



REPORT

Coordination Committee Meeting

Thursday 13 December 2018

commencing at 9.12am

Strathpine Chambers
220 Gympie Road, Strathpine

ENDORSED GM20181213

CHAIRPERSON'S REPORT

The recommendations contained within this report of the Coordination Committee meeting held 13 December 2018 are recommended to the Council for adoption.

COUNCILLOR ALLAN SUTHERLAND (MAYOR)
CHAIRPERSON
COORDINATION COMMITTEE

Membership = 13
Mayor and all Councillors

Quorum = 7

**12.1 Coordination Committee Meeting - 13 December 2018
(Pages 18/2453 - 18/2664)**

ITEM CONSIDERED SEPARATELY: ITEM 9.4 - SEEKING STATE GOVERNMENT CONSIDERATION OF THE NORTH HARBOUR MARINA AND CANAL ESTATE SITE AS A POTENTIAL PRIORITY DEVELOPMENT AREA - DIVISION 2

Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a real conflict of interest in Item 9.4 as Trask Development Corporation, is the owner of the land described as Lot 3 SP 266287 and was a contributor to the Mayor's election campaign. These donations include the following:

Office Management Corporation (David Trask) - 14/02/11 - \$25,000
Office Management Corporation (David Trask) - 13/04/12 - \$25,000
Office Management Corporation (David Trask) - 25/05/12 - \$25,000
OMC Unit Trust (David Trask) - 19/02/16 - \$50,000
OMC Unit Trust (David Trask) - 10/03/16 - \$10,000

Other donations and in-kind support through Moreton Futures Trust.

Cr Allan Sutherland (Mayor) retired from the meeting at 12.02pm taking no part in the debate or recommendation regarding same.

Cr Mike Charlton (Deputy Mayor) assumed the chair at that time.

Conflict of Interest - Declaration - Cr Darren Grimwade

Pursuant to s175E of the *Local Government Act 2009*, Cr Darren Grimwade declared a real conflict of interest in Item 9.4 as North East Business Park, was a political donor in the Councillors 2016 election and a donation of \$2,000 was made to the Councillor on 17th November 2015.

Cr Darren Grimwade retired from the meeting at 12.02pm taking no part in the debate or recommendation regarding same.

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Peter Flannery

CARRIED 10/0

Cr Allan Sutherland (Mayor) and Cr Darren Grimwade had declared a Conflict of Interest and had left the meeting

That the report and recommendations for Item 9.4 of the Coordination Committee meeting held 13 December 2018 be adopted.

ATTENDANCE

Cr Allan Sutherland (Mayor) and Cr Darren Grimwade returned to the meeting at 12.03pm. The Mayor resumed the Chair at that time.

BALANCE OF ITEMS CONSIDERED

RESOLUTION

Moved by Cr Mick Gillam

Seconded by Cr Peter Flannery

CARRIED 12/0

That the balance of the report and recommendations of the Coordination Committee meeting held 13 December 2018 be adopted.

LIST OF ITEMS

1 GOVERNANCE SESSION (Cr A Sutherland, Mayor)

ITEM 1.1 2454
2019 LOCAL GOVERNMENT FINANCE & STRATEGIC LEADERSHIP SUMMIT -
REGIONAL

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 1.2 2457
DELEGATIONS – LOCAL GOVERNMENT ACT 2009, PLANNING ACT 2016, PLANNING
REGULATION 2017, PLANNING AND ENVIRONMENT COURT ACT 2016 AND
DEVELOPMENT ASSESSMENT RULES, STATE PENALTIES ENFORCEMENT ACT 1999,
SUMMARY OFFENCES ACT 2005 AND SUMMARY OFFENCES REGULATION 2006 AND
CLAIMS FOR COMPENSATION - REGIONAL

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 1.3 2460
COUNCIL POLICIES - REGIONAL

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 1.4 2463
PROPOSED MBRC LOCAL LAW & SUBORDINATE LOCAL LAW NO. 8 (ELECTION
SIGNS) 2019 - REGIONAL

COMMITTEE RECOMMENDATION

REPORT DETAIL

2 PLANNING & DEVELOPMENT SESSION (Cr M Gillam)

ITEM 2.1 2467
MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR MEDIUM DENSITY
MULTIPLE DWELLING (170 TOWNHOUSES) (SUPERSEDED PLANNING SCHEME) - 35
EVELEIGH STREET, ARANA HILLS; 36 EVELEIGH STREET, ARANA HILLS; 82 PLUCKS
ROAD - ARANA HILLS - DIVISION 10

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 2.2 2515
DEVELOPMENT APPLICATION DA/36729/2018/V2L - MATERIAL CHANGE OF USE -
PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT
WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 285 & 293 OAKLEY FLAT
ROAD AND 87 BURBURY ROAD, MORAYFIELD - DIVISION 12

COMMITTEE RECOMMENDATION

3 CORPORATE SERVICES SESSION (Cr M Constance)

4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr A Hain)

ITEM 4.1	2602
TENDER - WEIGHBRIDGE SOFTWARE SOLUTION (MBRC007685) - REGIONAL	
COMMITTEE RECOMMENDATION	
REPORT DETAIL	
ITEM 4.2	2606
TENDER - SUPPLY AND DELIVERY OF ONE COMBO JET RODDING VACUUM TRUCK (MBRC008052) - REGIONAL	
COMMITTEE RECOMMENDATION	
REPORT DETAIL	
ITEM 4.3	2609
REDCLIFFE - REDCLIFFE LIBRARY - AMENITIES UPGRADE - DIVISION 6	
COMMITTEE RECOMMENDATION	
REPORT DETAIL	
ITEM 4.4	2613
TENDER - ASPHALT ENRICHMENT AND REJUVENATION PROGRAM 2018/19 - REGIONAL	
COMMITTEE RECOMMENDATION	
REPORT DETAIL	
ITEM 4.5	2619
KIPPA-RING - TALOBILLA PARK - BASEBALL FIELDS RENEWAL - DIVISION 5	
COMMITTEE RECOMMENDATION	
REPORT DETAIL	
ITEM 4.6	2623
LOCAL DISASTER MANAGEMENT PLAN 2018 - REGIONAL	
COMMITTEE RECOMMENDATION	
REPORT DETAIL	
ITEM 4.7	2626
BURPENGARY - STATION ROAD - ROAD REHABILITATION 2 - DIVISION 2	
COMMITTEE RECOMMENDATION	
REPORT DETAIL	
ITEM 4.8	2631
TENDER - GENERAL WASTE AND RECYCLABLES COLLECTION SERVICES (MBRC006242) - REGIONAL	
COMMITTEE RECOMMENDATION	
REPORT DETAIL	

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

ITEM 5.1	2639
NEW LEASE - BEACHMERE COMMUNITY LAWN BOWLS CLUB INC. - DIVISION 2	
COMMITTEE RECOMMENDATION	
REPORT DETAIL	

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ITEM 5.2 2642
NEW LEASE - THE SCOUT ASSOCIATION OF AUSTRALIA QUEENSLAND BRANCH INC
- DIVISION 5

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 5.3 2645
NEW LEASE - CABOOLTURE SPORTS CLUB LIMITED - DIVISION 2

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 5.4 2648
NEW LEASE - QUEENSLAND RADIO CIRCUIT CAR ASSOC. INC. - DIVISION 9

