrounding locality generally achieves a Site density of less that 75 Dwelling per hectare due to the underdeveloped built form of the locality with respect to the allowances under the Next generation neighbourhood precinct.</p> <p>5. No - The proposed development is not for a low-rise multiple dwelling (typical height of 2-3 storeys as described within Planning Scheme Policy (PSP) - Residential Design) or for housing for older persons (Retirement Facility or Residential Care Facility). The proposal is for a medium-rise multiple dwelling (described as 4-6 storeys in PSP - Residential Design), inconsistent with</p>

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Strategic Outcome	Complies	Assessment
<p>8. New development is sympathetic to the existing character of the particular Suburban neighbourhood location.</p>		<p>the intended height identified in the strategic outcome. However, the maximum Building height for the site of 15.00 metres allows for a medium-rise multiple dwelling</p> <p>8. Yes - Whilst the proposed Building height (15.757 metres) exceeds the suggested maximum Building height for the site (15.00 metres), and is higher than development on adjoining land, the proposed building has been sited to be respectful to the adjoining properties and has appropriately addressed the interface of the adjoining properties through increased boundary setbacks and building design to minimise privacy and overlooking impacts.</p>

To summarise the above assessment against the relevant provisions of the Strategic Framework of the MBRC Planning Scheme, the proposal demonstrates compliance with the majority of strategic outcomes. However, the proposal does not comply with a limited number of strategic outcomes of the Strategic Frameworks on the basis that:

- The proposed development exceeds the planning assumptions of development across a Suburban neighbourhood place type characterised by a net residential density of 11 dwellings per hectare or development occurs in a manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties; and
- The proposed residential building seeks to establish four (4) Storeys, the expected built form within the Suburban neighbourhood Place Type is Low rise apartments with a “Typical Height” of 2 - 3 storeys.

The identified non-compliance with aspects of the Strategic Framework, on balance, are not considered sufficient to warrant refusal of the application. In addition, there are other relevant matters that must be considered as part of the assessment. Refer section 2.4.5 for ‘other relevant matters’ discussion.

2.4.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone/ Local Plan Code</b>		
General residential Zone Code - Next generation precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1, PO2, PO4, PO7, PO15, PO115
<b>Overlay Codes</b>		
Coastal hazard overlay code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Flood hazard overlay code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO10
<b>Development Codes</b>		
Residential uses code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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



#### 2.4.3 Performance Outcome Assessment

Performance Outcome	Example
<b>General residential zone - Next generation precinct</b>	
<b>PO1</b> The Next generation neighbourhood precinct has a low to medium residential density of between 15 and 75 dwellings per ha (site density).	No example provided.
<i>Performance Outcome Assessment</i>	
The applicant seeks to establish twelve (12) Dwelling units over two (2) lots within a combined site area of 1,204m <sup>2</sup> achieving a Site density of 99.67 per hectare.  In this instance, the proposed development cannot achieve or be conditioned to achieve the Performance Outcome (PO1) and assessment against the relevant Overall Outcomes of the General residential zone - Next generation precinct Code is required.	
Performance Outcome	Example
<b>General residential zone - Next generation precinct</b>	
<b>PO2</b> Buildings and structures have a height that: <ol style="list-style-type: none"> <li>a. is consistent with the low to medium rise character of the Next Generation Neighbourhood precinct;</li> </ol>	<b>E2</b> Building height does not exceed: <ol style="list-style-type: none"> <li>a. that mapped on Overlay map – Building heights; or</li> <li>b. for domestic outbuildings, including free standing carports and garages,</li> </ol>

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Performance Outcome	Example
<p>b. responds to the topographic features of the site, including slope and orientation;</p> <p>c. is not visually dominant or overbearing with respect to the streetscape;</p> <p>d. responds to the height of development on adjoining land where contained within another precinct or zone.</p> <p>Note - Refer to Planning scheme policy - Residential design for details and examples.</p>	<p>4m and a mean height not exceeding 3.5m.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant seeks to establish a residential building with a maximum Building height of 15.757 metres. Natural ground level is at RL 2.00 metres and the proposed roof level would achieve RL17.757 metres and screened Lift overrun and services area at RL19.846 metres.</p> <p>Under the MBRC Planning Scheme building height is regulated by the Overlay map – Building heights. For Lot 25 and Lot 26 RP62929 the mapped maximum Building height is 15.00 metres and therefore the proposed building cannot achieve the Example (E2) and requires assessment against the Performance Outcome (PO2).</p> <p>Performance Outcome (PO2 (a.)) requires buildings and structures to have a height consistent with the low to medium rise character of the Next Generation Neighbourhood precinct. The “Note” at the end of the Performance Outcome giving direction to <i>Planning scheme policy - Residential design (PSP-RD)</i> for details and examples. Of relevance is PSP-RD section 3.3.7 - Multiple dwelling - low rise apartment and PSP-RD section 3.3.8 Multiple dwelling - medium rise apartment that establishes two (2) development typologies with a “Typical Height” of 2-3 storeys for low rise and 4-6 storeys for medium rise apartments.</p> <p>Additionally, this report draws attention to the description of low rise apartments (PSP-RD section 3.3.7) and medium rise apartments (PSP-RD section 3.3.8):</p> <p><b>Low rise apartments</b> are up to three storeys in height and contain a group of dwellings which are attached vertically by a common floor/ceiling and are titled by way of a building format plan (units are located above or below each other). Access to each unit is usually through common property. Units are typically located above ground level or semi-basement car parking. Dwellings have their own private open space, typically in the form of a balcony or courtyard, but share facilities such as car parking and driveways and may contain communal open space. In the case of mixed use buildings, units are located above commercial or retail uses.</p> <p><b>Medium rise apartments</b> are between four and six storeys in height and contain a group of dwellings that are attached by a common floor/ceiling/wall and are titled by way of a building format plan (units are located above or below each other). Dwellings have their own private open space, usually in the form of a balcony, but share facilities such as car parking and driveways and may have communal open space. Access to each unit is usually through common property. Units are typically located above basement or semi-basement car parking or in the case of mixed use buildings units are located above commercial or retail uses.</p> <p>In accordance with Overlay map – Building heights and PSP-RD section 3.3.7; and PSP-RD section 3.3.8. Development within the Next generation neighbourhood precinct along the western foreshore of Bongaree (Welsby Parade) is consistent with low rise and medium rise apartments supporting a low to medium rise character and having a maximum Building height of 15.00 metres.</p>	

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Performance Outcome	Example
<p data-bbox="587 412 1168 743"></p> <p data-bbox="896 748 1445 775">*15.00 metres maximum building height shown in orange.</p> <p data-bbox="312 806 1422 987">The applicant seeks to establish a building with maximum building height of 15.757 metres. The building design seeks to include a non-habitable roof structure above 15.00 metres to allow appropriate rainwater discharge of the roof. A height variance of 0.757 metre does not allow support an additional habitable floor area and maintains a low to medium rise character consistent with the Next generation neighbourhood precinct along the western foreshore of Bongaree (Welsby Parade)</p> <p data-bbox="320 1025 1430 1258"></p> <p data-bbox="317 1290 1422 1377">In this instance, the proposed development achieves the Performance Outcome (PO2). A recommendation of this report is a Condition requiring the applicant to provide certification that a maximum <b>Building height</b> of RL17.757,</p>	

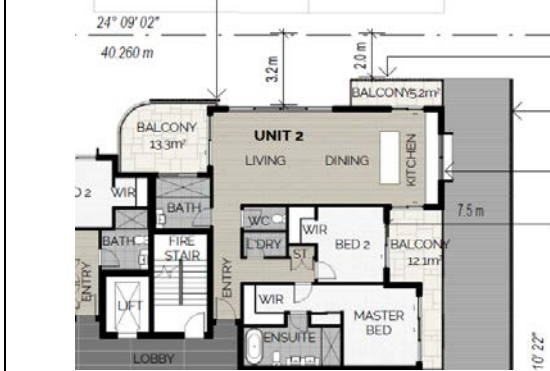

Performance Outcome	Example
<b>General residential zone - Next generation precinct</b>	
<p data-bbox="331 1541 384 1563"><b>PO4</b></p> <p data-bbox="331 1568 906 2049">Residential buildings and structures are setback to:</p> <ol style="list-style-type: none"> <li>be consistent with the low to medium density next generation neighbourhood character intended for the area, where buildings are positioned closer to the footpath to create more active frontages and maximise private open space at the rear;</li> <li>result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites;</li> <li>maintain private open space areas that are of a size and dimension to be usable and functional;</li> <li>maintain the privacy of adjoining properties;</li> <li>ensure parked vehicles do not restrict pedestrian and traffic movement and safety;</li> <li>limit the length, height and openings of boundary walls to maximise privacy and amenity on adjoining properties;</li> </ol>	<p data-bbox="970 1541 1023 1563"><b>E4.1</b></p> <p data-bbox="970 1568 1398 1648">Setbacks (excluding built to boundary walls) comply with <a href="#">Table 6.2.6.3.3 'Setbacks'</a> - Setback (Residential uses).</p>

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Performance Outcome	Example	
<p>g. provide adequate separation to particular infrastructure and waterbodies to minimise adverse impacts on people, property, water quality and infrastructure;</p> <p>h. ensure built to boundary walls do not create unusable or inaccessible spaces and do not negatively impact the streetscape character, amenity or functionality of adjoining properties.</p>		
<i>Performance Outcome Assessment</i>		
<p>The site is benefited by two street frontages being Welsby Parade (Primary) and Ferguson Avenue (Secondary). Vehicle access is achieved via Ferguson Ave (Secondary) and pedestrian access via Welsby Parade (Primary) and Ferguson Avenue (Secondary).</p> <p>The applicant seeks to achieve the following proposed building setbacks.</p>		
MBRC Frontage Primary	Proposed	Complies
6.00 metres to Wall 5.00 metres to OMP	6.10 metres to Wall 5.1 metres to OMP	Yes Yes
Frontage Secondary		
3.00 metres to Wall 2.00 metres to OMP 5.4 to carparking spaces	3.2 metres to Wall 2.0 metres to OMP 5.0 metres to ground floor carparks.	Yes Yes No
Side to OMP and Wall		
Min 2m up to 8.5m in height; plus 0.5 for every 3m in height or part thereof over 8.5 metres	2.0 metres to OMP and 3.2 metres to wall	No - the balcony for unit 6 provides a 2.0m setback and is over 8.5 m in height.
Rear to OMP and Wall.		
Min 5.00 metres	5.0 metres above covered parking area	The building complies, albeit the roof parking area is setback 2.00 metres from the rear boundary.
<p>Performance Outcome PO4(a) requires a residential building and structure are setback to be consistent with the low to medium density next generation neighbourhood character intended for the area.</p> <p>The applicant seeks to establish a building that achieves the primary and secondary frontage to the site. However, in relation to the side setback the applicant seeks to establish a 3.2 metre to the wall and 2.0 metres to a Balcony. There is concern that the balcony adjoining the Kitchen area for Unit 6 may impact on the privacy amenity of the adjoining property to the north (Lot 24 RP62926). In this regard amended plans have been providing installing permanent screens along these balconies and therefore addressing the potential for overlooking and loss of privacy.</p>		