COMMITTEE RECOMMENDATION

REPORT DETAIL

6 LIFESTYLE & AMENITY SESSION (Cr D Sims)

ITEM 6.1 2651
2018/2019 FEES & CHARGES AMENDMENT - 28 WILLIAMS STREET, DAYBORO -
DIVISION 11

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 6.2 2655
SOLE SUPPLIER STATUS - RAYLINC AGENCIES PTY LTD - REGIONAL

COMMITTEE RECOMMENDATION

REPORT DETAIL

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

8 REGIONAL INNOVATION (Cr D Grimwade)

9 GENERAL BUSINESS

ITEM 9.1 2658
MERRY CHRISTMAS AND HAPPY NEW YEAR

ITEM 9.2 2658
REGIONAL EVENTS

COMMITTEE RECOMMENDATION

ITEM 9.3 2659
REVIEW OF PLANNING ACT 2016 - SUPERSEDED PLANNING SCHEMES

COMMITTEE RECOMMENDATION

ITEM 9.4 - DECLARATION OF INTEREST 2660

Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)

Conflict of Interest - Declaration - Cr Darren Grimwade

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ITEM 9.4 **2661**
SEEKING STATE GOVERNMENT CONSIDERATION OF THE NORTH HARBOUR MARINA
AND CANAL ESTATE SITE AS A POTENTIAL PRIORITY DEVELOPMENT AREA -
DIVISION 2

COMMITTEE RECOMMENDATION

CLOSED SESSION (Confidential items)

OPEN SESSION

ITEM C.1 – CONFIDENTIAL **2663**
ACQUISITION OF LAND FOR ROAD PURPOSES - DIVISION 10

COMMITTEE RECOMMENDATION

ITEM C.2 – CONFIDENTIAL **2664**
AMENDMENT TO MBRC PLANNING SCHEME - REGIONAL

COMMITTEE RECOMMENDATION

CLOSURE

ATTENDANCE & APOLOGIES

Attendance:

Committee Members:

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

Officers:

Chief Executive Officer	(Mr Daryl Hitzman)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Planning & Economic Development	(Mr Stewart Pentland)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Manager Legal Services	(Mr John Hall)
Senior Legal Officer	(Mr Kelvin Chin Fat)
Manager Development Services	(Ms Kate Isles)
Manager Waste Services	(Ms Angelika Hesse)
Team Leader Planning	(Mr Marco Alberti)
Principal Planner	(Mr Blayne Magnar)
Meeting Support	(Hayley Kenzler)

Apologies:

Nil

The Mayor is the Chairperson of the Coordination Committee.

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

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

1 GOVERNANCE SESSION

(Cr A Sutherland, Mayor)

ITEM 1.1

2019 LOCAL GOVERNMENT FINANCE & STRATEGIC LEADERSHIP SUMMIT - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A17924053 : 5 December 2018
Responsible Officer: LK, Executive Support Officer (CEO Executive Services)

Executive Summary

This report seeks consideration of Councillor attendance to the 2019 Local Government Finance & Strategic Leadership Summit to be held at the Gladstone Entertainment Convention Centre from 26 - 27 February 2019.

COMMITTEE RECOMMENDATION

Moved by Cr Koliانا Winchester

Seconded by Cr Denise Sims

CARRIED 13/0

1. That Councillor Matt Constance be authorised to attend the 2019 Local Government Finance & Strategic Leadership Summit.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

ITEM 1.1 2019 LOCAL GOVERNMENT FINANCE & STRATEGIC LEADERSHIP SUMMIT - REGIONAL - A17924053
(Cont.)

OFFICER'S RECOMMENDATION

1. That Councillor Matt Constance be authorised to attend the 2019 Local Government Finance & Strategic Leadership Summit.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

REPORT DETAIL

1. Background

Advice has been received that the 2019 Local Government Finance & Strategic Leadership Summit will be held at the Gladstone Entertainment Convention Centre from 26 - 27 February 2019.

2. Explanation of Item

The conference will focus on strategic leadership, specifically for local government leaders, to discuss strategy and governance; finance and reporting; and people and culture. The themes and topics featured will include:

- Purposeful leadership in a disruptive age
- Aligning financial reporting to strategic planning
- Risk and opportunity management
- Best practice local government KPIs
- Fostering state-wide entrepreneurship
- Building a positive culture
- Leading collaborative and problem-solving teams
- Rethinking economic development - using data to drive strategy
- Creating meaningful engagement with the community
- Turning policy into programs to achieve outcomes

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Arrangements will be made in accordance with Council's Professional Development Policy 2150-089.

3.4 Risk Management Implications

Topics associated with the conference will address a range of risk management challenges facing local government.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Appropriate funds have been provided in the 2018/19 Budget.

3.7 Economic Benefit

Topics associated with the conference will address a range of economic challenges facing local government.

*ITEM 1.1 2019 LOCAL GOVERNMENT FINANCE & STRATEGIC LEADERSHIP SUMMIT - REGIONAL - A17924053
(Cont.)*

3.8 Environmental Implications

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

3.9 Social Implications

Topics associated with the conference will address a range of social challenges facing local government.

3.10 Consultation / Communication

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

ATTENDANCE

Mr John Hall attended the meeting at 9.14am for discussion on Items 1.2 - 1.4 inclusive.
Mr Kelvin Chin Fat also attended at this time for discussion on Item 1.2.

ITEM 1.2

DELEGATIONS – LOCAL GOVERNMENT ACT 2009, PLANNING ACT 2016, PLANNING REGULATION 2017, PLANNING AND ENVIRONMENT COURT ACT 2016 AND DEVELOPMENT ASSESSMENT RULES, STATE PENALTIES ENFORCEMENT ACT 1999, SUMMARY OFFENCES ACT 2005 AND SUMMARY OFFENCES REGULATION 2006 AND CLAIMS FOR COMPENSATION - REGIONAL

Meeting / Session: 1 GOVERNANCE
Reference: A15735124 : 5 December 2018 - Refer Supporting Information A17797570, A17733979 & A17892471
Responsible Officer: DD, Acting Manager Executive Services

Executive Summary

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

- *Local Government Act 2009;*
- *Planning Act 2016 and Planning Regulation 2017, Planning and Environment Court Act 2016 and Development Assessment Rules;*
- *State Penalties Enforcement Act 1999;* and
- *Summary Offences Act 2005 and Summary Offences Regulation 2006.*

This report also recommends that Council delegate certain of its powers in respect of claims for compensation.

COMMITTEE RECOMMENDATION

Moved by Cr Mick Gillam

Seconded by Cr James Houghton

CARRIED 13/0

1. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers to take all action necessary to assess and decide claims for compensation (claims) including, but not limited to, negotiating the settlement of claims, approving claims, making payment of claims, denying claims, issuing reasons for decision, referring claims to Council's insurer and liaising with Council's insurer in respect of claims.
2. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers under the *Planning Act 2016*, *Planning Regulation 2017*, *Planning and Environment Court Act 2016* and *Development Assessment Rules* as specified in supporting information #1 to this report.
3. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers under the *State Penalties Enforcement Act 1999* as specified in supporting information #2 to this report.
4. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers under the *Summary Offences Act 2005* and *Summary Offences Regulation 2006* as specified in supporting information #3 to this report.