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Performance Outcome	Example
	
<p>Further the basement is located with 5.0m of the secondary frontage in lieu of 5.4m. With the location of the carparking underneath the building and two spaces provided per unit the reduction of the car park setback to 5.0 m is not considered to have a direct impact on the street scape and or residential amenity of the area.</p> <p>Performance Outcome PO4(b) requires result in development not being visually dominant or overbearing with respect to the streetscape and the adjoining sites, a proposed Building height of 15.757 metres would result in a building not being visually dominant and overbearing with respect to the streetscape. It is noted that the proposed building when viewed from the Welsby Parade (Primary) will have a visual appearance of 15.00 metres.</p> <p>In this instance, the proposed development achieves the Performance Outcome (PO4)</p>	

Performance Outcome	Example
<p><b>General residential zone - Next generation precinct</b></p>	
<p><b>PO7</b> Residential buildings and structures will ensure that site cover:</p> <ol style="list-style-type: none"> <li>does not result in a site density that is inconsistent with the character of the area;</li> <li>does not result in an over development of the site;</li> <li>does not result in other elements of the site being compromised (e.g. Setbacks, open space etc);</li> <li>reflects the low to medium density character intended for the area.</li> </ol>	<p><b>E7</b> Site cover (excluding eaves, sun shading devices, patios, balconies and other unenclosed structures) does not exceed the specified percentages in the table below.</p> <p>..... 40% .....</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant seeks to establish a site cover for the 1<sup>st</sup> and 2<sup>nd</sup> Storey of 47% and a site cover of 40% is achieved for the 3<sup>rd</sup> and 4<sup>th</sup> Storey.</p> <p>Performance Outcome (PO7) requires a site cover that does not result in a Site density that inconsistent with the character of the area. The Site density for the Next generation neighbourhood precinct has a low to medium residential density of between 15 and 75 dwellings per ha. In this instance, the applicant seeks to establish a Site density of 99.67 and therefore is inconsistent with the character of the area.</p> <p>Appropriately conditioned Performance Outcome PO7(b-d) are achieved.</p>	


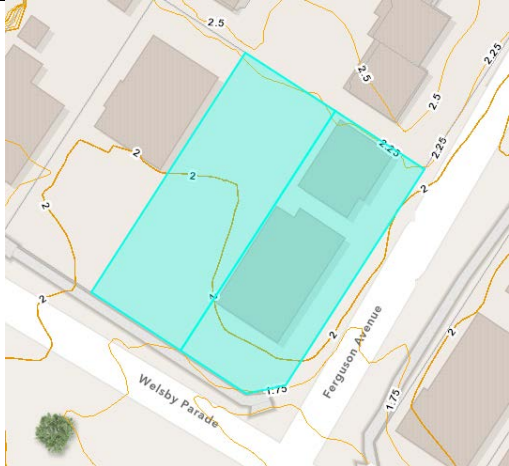
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Performance Outcome	Example
<b>General residential zone - Next generation precinct</b>	
In this instance, the proposed development cannot achieve or be conditioned to achieve the Performance Outcome (PO7) and assessment against the relevant Overall Outcomes of the General residential zone - Next generation precinct Code is required.	

Performance Outcome	Example
<b>General residential zone - Next generation precinct</b>	
<b>PO15</b> Where the site adjoins or is opposite to a Park, foreshore or Humpybong Reserve all existing overhead power lines are to be undergrounded for the full frontage of the site.	No example provided.
<i>Performance Outcome Assessment</i>	
For the purpose of transparency, the site is opposite a foreshore park and is benefited by Overhead power lines. A recommendation of this report is a condition requiring the applicant to underground the power for the full frontage of the site.	
In this instance, the proposed development appropriately Conditioned achieves the Performance Outcome (PO15).	

Performance Outcome	Example
<b>General residential zone - Next generation precinct</b>	
<b>PO115</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: a. impact on fauna habitats; b. impact on wildlife corridors and connectivity; c. impact on stream integrity; d. impact of opportunities for revegetation and rehabilitation planting; e. edge effects.	<b>E115</b> Development does not occur within: a. 50m from top of bank for W1 waterway and drainage line b. 30m from top of bank for W2 waterway and drainage line c. 20m from top of bank for W3 waterway and drainage line d. 100m from the edge of a Ramsar wetland, 50m from all other wetlands.
<i>Performance Outcome Assessment</i>	
The site is located within the mapped Riparian and Wetland Setback overlay and is separated from the Pumicestone Passage by a foreshore park and Welsby Parade, both provide a suitable setback from the waterway.	
In this instance, the proposed development accords with the Performance Outcome (PO115).	

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Performance Outcome	Example
<b>Flood hazard overlay Code</b>	
<p><b>PO10</b> Development maintains personal safety at all times, such that:</p> <ul style="list-style-type: none"> <li>a. a vulnerable land use (flood and coastal) is not located in the High risk flood hazard area or Medium risk flood hazard area;</li> <li>b. new buildings are not located in the High risk flood hazard area included in the Limited development zone;</li> <li>c. a residential accommodation building is located in the following:                             <ul style="list-style-type: none"> <li>i. Balance flood planning area; or</li> <li>ii. the Medium risk area where located in the Medium risk storm tide inundation area of the Coastal hazard overlay or Balance coastal planning area of the Coastal hazard overlay;</li> </ul> </li> <li>d. evacuation capability from the development or other premises is not hindered or made more complicated and there is no significant additional burden placed on emergency services personnel;</li> <li>e. the isolation of persons in the Defined Flood Event is avoided.</li> </ul>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>For the purpose of transparency, the site is mapped as Medium risk flood hazard area and Medium risk storm tide inundation and Balance coastal planning area.</p>	
	