ITEM 1.2 DELEGATIONS – LOCAL GOVERNMENT ACT 2009, PLANNING ACT 2016, PLANNING REGULATION 2017, PLANNING AND ENVIRONMENT COURT ACT 2016 AND DEVELOPMENT ASSESSMENT RULES, STATE PENALTIES ENFORCEMENT ACT 1999, SUMMARY OFFENCES ACT 2005 AND SUMMARY OFFENCES REGULATION - A15735124 (Cont.)

OFFICER'S RECOMMENDATION

1. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers to take all action necessary to assess and decide claims for compensation (**claims**) including, but not limited to, negotiating the settlement of claims, approving claims, making payment of claims, denying claims, issuing reasons for decision, referring claims to Council's insurer and liaising with Council's insurer in respect of claims.
2. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers under the *Planning Act 2016*, *Planning Regulation 2017*, *Planning and Environment Court Act 2016* and *Development Assessment Rules* as specified in supporting information #1 to this report.
3. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers under the *State Penalties Enforcement Act 1999* as specified in supporting information #2 to this report.
4. That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers under the *Summary Offences Act 2005* and *Summary Offences Regulation 2006* as specified in supporting information #3 to this report.

REPORT DETAIL

1. Background

Council has certain powers under the *Local Government Act 2009*, *Planning Act 2016*, *Planning Regulation 2017*, *Planning and Environment Court Act 2016* and *Development Assessment Rules*, *State Penalties Enforcement Act 1999*, *Summary Offences Act 2005* and *Summary Offences Regulation 2006* and in respect of deciding claims for compensation.

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

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

2. Explanation of Item

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

It is recommended that the powers under the *Local Government Act 2009*, *Planning Act 2016*, *Planning Regulation 2017*, *Planning and Environment Court Act 2016* and *Development Assessment Rules*, *State Penalties Enforcement Act 1999*, *Summary Offences Act 2005* and *Summary Offences Regulation 2006* as recommended and set out in the supporting information to this report, be delegated to the CEO in order that the CEO may sub-delegate powers as required to appropriately qualified employees or contractors of the Council.

Each delegation specified in the supporting information has been drafted utilising the Local Government Association of Queensland template Delegations Register as a starting point and amended, as required.

ITEM 1.2 DELEGATIONS – LOCAL GOVERNMENT ACT 2009, PLANNING ACT 2016, PLANNING REGULATION 2017, PLANNING AND ENVIRONMENT COURT ACT 2016 AND DEVELOPMENT ASSESSMENT RULES, STATE PENALTIES ENFORCEMENT ACT 1999, SUMMARY OFFENCES ACT 2005 AND SUMMARY OFFENCES REGULATION - A15735124 (Cont.)

In respect of the recommended delegation regarding public liability claims, it is noted that Council receives requests for compensation from members of the public in respect of public liability claims on an ongoing basis. It is appropriate to delegate the power to assess and decide these claims to the CEO in order that the CEO may sub-delegate powers as required to appropriately qualified employees or contractors of the Council.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

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

3.2 Corporate Plan / Operational Plan

Strengthening Communities: Office of the CEO – overall leadership and co-ordination of Council activities.

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

The CEO will be delegated authority to exercise various powers of Council under the *Local Government Act 2009*, *Planning Act 2016*, *Planning Regulation 2017*, *Planning and Environment Court Act 2016* and *Development Assessment Rules*, *State Penalties Enforcement Act 1999*, *Summary Offences Act 2005* and *Summary Offences Regulation 2006* and certain of its powers in respect of claims for compensation.

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Consultation has been carried out with the Chief Executive Officer, Directors and Managers of Planning & Economic Development, Community & Environmental Services and Engineering, Construction & Maintenance directorates and Legal Services.

ATTENDANCE

Mr Kelvin Chin Fat left the meeting at 9.18am after consideration on Item 1.2.

**ITEM 1.3
COUNCIL POLICIES - REGIONAL**

Meeting / Session: 1 GOVERNANCE
Reference: A17924922 : 5 December 2018 - Refer Supporting Information A17819050, A17819048, A17819053, A17819051, A17892100 & A16988360
Responsible Officer: DD, Acting Manager Executive Services (CEOs Office)

Executive Summary

Council regularly reviews its Policies for applicability, continuing effect and consistency with related documents and the law.

The purpose of this report is to seek Council's consideration of the following policies, as appearing in the supporting information to this report:

- a) Policy: 2150-101 - Discretionary Funds, associated Availability Notice and Guidelines
- b) Policy: 2150-102 - Minor Operational Works Program
- c) Policy: 2150-030 - Community Grants
- d) Policy: 2150-055 - Entertainment and Hospitality.

Council's consideration is also sought in relation to repealing Policy 2150-005 Mayor's Regional and Councillors' Community Support Fund and associated Guidelines (including Availability Notice).

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 13/0

1. That the following policies be adopted, as appearing in the supporting information to this report:
 - a) Policy: 2150-101 - Discretionary Funds, associated Availability Notice and Guidelines
 - b) Policy: 2150-102 - Minor Operational Works Program;
 - c) Policy: 2150-030 - Community Grants;
 - d) Policy: 2150-055 - Entertainment and Hospitality
2. That Policy 2150-005 Mayor's Regional and Councillors' Community Support Fund and associated Guidelines (including Availability Notice) be repealed.

ITEM 1.3 COUNCIL POLICIES - REGIONAL - A17924922 (Cont.)

OFFICER'S RECOMMENDATION

1. That the following policies be adopted, as appearing in the supporting information to this report:
 - a) Policy: 2150-101 - Discretionary Funds, associated Availability Notice and Guidelines
 - b) Policy: 2150-102 - Minor Operational Works Program;
 - c) Policy: 2150-030 - Community Grants;
 - d) Policy: 2150-055 - Entertainment and Hospitality
2. That Policy 2150-005 Mayor's Regional and Councillors' Community Support Fund and associated Guidelines (including Availability Notice) be repealed.

REPORT DETAIL

1. Background

In accordance with the review triggers, Council reviews its Policies for applicability, effectiveness and consistency with related documents and the law.

2. Explanation of Item

An explanation of the objective, and summary of the Discretionary Funds and Minor Operational Works policies is outlined below:

Policy 2150-101 - Discretionary Funds

Objective: To provide a framework for administering Council's Discretionary Funds.

Summary: Council makes discretionary funds available each financial year to community organisations for community purposes. Council's discretionary funds support the sustainable delivery of community, cultural, sporting and environmental projects that provide a demonstrated benefit to the Moreton Bay Region. This policy, associated Availability Notice and Guidelines ensures the fund is administered in a way that is consistent with Council's Community Grants Policy.

Policy 2150-005 Mayor's Regional and Councillors' Community Support Fund and associated Guidelines (including Availability Notice) will be repealed.

Policy: 2150-102 - Minor Operational Works Program

Objective: to provide a framework for administering Council's Minor Operational Works Program.

Summary: The Minor Operational Works Program is an annual program for each Council Division to undertake minor maintenance activities associated with Council owned or controlled assets and/or land, and for Council's free tree program. This policy ensures the prudent allocation and expenditure of funds on maintenance activities under this program.