<p>The applicant seeks to establish a residential accommodation building with the Medium risk area where located in the Medium risk storm tide inundation area of the Coastal hazard overlay and Balance coastal planning area of the Coastal hazard overlay. The proposed building's habitable floor level achieves the Flood Planning Level for the site and evacuation from the site would be achieved via the pedestrian pathway to Welsby Parade (north).</p> <p>In this instance, the proposed development accords with the Performance Outcome (PO115).</p>	

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2.4.4 Overall Outcome Assessment

The development proposal does not comply with the site density provisions listed within Performance Outcome PO1 and PO7 of the General residential zone - Next generation precinct Code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

General residential zone - Next generation precinct Code		
Overall Outcomes	Complies Y/N	Comments
1.a. The Next generation neighbourhood precinct supports site densities between 15 and 75 dwellings per hectare.	No	The applicant seeks to achieve a Site density of 99.67 Dwellings per hectare. In this instance, the proposed building does not achieve the Overall Outcome. It is noted that in order to comply with density the number of units would need to be reduced from 12 units to 9 however the built form would remain the same.
1.b. Neighbourhoods will have a mix of residential uses, tenure and densities on a variety of lot sizes providing housing choice and affordability for different lifestyle choices and life stages to meet diverse community needs.	Yes	The applicant seeks to establish a residential building for the purpose a Multiple dwelling over the site providing an additional residential use, providing housing choice and affordability for different lifestyle choices and life stages to meet diverse community needs.  In this instance, the proposed development to construct a residential building for a Multiple dwelling achieves the Overall Outcome.
1.d. Medium to high density uses (e.g. Multiple dwelling, Relocatable home park, Residential care facility, Retirement facility, Rooming accommodation, Short-term accommodation) are located in proximity to a range of services and public transport stops(s) or station(s).	Yes	The site is located within close proximity to a range of services and public transport with the District centre zone area to the north of the site (Benabrow Ave). Access to the District centre zone from the site is support by dedicated pedestrian pathways and constructed roads.  In this instance, the site achieves the Overall Outcome.
1.e. The design, siting and construction of residential uses are to: i. contribute to an attractive streetscape with priority given to pedestrians; ii. encourage passive surveillance of public spaces;	Yes	The applicant seeks to establish a residential building with a medium density residential character. The proposed building design will contribute to an attractive streetscape with priority given to pedestrian. The proposed building is to be located on a corner lot providing passive surveillance of

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General residential zone - Next generation precinct Code		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>iii. results in privacy and residential amenity consistent with the low to <b>medium density residential</b> character intended for the area;</li> <li>iv. provide a diverse and attractive built form;</li> <li>v. orientate to integrate with the street and surrounding neighbourhood;</li> <li>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on-site;</li> <li>x. be of a scale and density consistent with the low to medium density residential character intended for the area;</li> <li>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure;</li> <li>xii. ensure domestic outbuildings are subordinate in appearance and function to the dwelling.</li> </ul>		<p>public spaces and is orientated to integrate with the street surrounding neighbourhood.</p> <p>The building includes sub-tropical urban design principles that respond to local climatic conditions by orientation of the building towards Pumicestone Passage to capture prevailing winds.</p> <p>Necessary infrastructure networks are achieved.</p>
<p>1.i. General works associated with the development achieves the following:</p> <ul style="list-style-type: none"> <li>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</li> </ul>	Yes	<p>Appropriately conditioned the proposed development will provide a high standard of service to meet and support the current and future needs of the users of the site.</p>

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General residential zone - Next generation precinct Code		
Overall Outcomes	Complies Y/N	Comments
<p>ii. the development manages stormwater to:</p> <p>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p> <p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p> <p>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</p> <p>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p>		
<p>1.m. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>	Yes	<p>The applicant seeks to establish a residential building for the purpose of a Multiple dwelling.</p> <p>In this instance, the proposed use achieves the Overall Outcome.</p>
<p>1.q. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <p>.....</p> <p>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p>	Yes	<p>The site is located within the mapped Riparian and Wetland Setback overlay and is separated from the Pumicestone Passage by a foreshore park and Welsby Parade, both provide a suitable setback from the waterway.</p> <p>In this instance, the proposed use achieves the Overall Outcome.</p>

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General residential zone - Next generation precinct Code		
Overall Outcomes	Complies Y/N	Comments
..... 1.r. Development in the Next generation neighbourhood precinct includes 1 or more of the following: ..... Multiple dwelling .....	Yes	The proposed development is for a residential building to be used as a Multiple dwelling.
1.s. Development in the Next generation neighbourhood precinct does not include any of the following:	Yes	A Multiple dwelling is not listed within 1.s.

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

In addition, section 45 (5) of the *Planning Act 2016* states the assessment may be carried out against, or having regard to, any other relevant matter other than a person's personal circumstances, financial or otherwise. The other relevant matters to justify any approval of the proposal, are discussed in section 2.4.5 of this report.

**2.4.5 Other Relevant Matters Assessment**

In accordance with section 45(5) of the *Planning Act 2016*, for a development application requiring Impact Assessment, the assessment:

- (a) must be carried out:
  - (ii) against the assessment benchmarks in a categorising instrument for the development; and
  - (iii) having regard to any matters prescribed by regulation for this subparagraph; and
- (b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

Examples of another relevant matter—

- a planning need;
- the current relevance of the assessment benchmarks in the light of changed circumstances;
- whether assessment benchmarks or other prescribed matters were based on material errors.

As identified above, the proposal does not comply with all assessment benchmarks of the categorising Instrument (MBRC Planning Scheme) (s45(5)(a)(i) of *Planning Act 2016*), including Overall Outcome 1.a of the General residential zone - Next generation neighbourhood precinct and a number of Strategic Outcomes of the Strategic Framework of the MBRC Planning Scheme. In accordance with s45(5)(b) of the *Planning Act 2016*, the assessment may be carried out against or having regard to any 'other relevant matters'.