An explanation of the objective, and summary of amendments to the Community Grants and Entertainment and Hospitality policies are outlined below:

Policy: 2150-030 - Community Grants

Objective: To provide a framework for administering Council's Community Grants Program.

Summary of amendments: This updated policy provides clearer guidelines and a more consistent approach to the Community Grants Program eligibility criteria.

ITEM 1.3 COUNCIL POLICIES - REGIONAL - A17924922 (Cont.)

Policy: 2150-055 - Entertainment and Hospitality

Objective: To establish when expenditure for entertainment and hospitality may be reasonably and appropriately incurred by the Council.

Summary of amendments: This updated policy provides improved guidelines for the payment/reimbursement of entertainment and hospitality expenses incurred by Councillors and employees. This policy also includes updated references to relevant legislation.

3. Strategic Implications

3.1 Legislative/Legal Implications

These policies have been developed in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Council regularly reviews its Policies for applicability, effectiveness and consistency with related documents and the law.

3.4 Risk Management Implications

These Policies ensure that Council fulfils all relevant legal obligations.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Funds are allocated in Council's annual budget for use in accordance with Council's policies and relevant legislation.

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

The following officers were consulted in the preparation of this report:

- Chief Executive Officer;
- Manager Legal Services;
- Manager Community Services, Sport and Recreation; and
- Acting Manager Executive Services.

**ITEM 1.4
PROPOSED MBRC LOCAL LAW & SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019 - REGIONAL**

Meeting / Session: 1 GOVERNANCE
Reference: A17934687 : 7 December 2018 - Refer Supporting Information A17922600, A17887845 & A16467477
Responsible Officer: JH, Manager Legal Services (CEO Office)

Executive Summary

This report seeks Council's resolution to commence the making of *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019* and *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019* using Council's adopted local law-making process. The purpose and general effect of the proposed local laws is to regulate the display of election signs across the Region.

COMMITTEE RECOMMENDATION

Moved by Cr Adam Hain

Seconded by Cr Matt Constance

CARRIED 12/1

Cr Mick Gillam voted against Committee's Recommendation

1. That Council resolves to propose to make Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019 which is annexed to this report.
2. That Council resolves to propose to make Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019 which is annexed to this report.
3. That the Chief Executive Officer be authorised to undertake public consultation in relation to the proposed local law and subordinate local law in accordance with Council's adopted local law-making process which is annexed to this report.
4. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed local law and subordinate local law, which includes the power to:
 - a) identify any anti-competitive provisions in the proposed local law and subordinate local law;
 - b) determine whether any identified anti-competitive provisions need to be reviewed;
 - c) decide the process for conducting a review of any identified anti-competitive provisions;
 - d) conduct a review of any identified anti-competitive provisions.

ITEM 1.4 PROPOSED MBRC LOCAL LAW & SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019 - REGIONAL - A17934687 (Cont.)

OFFICER'S RECOMMENDATION

1. That Council resolves to propose to make *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019* which is annexed to this report.
2. That Council resolves to propose to make *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019* which is annexed to this report.
3. That the Chief Executive Officer be authorised to undertake public consultation in relation to the proposed local law and subordinate local law in accordance with Council's adopted local law-making process which is annexed to this report.
4. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed local law and subordinate local law, which includes the power to:
 - a) identify any anti-competitive provisions in the proposed local law and subordinate local law;
 - b) determine whether any identified anti-competitive provisions need to be reviewed;
 - c) decide the process for conducting a review of any identified anti-competitive provisions;
 - d) conduct a review of any identified anti-competitive provisions.

REPORT DETAIL

1. Background

Council recently considered a second round of public feedback concerning Council's proposed advertising devices local law (which relates to election signage) as well as feedback from subject matter experts.

The public feedback was overwhelmingly critical of the proposed local law and the subject matter experts made numerous recommendations in respect of the local law.

Accordingly, Council directed officers to prepare amendments to the proposed local law to deal with some common issues raised by the submitters and experts.

2. Explanation of Item

Officers have prepared a draft local law and subordinate local law (**annexed** to this report).

Officers are seeking Council's resolution to propose to make the draft local law and subordinate local law so that officers may commence the necessary State interest check and public consultation process.

Officers note the following key effects that the draft local law and subordinate local law would have:

- **Standalone Local Law** - there will be a standalone local law for election signs;
- **Time** - election signs will only be permitted to be displayed for 42-days prior to polling day (regardless of whether they're displayed on private or public land);
- **Number** - election signs will only be permitted up to a "capped" number and that capped number will be as per Council's previous local law (which is currently subject to a legal challenge);

ITEM 1.4 PROPOSED MBRC LOCAL LAW & SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019 - REGIONAL - A17934687 (Cont.)

- **Size** - signs on public land must be 600mm x 900mm (0.6m²) signs in A-frames. On private land, 2 signs can be displayed - these can either be 600mm x 900mm (0.6m²) or 900mm x 1200mm (1.08m²) (that's double the size of a normal corflute). A double-sided sign on private land (which is not an A-frame) will constitute 2 signs;
- **Sign location** - there will be a "device restriction area" surrounding key driver decision areas (i.e. signs will need to be setback at least 20-metres from school zones, roundabouts, t-intersections etc.);
- **Equality** - no dispensation will be granted to the rules stated in the local law unless a person can demonstrate that an exceptional circumstance exists which justifies that dispensation;
- **Roadside signs** - candidates can display up to 3 x 0.6m² A-frame signs on public land (e.g. nature strips) if they are supervised, 3-metres apart and within a 9-metre radius. These displays on public land cannot overlap other displays and must be at least 3-metres away from any other display on public land. Signs on roadsides must set-back from the kerb (at least 3m) and must be displayed perpendicular to the road;
- **Polling booths and pre-polling booths** - specific display requirements apply to polling booths, pre-polling booths and nature strips adjacent to polling booths. So long as candidates comply with the general cap on sign numbers (referred to above) they may display any number of signs at polling booths. Candidates may also display up to 3-signs on nature strips for every entrance to the polling booth;
- **Waving** - it is an offence to wave election signs or do anything on a footpath or nature strip that could distract a motorist. Waving hands is not specified as being unlawful. However, it should not be done in a manner which may become a distraction to a motorist;
- **Offences** - it is an offence to display an election sign in a manner which does not comply with this local law. The person responsible for that offence will be the person supervising the sign (on public land), the owner of the property where the sign is being displayed (on private property) or the candidate being promoted by the sign. There is a defence to this provision in the local law (e.g. if a property owner or candidate can prove that they were not aware of the non-compliance, took steps to prevent the non-compliance, and took immediate steps to stop the non-compliance when they were made aware of it).

As part of the local law-making process, Council must identify any possible anti-competitive provisions in the proposed local law.

To determine whether a provision is anti-competitive requires consideration of the "*National Competition Policy - Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws*" published by the Department of Infrastructure, Local Government and Planning (**Guidelines**).

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

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

ITEM 1.4 PROPOSED MBRC LOCAL LAW & SUBORDINATE LOCAL LAW NO. 8 (ELECTION SIGNS) 2019 - REGIONAL - A17934687 (Cont.)