In the context of the identified non-compliances with the planning scheme that relate to seeking to establish a Medium rise apartment within a Suburban neighbourhood Place Type area and exceeds the planning assumptions of development across a Suburban neighbourhood place type characterised by a net residential density of 11 dwellings per hectare or development occurs in a manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties, there are 'other relevant matters' to be considered as part of the application. The below listed 'other relevant matters' are considered sufficient to warrant approval of the application. These other relevant matters are as follows:

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Other Relevant Matters
<p><b>1. Locational Attributes of the site.</b></p> <p>The site has unique locational attributes that support intensification of development within the Suburban neighbourhood Place type, including:</p> <ul style="list-style-type: none"> <li>o The site is located on a Council district collector road (Welsby Parade),</li> <li>o Located within 50.00 metre walking distance a primary active transport route,</li> <li>o The site is serviced by public transport and bus stops,</li> <li>o The site is within 170.00 walking distance to an established District centre,</li> <li>o The site is located in a high amenity location over-looking Pumicestone Passage.</li> </ul>
<p><b>2. Built Form/Density</b></p> <p>The site can support a higher built form and density as:</p> <ul style="list-style-type: none"> <li>o Development in the General residential - Next generation neighbourhood precinct includes a Multiple dwelling.</li> <li>o The Next generation neighbourhood precinct supports low to medium residential density.</li> <li>o The mapped Building height overlay for the site is 15.00 metres and therefore supports the construction of both two (2) development typologies with a "Typical Height" of 2-3 storeys for low rise and 4-6 storeys for medium rise apartments.</li> <li>o The site has frontage to a Council district collector road (Welsby Parade).</li> </ul>
<p><b>3. Interface / Amenity Issues</b></p> <p>The proposed development will not result in adverse amenity impacts as:</p> <ul style="list-style-type: none"> <li>o The proposed residential building has been designed to minimise privacy and overlooking impacts to adjoining properties,</li> <li>o The proposed residential building is located on a corner site,</li> <li>o The proposed residential building has been oriented towards Pumicestone Passage.</li> </ul>
<p><b>4. Housing Diversity/Choice</b></p> <p>The proposed development would provide for housing diversity and choice as:</p> <ul style="list-style-type: none"> <li>o The proposal includes an alternative form of housing within the locality (medium rise apartments) within an area predominantly characterised by detached dwellings, and townhouse-style multiple dwellings;</li> <li>o The proposed alternative form of housing would allow more inclusive housing options within the locality including alternative price points and options.</li> <li>o</li> </ul>
<p><b>5. Achieving the Purpose of the <i>Planning Act 2016</i></b></p> <p>The proposed development achieves and advances the purpose of the <i>Planning Act 2016</i> in that the development achieves ecologically sustainable development. The proposed development:</p> <ol style="list-style-type: none"> <li>(a) Results in the protection of ecological processes and natural systems at local, regional, State and wider levels. The proposed development will not result in any adverse environmental impacts.</li> <li>(b) Advances economic development and job creation through construction related employment.</li> <li>(c) The additional future residents within proximity District centre support local retail and commercial services;</li> <li>(d) The proposed development maintains cultural, economic, physical and social well-being of people and communities. The proposed development has been designed to:             <ol style="list-style-type: none"> <li>(i) be responsive to natural hazards and the impacts of climate change by ensuring the first Storey is located about Flood Planning Level.</li> </ol> </li> </ol>



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**Other Relevant Matters**

- (ii) encourage active and passive transport usage by being located within close proximity to public transport route and primary active transport route and through the provision of bicycle parking spaces within the development.
- (iii) create a safe, liveable community that minimises the adverse amenity impacts on the surrounding area, particularly noise, privacy and over-shadowing impacts.
- (iv) provide alternative housing options and choice within a locality.
- (v) respond to local sub-tropical climate and incorporate sustainability and urban design principals including the use of openings to allow for cooling breezes, cross ventilated corridors and the layout and design of dwellings.
- (vi) utilise existing infrastructure within an established area with access to local services and networks of open space to ensure coordinated and cost-effective utilisation of infrastructure.

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, are to be applied in accordance the Council's Charges Resolution No. 8 commencing on 14 August 2018 (CR).

2.5.1 Levied Charge

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

The levied Charge has been calculated as per the following:

Proposed development	
8 x 2 bedroom units (8x \$20,956.80) =	\$167,654.40
4 x 3 bedroom units (4 X (\$29,339.55) =	\$117,358.20
 Total charge is	 <u>\$285,012.60</u>
 Less: Existing demand - Lawful use of the land (Lot 25 and Lot 26 RP62926)	
A credit for two residential lots (2 x \$29,339.55) =	\$58,679.10
 Total charge =	 <u>\$226,333.50</u>

Based on the proportional split stated in Table 3 of the CR being a 60/40 split with Unitywater, MBRC's proportion of the charge (60%) is **\$135,800.10**.

2.5.2 Levied Charge Offset or Refund

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

2.5.3 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, generates infrastructure demand of more than what is required to service the type or scale of future development assumed in the LGIP.

The proposed development provides a site density that exceeds the density provided for in this locality as the development provides for twelve (12) units instead of a complying nine (9) units. The additional three (3) units will not trigger the requirement for additional trunk infrastructure works by Council in order to provide for the proposed development over and above the levied charge.

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

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

2.7 Referrals

2.7.1 Council Referrals

**2.7.1.1 Development Engineering**

Traffic, Access & Parking

The proposed access and parking layout is generally satisfactory. All Individual parking bays, manoeuvring areas and proposed access from Ferguson Avenue comply with relevant standards.