3. Strategic Implications

3.1 Legislative/Legal Implications

Section 28 of the *Local Government Act 2009* permits Council to make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area if certain criteria are met (e.g. the local law must not *prohibit* the placement of election signs). Council can do this by following its existing local law-making process.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

The proposed local law and subordinate local law require that election signs be made of corrugated plastic which is a recyclable material.

3.9 Social Implications

The proposed local law and subordinate local law aim to promote political communication and discourse in the community whilst ensuring the safety and wellbeing of residents and protecting the amenity of the Region.

3.10 Consultation / Communication

Legal Services
Council Workshop held 4 December 2018

ATTENDANCE

Ms Kate Isles attended the meeting at 9.20am for discussion on Item 2.1 - Item 2.2 inclusive.

Mr Marco Alberti also attended the meeting at 9.20am for discussion on Item 2.1.

2 PLANNING & DEVELOPMENT SESSION

(Cr M Gillam)

ITEM 2.1

MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR MEDIUM DENSITY MULTIPLE DWELLING (170 TOWNHOUSES) (SUPERSEDED PLANNING SCHEME) - 35 EVELEIGH STREET, ARANA HILLS; 36 EVELEIGH STREET, ARANA HILLS; 82 PLUCKS ROAD - ARANA HILLS - DIVISION 10

APPLICANT: Mr Lloyd Taylor

OWNER: Mr Lloyd R Taylor and Mrs Margaret I Taylor

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A17892810 : 27 November 2018 – Refer Supporting Information
A17932061, A17893298 & A17932060
Responsible Officer: LR, Principal Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Mr Lloyd R Taylor
Lodgement Date:	11 August 2017
Properly Made Date:	11 August 2017
Confirmation Notice Date:	25 August 2017
Information Request Date:	8 September 2017
Info Response Received Date:	28 September 2018
Public Notification Dates:	Start: 4 October 2018 Finished: 25 October 2018
No. of Submissions:	Properly Made: 155 Not Properly Made: 6
Decision Due Date:	14 December 2018
Prelodgement Meeting Held:	No

PROPERTY DETAILS	
Division:	Division 10
Property Address:	35 & 36 Eveleigh Street and 82 Plucks Road, Arana Hills
RP Description	Lot 6 SP 165087, Lot 7 SP 165087, Lot 10 SP 165087
Land Area:	4.4628 ha
Property Owner	Mr Lloyd R Taylor and Mrs Margaret I Taylor

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	PineRiversPlan
Planning Locality / Zone	Urban Locality, Residential A Zone
Level of Assessment:	Impact and Policy Neutral

The application seeks a Material Change of Use - Development Permit for Medium Density Multiple Dwelling (170 Townhouses) being assessed under the Superseded PineRiversPlan at the abovementioned site. It is proposed to develop the site for 170 townhouses (varying in height of between 2 and 3 storeys) through a range of design types in 9 stages as follows:

ITEM 2.1 MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR MEDIUM DENSITY MULTIPLE DWELLING (170 TOWNHOUSES) (SUPERSEDED PLANNING SCHEME) - 35 EVELEIGH STREET, ARANA HILLS; 36 EVELEIGH STREET, ARANA HILLS; 82 PLUCKS ROAD - ARANA HILLS - DIVISION 10 - A17892810 (Cont.)

Stage	Dwellings	Resident Car Space	Visitor Car Spaces	Wash Bays
1	2	4 Garages	2	-
2	12	24 Garages	0	-
3	6	12 Garages	1	-
4	17 Dwellings 1 Managers Unit	34 Garages 2 Tandem	5	1
5	23	46 Garages 7 Tandem	2	-
6	27	54 Garages	4	1
7	17	34 Garages 4 Tandem	3	-
8	28	56 Garages 9 Tandem	2	-
9	38	76 Garages 23 Tandem	9	-

The Council's Information Request and supplementary additional requirements information request requested the applicant to make a number of changes to the development proposal including a request to align access into the development with an adjoining development proposal to the east being considered at the time. Removal of access onto Leatherwood Drive was also sought.

The applicant responded to the Council's Information request with the layout below (Version G) as its proposed development layout, being also the same plan displayed on the public notifications signs erected along the frontage of the site.



VERSION G

ITEM 2.1 MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR MEDIUM DENSITY MULTIPLE DWELLING (170 TOWNHOUSES) (SUPERSEDED PLANNING SCHEME) - 35 EVELEIGH STREET, ARANA HILLS; 36 EVELEIGH STREET, ARANA HILLS; 82 PLUCKS ROAD - ARANA HILLS - DIVISION 10 - A17892810 (Cont.)

In the applicant's response to the Information Request, the applicant states that it does not believe it can make the changes sought by the Council (unlike the adjoining development by Mirvac that did make the changes) and instead invited the Council to approve the alternative layout below (Version H).



VERSION H

During the public notification period, Council sought clarification from the applicant on which plan they were proposing Version G or Version H. The applicant made it clear that it had not changed its application and stated the Council could if it wanted, condition the proposal in a manner consistent with the Version H plan submitted. For clarity, Version G is the plan formally before the Council for consideration.

While the applicant's approach has caused confusion in the community on what proposal they should make comment on, the development of the site as proposed in either layout (Version G or H) does not comply with the requirements of the planning scheme in respect to traffic, bushfire and land use issues.

The application was publicly advertised with 161 (155 properly made) submissions received.

Having assessed the proposal and taken into consideration the issues and concerns raised in submissions the proposed development is not consistent with the intent of the *PineRiversPlan*, and is recommended to be refused.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance
Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 13/0

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

ITEM 2.1 MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR MEDIUM DENSITY MULTIPLE DWELLING (170 TOWNHOUSES) (SUPERSEDED PLANNING SCHEME) - 35 EVELEIGH STREET, ARANA HILLS; 36 EVELEIGH STREET, ARANA HILLS; 82 PLUCKS ROAD - ARANA HILLS - DIVISION 10 - A17892810 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, refuses the development application seeking a Development Permit for a Material Change of Use - Medium Density Multiple Dwelling (170 Townhouses) (Superseded Planning Scheme) at 35-36 Eveleigh Street and 82 Plucks Road, Arana Hills, described as Lot 6 SP 165087, Lot 7 SP 165087, Lot 10 SP 165087 for the following reasons:

Reasons for Refusal

1. The development conflicts with the following aspects of the PineRiversPlan:
 - (a) Desired Environmental Outcomes, Chapter 2, Part 1, Division 2, Economic Development Desired Environmental Outcomes, Section 2.1 Urban land use and development are consolidated and contained within interconnected urban areas forming an urban corridor comprising the localities of Urban, Major Employment Centres, North Lakes, and bounded by the localities of Catchment, Semi-Urban and Coast and River Lands
 - (b) Desired Environmental Outcomes, Chapter 2, Part 1, Division 2, Economic Development Desired Environmental Outcomes, Section 2.4 Residential development and land use provides housing choices that match the housing needs of the community and maintain high quality living environments
 - (c) Desired Environmental Outcomes, Chapter 2, Part 1, Division 4, Community Wellbeing Desired Environmental Outcomes, Section 4.7 Reasonable and appropriate standards of amenity are maintained and promoted.
 - (d) Urban Locality Code, Chapter 3, Part 2, Division 2, Overall Outcomes Sought for the Urban Locality, Overall Outcome (20)
 - (e) Urban Locality Code, Chapter 3, Part 2, Division 2, Overall Outcomes Sought for the Urban Locality, Overall Outcome (30)
 - (f) Urban Locality Code, Chapter 3, Part 2, Division 2, Overall Outcomes Sought for the Urban Locality, Overall Outcome (31)
 - (g) Urban Locality Code, Chapter 3, Part 2, Division 2, Overall Outcomes Sought for the Urban Locality, Overall Outcome (32)
 - (h) Urban Locality Code, Chapter 3, Part 2, Division 3, Specific Outcomes and Probable Solutions Sought for the Urban Locality, Specific Outcome SO6
 - (i) Urban Locality Code, Chapter 3, Part 2, Division 3, Specific Outcomes and Probable Solutions Sought for the Urban Locality, Specific Outcome SO29
 - (j) Urban Locality Code, Chapter 3, Part 2, Division 3, Specific Outcomes and Probable Solutions Sought for the Urban Locality, Specific Outcome SO41
 - (k) Urban Locality Code, Chapter 3, Part 2, Division 2, Overall Outcomes Sought for the Residential A Zone, Overall Outcome (1)
 - (l) Urban Locality Code, Chapter 3, Part 2, Division 2, Overall Outcomes Sought for the Residential A Zone, Overall Outcome (2)
 - (m) Urban Locality Code, Chapter 3, Part 2, Division 2, Overall Outcomes Sought for the Residential A Zone, Overall Outcome (4)
 - (n) Urban Locality Code, Chapter 3, Part 2, Division 4, Specific Outcomes and Probable Solutions Sought for the Residential A Zone, Specific Outcome SO4
 - (o) Urban Locality Code, Chapter 3, Part 2, Division 4, Specific Outcomes and Probable Solutions Sought for the Residential A Zone, Specific Outcome SO5
 - (p) Urban Locality Code, Chapter 3, Part 2, Division 4, Specific Outcomes and Probable Solutions Sought for the Residential A Zone, Specific Outcome SO6
 - (q) Urban Locality Code, Chapter 3, Part 2, Division 4, Specific Outcomes and Probable Solutions Sought for the Residential A Zone, Specific Outcome SO14
 - (r) Multiple Dwelling Units Code, Chapter 6, Part 1, Division 29, Overall Outcomes, Overall Outcome (c)
 - (s) Multiple Dwelling Units Code, Chapter 6, Part 1, Division 29, Assessment Criteria for Assessable Development, Specific Outcome SO3

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- (t) Multiple Dwelling Units Code, Chapter 6, Part 1, Division 29, Assessment Criteria for Assessable Development, Specific Outcome SO10
 - (u) Multiple Dwelling Units Code, Chapter 6, Part 1, Division 29, Assessment Criteria for Assessable Development, Specific Outcome SO13
 - (v) Multiple Dwelling Units Code, Chapter 6, Part 1, Division 29, Assessment Criteria for Assessable Development, Specific Outcome SO25
 - (w) Bushfire Hazard Area Overlay Code, Chapter 5, Part 9, Division 5, Overall Outcomes for the Bushfire Hazard Area Overlay Code, Overall Outcome (1)
 - (x) Bushfire Hazard Area Overlay Code, Chapter 5, Part 9, Division 5, Overall Outcomes for the Bushfire Hazard Area Overlay Code, Overall Outcome (2)
 - (y) Bushfire Hazard Area Overlay Code, Chapter 5, Part 9, Division 6, Specific Outcomes and Probable Solutions for Assessable Development, Specific Outcome SO1
2. Having regard to the conflict with the superseded planning scheme:
- (a) there are no 'other matters' which may warrant the giving of a decision notice approving the development application subject to conditions;
 - (b) the proposed development could not be otherwise conditioned to address the conflicts with the superseded planning scheme.
- B. That the following information be included in the Decision Notice.

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Development Permit for Medium Density Multiple Dwelling (170 Townhouses) (Superseded Planning Scheme)
Relevant Period of Approval	Not applicable - Refusal
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	<i>PineRiversPlan</i>
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	Not applicable
Codes for Accepted Development	Not applicable
Referral Agencies	There are no Referral Agencies
Submissions	There were 155 properly made submissions about this application.

REPORT DETAIL

1. Background

On 7 May 2009, Council's Delegate granted a Development Permit for Reconfiguring a Lot – Subdivision (1 into 20 Lots) to create 19 Residential A lots and 1 balance lot (file reference 2007/11194/RAL). The development approval has been given a number of extensions to the relevant period on 13 November 2012, 16 March 2015 and 11 January 2017 and now lapses on 14 May 2019.

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On 3 February 2017, Council agreed to a request seeking approval to make an application for a Material Change of Use – Low Density Multiple Dwelling Units and Reconfiguring a Lot over the subject site against the superseded PineRiversPlan (file reference DA/33436/2017/V9).

On 14 February 2017, Council agreed to a request seeking approval to make an application for a Material Change of Use – Medium Density Multiple Dwelling and Reconfiguring a Lot over the subject site against the superseded PineRiversPlan (file reference DA/35581/2017/V9). It is this application that is subject to this report.

On 9 July 2018, Council's Delegate approved a Request to Change (Minor) the Development Permit for Reconfiguring a Lot – Subdivision (1 into 20 Lots) to create 19 Residential A lots and 1 balance lot (file reference 2007/11194/RAL). The change facilitates an amendment to the Staging of the development.

2. Explanation of Item

2.1 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	Residential A Zone	Dwelling Houses and associated Domestic Outbuildings
South	Residential A Zone	Dwelling Houses and associated Domestic Outbuildings
East	Residential A Zone	Dwelling Houses and associated Domestic Outbuildings AND Approved Development - Material Change of Use - Development Permit for Medium Density Multiple Dwelling Units (77 units) and Reconfiguring a Lot - Development Permit for Subdivision (1 into 4 Lots) and Access Easement and Building Works - Development Permit (Medium Density Multiple Dwelling Units and Dwelling House (small lot plan)) (superseded planning scheme)
West	Residential A Zone	Dwelling Houses and associated Domestic Outbuildings

2.2 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

2.2.1 State Planning Policy

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently. (2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied. (3) Fire hydrants are suitable identified so that fire services can locate them at all hours.	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from <ul style="list-style-type: none"> (a) altered stormwater quality and hydrology (b) waste water (c) the creation or expansion of non-tidal artificial waterways 	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal does not comply. Refer specifically to section 2.6.1.3 of this report for a

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	<p>(d) the release and mobilization of nutrients and sediments.</p> <p>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	detailed discussion on the issue.
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <p>(a) coastal dependent development; or</p> <p>(b) temporary, readily relocatable or able to be abandoned development; or</p> <p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal does not comply.</p> <p>Refer specifically to section 2.6.1.3 of this report for a detailed discussion on the issue.</p>

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	severity of the natural hazard and the potential for damage on the site or to other properties. (6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided. (7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.	
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.2.2 *South East Queensland Regional Plan*

The site is located in the Urban Footprint.