The traffic generation from this development will not trigger any adverse impact on surrounding road network given that Welsby Parade is mapped as a District Collector Road in Councils planning scheme. Currently the annual daily average traffic volume for Welsby Parade does not exceed the capacity to warrant any upgrades. The existing road network within this catchment is designed to cater for increased traffic flow patterns from foreseeable future developments.

Operation and safety of the proposed site access meets Council's requirements for vehicle movements, sight distances, entrance configuration and queue lengths. The access, parking and driveways are compliant and meets the performance and acceptable outcome requirements of Planning scheme zone codes and residential uses code.

Stormwater

Quantity

There has been no assessment of the likely increases in stormwater flow rates following the development. A comparison on the pre and post development stormwater flow rates will be negligible. The roadside gully pit in Ferguson Avenue, near the intersection with Welsby Parade will be the legal discharge point. The site stormwater is to be piped connected to this gully pit.

Quality

The proposed development is below the threshold to require formal quality treatment. It will be conditioned "deemed to comply" requirements for water quality current best practices to be implemented on site.

Flood and Coastal Hazard

An assessment of the proposal was made to address the overlay code requirements. The proposed habitable areas of the units are set at RL 3.3m or higher in accordance with the Flood Planning Level determined for the subject site.

The ground level construction proposes no significant changes (i.e. fill) to the surface levels. The drawings show plan and elevations that indicate no change and no impermeable walls around the car parking areas. There are no structures to unduly obstruct the existing overland flow path as shown on the Council Overlay Maps. Councils modelling shows that in the event of flooding there will potentially be approximately 200mm of flood water within the carpark area.

The carpark is proposed at ground level and will be maintained at the existing level, 2.0m AHD.

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### **2.7.1.2 Environmental Health**

#### Lighting

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

#### Noise

A transport noise impact assessment has not been provided to identify road noise impacts from the designated transport noise corridor that ends at the eastern end of Bribie Bridge and becomes a Council controlled arterial road at Benabrow Avenue. This is a requirement of SC 6.16 Planning scheme policy - Noise. As a consequence the recommendations of this report include a condition that a transport noise impact assessment report is lodged and that the development satisfies any recommendations to ameliorate noise impacts.

#### Waste Management

A plan identifies a bin enclosure where 2 x 1.1m<sup>3</sup> bins will be stored and serviced at the kerbside of Ferguson Avenue by a 12.5m long rear loading HRV. As a consequence the recommendations of this report include a condition that the development be undertaken in accordance with the plan.

### **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**

Public Notification was undertaken twice due to irregularity with maintaining the public notification signage on the site.

#### **First Public Notification**

- (a) Public Notification was served on all adjoining landowners on 14 March 2019
- (b) The development application was advertised in the Caboolture Herald on 14 March 2019.
- (c) A notice in the prescribed form was posted on the relevant land on 14 March 2019 and **not** maintained for a period of 15 business days until 5 April 2019.

#### **Second Public Notification**

- (a) Public Notification was served on all adjoining landowners on 12 April 2019
- (b) The development application was advertised in the Courier Mail on 12 April 2019.
- (c) A notice in the prescribed form was posted on the relevant land on 12 April 2019 and maintained for a period of 15 business days until 13 May 2019.

Note: During the **First Public Notification**, the Notice was removed from Welsby Parade frontage. In this instance, to avoid any unnecessary irregularities under the required action the applicant opted to re-advertise the application.

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2.8.2 Submissions Received

Council received the following types of submissions in respect to this development application. The application was publicly advertised with thirty-three (33) properly made submissions, twelve (12) properly made petitions and two (2) not properly made submissions received.

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		(33)
	Petition		(12)
Not Properly Made	Letter, Email, Fax		(2)
	Petition		(0)
<b>Total</b>			

The matters raised within the submissions are outlined below and are broadly structured around:

- Building height,
- Traffic,
- Site density,
- Streetscape amenity,
- Overshadowing and privacy,
- Provision of infrastructure;
- Environmental values.

**Assessment of Submissions**

**Issue**

- The maximum building height is 15.00 metres along Welsby Parade.
- The proposed building will exceed the maximum building height allowed under the MBRC Planning Scheme.

**Discussion**

The material in support of the original application sort approval for a five (5) Storey 19.765-metre-high residential building with an RL of 21.765. On 15 November 2019, the applicant notified Council of a change to the proposed building design in response to Council's letter dated 31 July 2019. The proposed changes included a revised residential building with four (4) residential Storeys and a ground level carpark, providing a maximum Building height of 15.757 metres with an RL of 19.846 metres.

Additionally, the revised residential building design includes a proposed Building height of 15.00 metres when viewed from Welsby Parade with the maximum Building height of 15.757 metres generally through the centre line of the roof profile perpendicular to Ferguson Avenue.

This is not sufficient grounds for refusal of the application.

**Issue**

- Height of Dwellings on Bribie Island should be limited to three levels only.
- Three (3) Storey development is in keeping with the Planning Scheme and in character of the area.