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

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

Koala Habitat Area

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

2.3 Assessment Against Local Categorising Instrument - *PineRiversPlan*

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

2.3.1 *Assessment of Applicable Codes*

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Specific Outcomes assessment is required
Zone/ Local Plan Code		
Urban Locality Code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	SO4, SO6, SO29, SO41

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Assessment Benchmarks	Compliance with Overall Outcomes	Specific Outcomes assessment is required
Urban Locality Code - Residential A Zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	SO4, SO5, SO6, SO13, SO14
Overlay Codes		
Biodiversity Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Bushfire Hazard Area Overlay Code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	SO1
Potential Landslide Areas Overlay Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Development Codes		
Multiple Dwelling Units Code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	SO3, SO10, SO13, SO14, SO25
Access and Parking Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Infrastructure Works Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Landscape Design Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Setbacks Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Site Earthworks Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The assessment of the development proposal against the Specific Outcomes of the applicable codes is discussed below in section 2.3.3.

2.3.2 Performance Outcome Assessment

Specific Outcome	Probable Solution
Urban Locality Code	
SO 4 Medium density residential uses are developed in areas zoned Residential B and other appropriate locations, including:- (1) sites in close proximity to centres and community facilities ; (2) sites with a high level of visual amenity that are adjacent to district and regional	PS 4 No solution provided.

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Specific Outcome	Probable Solution
<p>parks and open space or the Coast and River Lands Locality;</p> <p>(3) sites within easy walking distance (approximately 400-500m) of existing and committed future railway stations or bus facilities; and</p> <p>(4) sites in close proximity to land zoned Residential B;</p> <p>provided the character and amenity of the predominantly detached housing area and environmental values of the surrounding area are not prejudiced.</p>	
<i>Specific Outcome Assessment</i>	
<p>Specific Outcome SO4 requires medium density residential uses to be developed in areas zoned Residential B <u>and</u> other appropriate locations. As the subject site is located in the Residential A zone, compliance relies on the site being an ‘other appropriate location’.</p> <p>In response to ‘other appropriate locations’, the following assessment is provided.</p> <p>(1) The development site is arguably in close proximity to centres and community facilities on the basis that ‘close proximity’ is not defined. Specifically, the closest community facility (defined as the use of premises for the provision of cultural, social or community services, e.g. art gallery, play group and the like, community centre, community hall, day respite care, health services, youth club, library, public building) is the Arana Hills Library which is located approximately 560m walking distance or 350m ‘as the crow flies’ from the edge of the subject site. In addition, the site is located ‘as the crow flies’, 1km to Birralee community child care centre, 1.5km to The Hills District Community Centre, and 1.1km to the Arana Hills district centre, 4km to Mitchelton Major Regional Activity Centre, and 9.5km from Chermside Principal Regional Activity Centre, as defined by the South East Queensland Regional Plan. The site is also in proximity to other private and public community facilities including schools, medical facilities and places of worship.</p> <p>(2) The development is located approximately 300m metres away from a pedestrian connection to William Scott Park that follows Cabbage Tree Creek. Whilst the development site does facilitate a walkable connection to this park, it is not located <u>adjacent</u> and therefore does not provide a high level of visual amenity.</p> <p>(3) The development site is located within easy walking distance (approximately 400-500m) of two (2) existing bus stops.</p> <p>(4) The site is located approximately 700 metres “as the crow flies” or approximately 900m walking distance to Residential B Zone land and arguably is in close proximity.</p> <p>The proposal complies with clause (3) of this Specific Outcome and arguably also clauses (1) and (4).</p>	
<p>SO 6 Medium density residential uses are consistent with the visual and general amenity of the area.</p>	<p>PS 6 No solution provided.</p>
<i>Specific Outcome Assessment</i>	
<p>Within 250 metres of the subject site exists 2 other established multiple dwelling developments, namely:</p> <ul style="list-style-type: none"> • 48 Leatherwood Drive – 17 units constructed in 1993; and 	

ITEM 2.1 MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR MEDIUM DENSITY MULTIPLE DWELLING (170 TOWNHOUSES) (SUPERSEDED PLANNING SCHEME) - 35 EVELEIGH STREET, ARANA HILLS; 36 EVELEIGH STREET, ARANA HILLS; 82 PLUCKS ROAD - ARANA HILLS - DIVISION 10 - A17892810 (Cont.)

Specific Outcome	Probable Solution
<p>• 52 Plucks Road – 30 units constructed in 2012.</p> <p>In addition, also located within 250 metres of the subject site is 2 existing multiple dwelling development approvals, that have not yet been acted on being:</p> <ul style="list-style-type: none"> • 62 Plucks Road – 40 units approved in 2015 and awaiting construction; and • 80 Plucks Road - 77 units approved in 2018 and awaiting construction. <p>Therefore, within 250 metres of the subject site is a total of 164 constructed or approved to be constructed multiple dwellings. This development proposal for 170 additional multiple dwellings represents a greater than 100% increase or doubling of the number of multiple dwellings in the immediate area.</p> <p>In this regard, the existing ‘visual amenity’ largely consists of dwelling houses and associated domestic outbuildings, in particular, those areas directly impacted on by the proposed development, being Eveleigh Street, Plucks Road and Leatherwood Drive. Of particular relevance is that the majority of existing residential lots around Plucks Road, Eveleigh Street and Leatherwood Drive range in area from 600m² - 1,000m², with some lots in Eveleigh Street ranging from 1,000m² - 19,000m².</p> <p>While there is an adjoining approval at 80 Plucks Road for 77 units, that approval has standard residential allotments where it adjoins Leatherwood Drive with the only vehicular access to the site being off Plucks Road with no multiple dwelling units proposed within 75 metres of Plucks Road with Leatherwood Drive Park on its eastern boundary. Accordingly, it will not impact on the visual amenity of the area unlike the proposal the subject of this report. It is also important to acknowledge that while the Version H drawing provided to the Council for its consideration does demonstrate better compliance with this Specific Outcome by suggesting standard residential lots along the Plucks Road and Leatherwood Drive frontages, the visual and general amenity of Eveleigh Street becoming a primary point of access into the development will continue to be affected in the same manner.</p> <p>The development proposes a substantial cluster and footprint of multiple dwellings on a site that is highly visible from the surrounding road network and existing residential areas. The proposed medium density residential development is inconsistent with the current visual and general amenity of the area and therefore does not comply with Specific Outcome SO6.</p> <p>As the proposal does not comply with this Specific Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p>SO 29 Residential development maintains high levels of amenity for residents and neighbours and enhances streetscape character.</p>	<p>PS 29 No solution provided.</p>
<p><i>Specific Outcome Assessment</i></p>	
<p>As outlined in the response to Specific Outcome SO6 above, the existing ‘visual amenity’ largely consists of dwelling houses and associated domestic outbuildings with the proposal as formally submitted, if approved, very likely to shift the amenity of the area to one predominated by multiple dwellings with their associated vehicle movements introduced into Leatherwood Drive and Eveleigh Street.</p> <p>In respect to ‘enhancing streetscape character’, the development proposes 20 units fronting Plucks Road being inconsistent with the eight (8) freehold lots with predominantly detached houses located along the opposite, southern side of Plucks Road running parallel to the development frontage. The development does not maintain the existing level of amenity afforded to residents, nor does it <u>enhance</u> the streetscape character. It is also important to</p>	

ITEM 2.1 MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR MEDIUM DENSITY MULTIPLE DWELLING (170 TOWNHOUSES) (SUPERSEDED PLANNING SCHEME) - 35 EVELEIGH STREET, ARANA HILLS; 36 EVELEIGH STREET, ARANA HILLS; 82 PLUCKS ROAD - ARANA HILLS - DIVISION 10 - A17892810 (Cont.)