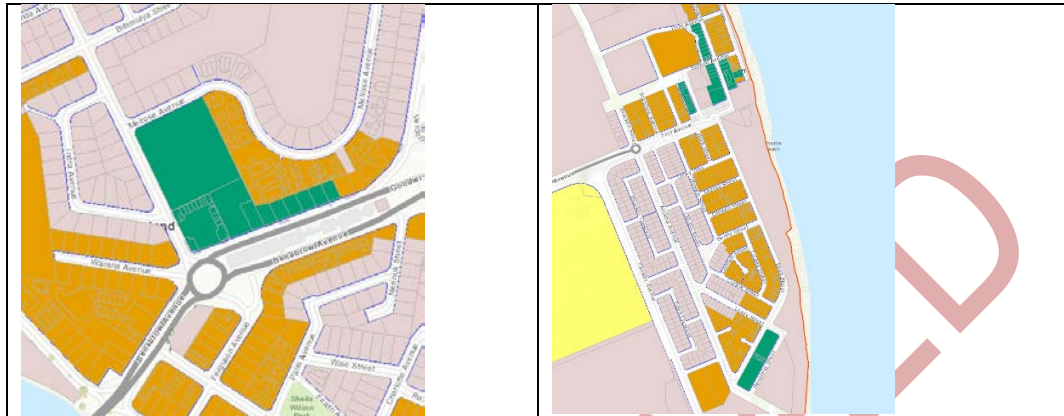
Under the MBRC Planning Scheme building height is regulated by Overlay map - Building heights (metres) and is not regulated by number of Storeys.

On Bribie Island, there are parts of the General residential zone - Next generation precinct that supports a building height greater than 15.00 metres that would support a residential building greater than three (3) Storeys. In particular, the following maps show areas on Bribie Island that supports a Building height of 21.00 metres (shown as colour - Teal). A

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**Assessment of Submissions**

Building height of 21.00 metres would support a residential building with more than three (3) Storeys.



In this instance, a height limit of three (3) Storeys does not apply to Bribie Island and a residential building with the proposed height is not out of character with expected built form under the MBRC Planning Scheme.

This is not sufficient grounds for refusal of the application.

**Issue**

- Additional traffic generation as a consequence of the development. Including additional pressure for on street parking thereby restricting traffic movements.
- The development will add to the existing traffic congestion on Bribie island.
- Ferguson Avenue is a narrow road.

**Discussion**

The applicant seeks to establish a residential building for the purpose of a Multiple dwelling. The building has been designed to accommodate eight (8) two-bedroom units and four (4) three-bedroom units (12 Units).

Welsby Parade is a Council district collector road and has been designed to accommodate high order traffic consistent with higher residential density development. Additionally, the development seeks to establish twenty-four (24) onsite parking spaces, this exceeds the minimum requirement of twelve (12) onsite carparking spaces under Table 6.2.6.3.5 Car Parking Space. Further, the applicant seeks to establish twelve (12) onsite Bicycle parking spaces. In this instance, a recommendation of this report is a Condition requiring a minimum of twenty-four (24) onsite parking spaces and twelve (12) onsite bicycle parking spaces to ensure the proposed development provides onsite parking to minimise any need for on street parking.

This is not sufficient grounds for refusal of the application.

**Issue**

- The Moreton Bay Planning Scheme (MBRC) Next Generation Neighbourhood Precinct has a low to medium residential density of between 15 and 75 dwelling per hectare. This proposed development has a density of 83 dwellings per hectare. Therefore, it is not compliant with the Moreton Bay Planning Scheme.

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<p><b>Assessment of Submissions</b></p> <ul style="list-style-type: none"> <li>The arrival of developers onto the Island with High Density housing projects will only add to the growing problems associated with pressures on infrastructure our fragile environment</li> <li>Bribie Island is already congested, the infrastructure cannot support these sorts of development.</li> </ul>
<p><b>Discussion</b></p> <p>The material in support of the original application included five (5) Storey residential building with ten (10) three 3-bedroom Dwelling units resulting in a Site density of 83 dwellings per hectare. On 15 November 2019, the applicant notified Council of a change to the proposed building design. The proposed changes included a reduction in maximum Building height of 15.757 metres and a change in Dwelling unit configuration from ten (10) 3-bedroom Units to eight (8) two-bedroom Units and four (4) three-bedroom Units. This resulted in a proposed Site density of 99.67 dwellings per ha.</p> <p>In accordance with Performance Outcome (PO1) of the General residential zone - Next generation neighbourhood precinct seeks to establish a Site density between 15 and 75 dwelling per hectare and it is acknowledged that the proposed development cannot achieve the Performance Outcome (PO1). Further, Overall Outcome 1 a. seeks to establish site densities between 15 and 75 dwellings per hectare thereby replicating Performance Outcome (PO1). The purpose of Site density is simply a measure of Dwelling density and is useful when considering the density of smaller developments. However, Site density does not provide a nexus between the number of proposed dwellings and scale and bulk of a residential building. For example, the original proposed residential building despite having a lower Site density had a greater Building height, massing and scale. Therefore, to support a higher Site density consideration must be given to location, and the ability of the development to commiserate off site impacts such as traffic generation, on street parking and demand on public infrastructure networks.</p> <p>In this instance, the site adjoins Welsby Road a Council district collector road, connecting to Bribie island Road (State Controlled Road). Both higher order roads that are designed to accommodate higher volumes of vehicular traffic. Therefore, the proposed additional Site density would not impact on the safety and efficiency of the adjoining road network.</p> <p>Additionally, the applicant seeks to establish twenty-four (24) onsite parking spaces, exceeding the minimum requirement of twelve (12) to mitigate against on street parking and provide twelve (12) bicycle parking spaces to be provided to encourage non-vehicle trips. Further, the site is located within close proximity to District centre zone along Benabrow Ave providing a range of commercial, retail, and transport services.</p> <p>In this instance, the proposed Site density of the residential building accords with Overall Outcome 1.d. of the General residential zone - Next generation precinct by seeking to establish "Medium to high density uses (e.g. Multiple dwelling, Relocatable home park, Residential care facility, Retirement facility, Rooming accommodation, Short-term accommodation) are located in proximity to a range of services and public transport stops(s) or station(s)".</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue</b></p> <ul style="list-style-type: none"> <li>Multi story buildings are spoiling the actual character of life on Bribie</li> <li>The multi-story building is in consistent with the Character of area's foreshore</li> <li>The proposed building will not enhance the low-rise seaside village character of the precinct</li> </ul>

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<p><b>Assessment of Submissions</b></p> <ul style="list-style-type: none"> <li>The existing Planning Scheme was adopted and approved, keeping the building height to three level. If this application was approved in its current form (five Storeys) it may in time lead to similar development along Welsby Parade and the appeal of the area would be diminished.</li> <li>Bribie Island is noted for its natural beauty with the height of the buildings not exceeding the tree line.</li> </ul>
<p><b>Discussion</b></p> <p>The site is zoned General residential zone - Next generation precinct and supports the establishment of multi-storey buildings with a Building height of 15.00 metres. Additionally, there are areas on Bribie Island that supports a Building height of 21.00 metres including an area within the District centre zone to the north of the site. In this instance, Bribie Island does not have maximum height of three (3) Storeys as a Building height of 15.00 metres, and 21.00 metres may support a height greater than three (3) Storeys.</p> <p>The perception that the Building height along the foreshore area should not exceed the tree height is not a planning consideration under the MBRC Planning Scheme. Additionally, this site is not mapped within the Scenic amenity Overlay. Therefore, consideration under the Scenic amenity Overlay does not form part of this application. However, the applicant does seek to establish a Building height that when viewed from Pumicestone Passage of 15.00 metres complying with the maximum height in this area.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue</b></p> <p>Water and Sewerage: has Council along with UnityWater developed plans to cope with the additional pressures on our existing system on the Island as system failures could lead to endangering our communities health. (Flood, Sewerage &amp; Water).</p>
<p><b>Discussion</b></p> <p>Water and Sewer infrastructure is regulated by UnityWater. A recommendation of this report is a condition requiring the applicant to submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming:</p> <ol style="list-style-type: none"> <li>A reticulated water supply network connection is available to the land; and</li> <li>A sewerage network connection is available to the land; and</li> <li>All the requirements of Unitywater have been satisfied.</li> </ol> <p>Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue</b></p> <p>Overshadowing and privacy of adjoining properties.</p>
<p><b>Discussion</b></p> <p>The proposed residential building design seeking to maximise the views and vistas of the Pumicestone Passage, therefore the orientation of the of the Dwelling units is generally in west - east direction. As the site is on the corner of Welsby Parade and Ferguson Ave the closest Dwelling is to the north over 237 Welsby Parade Bongaree (Lot 24 RP62926). The Dwelling is located at the rear of the site with a private court yard area behind the Dwelling and large unimproved front yard. There is concern that the proposed open balcony adjoining the Kitchen area of Unit 2 and Unit 6 may compromise the residential amenity of the adjoining Dwelling. The two (2) balconies are very small in nature with a width of 1m and will be provided with a permanent screen panel that will prevent overlooking from occurring.</p>

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<p><b>Assessment of Submissions</b></p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><b>Issue</b></p> <p><i>no objection to this development. Go for your life. It is a furphy that '3' stories 'suits' the Bribie lifestyle. Who determined that this statement was fact? Everything along the parade faces West and hence no shadows on the passage in the afternoon and possibly not even in the morning as the building lines are set back on the eastern side of the parade.</i></p>
<p><b>Discussion</b></p> <p>The site is zoned General residential zone - Next generation precinct and supports the establishment of multi-storey buildings with a Building height of 15.00 metres. Additionally, there are areas on Bribie Island that supports a Building height of 21.00 metres including an area within the District centre zone to the north of the site. In this instance, Bribie Island does not have maximum height of three (3) Storeys as a Building height of 15.00 metres, and 21.00 metres may support a height greater than three (3) Storeys.</p> <p>The submission in support of the application is noted.</p>
<p><b>Issue</b></p> <ul style="list-style-type: none"> <li>• Bribie Island is a Flora and Fauna Sanctuary and is finite</li> <li>• Preserve the sanctity of that mandate against High Density development, particularly along Welsby Parade</li> <li>• Bribie Lakes, Gem Life and Solana have already successfully destroyed a large Flora and Fauna area of this fragile environment</li> </ul>
<p><b>Discussion</b></p> <p>The site is located within an existing established neighbourhood and does not contain significant vegetation. The development of the site accords with infill development at a scale generally consistent with the strategic built form of the Next generation neighbourhood precinct adjoining a District centre zone.</p> <p>This is not sufficient grounds for refusal of the application.</p>

2.8.3 *Notice of Compliance*

The Notice of Compliance was received by Council on 14 May 2019. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.9 Other Matters  
None identified.

3. **Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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



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3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

Appropriate development supports the growing Moreton Bay region

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.7.

**ATTENDANCE**

Mr Dan Staley and Ms Tina Maltby-Wells left the meeting at 12.59pm after consideration of Item 2.1.

## CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Delegated Decisions Committee Meeting - 13 August 2019  
(Pages 19/1804 - 19/1805)

### COMMITTEE RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Brooke Savige

CARRIED 5/0

That the minutes of the Delegated Decisions Committee Meeting held 13 August 2019, be confirmed.

## NEXT DELEGATED DECISIONS COMMITTEE MEETING

The next meeting of the Delegated Decisions Committee is scheduled for Tuesday 4 February 2020 at Strathpine Chambers (220 Gympie Road, Strathpine), commencing at the conclusion of the General Meeting on that day.

### CLOSURE

There being no further business the meeting closed at 1.01pm.

### CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 20/101 to 20/152 constitute the minutes of the Delegated Decisions Committee Meeting of the Moreton Bay Regional Council held 28 January 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

### CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 4 February 2020.

\_\_\_\_\_  
Greg Chemello  
Chief Executive Officer

\_\_\_\_\_  
Councillor Mike Charlton  
Acting Mayor