Specific Outcome	Probable Solution
<p>acknowledge that while the Version H drawing provided to the Council for its consideration does demonstrate better compliance with this Specific Outcome by suggesting standard residential lots along the Plucks Road and Leatherwood Drive frontages, no change is proposed to the Eveleigh Street frontage resulting in no improvements or enhancements to that street.</p> <p>As the proposal does not comply with this Specific Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p>SO 41 Infill residential development, including medium density development, is sensitively designed to minimise adverse impacts associated with perceptions of lack of privacy, increased noise and traffic and changes to streetscape character.</p>	<p>PS 41 No solution provided.</p>
<p><i>Specific Outcome Assessment</i></p>	
<p>As outlined in the response to Specific Outcome SO29 above, the development proposes 20 units fronting Plucks Road being inconsistent with the eight (8) freehold lots located along the opposite, southern side of Plucks Road running parallel to the development frontage. This proposal is a fundamental change to streetscape character of this section of Plucks Road.</p> <p>The development proposes to bench the site with large areas of retaining proposed, in some instances, up to 4.7m high. A variety of two (2) and (3) storey building types are proposed across the site. The design of the development has not sufficiently considered the impacts of the proposed height of units where contiguous to an existing single storey dwelling for example. More specifically:</p> <ol style="list-style-type: none"> 1. Units 153 - 160 are all proposed two (2) storey units with a proposed finished surface level of between 83-86 metres AHD. The existing dwelling houses on lots directly adjoining these units are located up to 5 metres lower, therefore exacerbating the differences in height between the sites and the amenity impacts this creates such as loss of privacy; 2. Units 63-65 are proposed three (3) storey units that are directly contiguous to an existing single storey dwelling. <p>No landscape masterplan was submitted to demonstrate how the visual impacts / perceptions might be managed nor to demonstrate compliance with numerous outcomes as outlined elsewhere in this planning scheme assessment.</p> <p>Furthermore, the development will result in the clearing of all native vegetation from the site. The submitted Ecological Assessment Report does not make any recommendation to retain or rehabilitate any part of the site as required by the Biodiversity Overlay Code.</p> <p>In relation to impacts associated with traffic, and as outlined in section 2.6 of this report, approximately 65% of the proposed dwellings have Eveleigh Street as the closest access to the external network. Furthermore, 75% of existing volumes currently travelling south on View Crescent head in a western direction when intersecting with Plucks Road. The traffic impact assessment does not sufficiently address the impacts on the local road network.</p> <p>The development has effectively been designed to maximise yield, with little regard having been given to the design and how that minimises adverse impacts associated with <u>perceptions</u> of lack of privacy, increase noise and traffic and changes to streetscape character. This is ultimately reflected in the 155 properly made submissions received by Council in response to this application and as addressed in section 2.7 of this report.</p>	

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Specific Outcome	Probable Solution
As the proposal does not comply with this Specific Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.	

Urban Locality - Residential A Zone Code

SO 4 Building height, length and location:- (1) are compatible with the low scale residential nature of the area; (2) minimises overlooking and overshadowing; (3) maintains privacy; and (4) does not cause significant loss of amenity to neighbouring residents.	PS 4 No solution provided.
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Specific Outcome Assessment

As outlined in the response to SO41 of the Urban Locality Code, the development proposes to bench the site with large areas of retaining proposed, in some instances, up to 4.7m high. A variety of two (2) and (3) storey building types are proposed across the site. The design of the development has not considered the impacts and compatibility of the proposed height of units where contiguous to existing single storey dwelling houses, specifically:

- Units 153 - 160 are all proposed two (2) storey units with a proposed finished surface level of between 83-86 metres AHD. The existing dwellings directly adjoining these units is located up to 5.0 metres lower.
- Units 63-65 are proposed three (3) storey units that are directly contiguous to an existing single storey dwelling.

No landscape masterplan was submitted to demonstrate how the visual impacts / perceptions might be managed.

The building height proposed in locations across the site and particularly at the boundaries of the site is not compatible with the low scale residential nature of the area. The proposed buildings do not minimise overlooking / overshadowing and have not demonstrated they will maintain privacy on adjoining properties causing a loss of amenity to neighbouring properties.

As the proposal does not comply with this Specific Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.

SO 5 The density, design, scale and visual appearance of buildings:- (1) is compatible with and enhances the existing streetscape; and (2) does not compromise the predominantly detached housing character of the area.	PS 5 No solution provided.
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Specific Outcome Assessment

As mentioned in the assessment against SO6 of the Locality Code, within 250 metres of the subject site exists 2 other established multiple dwelling developments, namely:

- 48 Leatherwood Drive – 17 units constructed in 1993; and
- 52 Plucks Road – 30 units constructed in 2012.

In addition, also located within 250 metres of the subject site is 2 existing multiple dwelling development approvals, that have not yet been acted on being:

- 62 Plucks Road – 40 units approved in 2015 and awaiting construction; and
- 80 Plucks Road - 77 units approved in 2018 and awaiting construction.

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Urban Locality - Residential A Zone Code	
<p>Therefore, within 250 metres of the subject site is a total of 164 constructed or approved to be constructed multiple dwellings. This development proposal for 170 additional multiple dwellings represents a greater than 100% increase or doubling of the number of multiple dwellings in the immediate area.</p> <p>The broader area is however other than these 4 units sites, overwhelmingly predominantly detached dwelling houses on conventional Residential A type allotments. The majority of existing residential lots around Plucks Road, Eveleigh Street and Leatherwood Drive range in area from 600m² - 1,000m², with some lots in Eveleigh Street ranging from 1,000m² - 19,000m².</p> <p>While there is an adjoining approval at 80 Plucks Road for 77 units, that approval has standard residential allotments where it adjoins Leatherwood Drive with the only vehicular access to the site being off Plucks Road with no multiple dwelling units proposed within 75 metres of Plucks Road with Leatherwood Drive Park on its eastern boundary. Accordingly, it was determined not to impact on the streetscape or character of the area unlike the proposal the subject of this report. It is also important to acknowledge that while the Version H drawing provided to the Council for its consideration does demonstrate better compliance with this Specific Outcome by suggesting standard residential lots along the Plucks Road and Leatherwood Drive frontages, the character and streetscape of Eveleigh Street becoming a primary point of access into the development will continue to be affected in the same manner.</p> <p>The development proposes a substantial cluster and footprint of multiple dwellings on a site that is highly visible from the surrounding road network and existing residential areas. The proposed medium density residential development is inconsistent with the streetscape and character of the area and therefore does not comply with Specific Outcome SO5. Accordingly, assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p>SO 6 Traffic generated by the use of the site and access to the site does not adversely affect existing traffic patterns, safety or residential amenity.</p>	<p>PS 6 No solution provided.</p>
<p><i>Specific Outcome Assessment</i></p>	
<p>The applicant has not sufficient demonstrated that the traffic generated by the use of the site and access to the site does not adversely affect existing traffic patterns, safety or residential amenity. As outlined in section 2.6 of this report, approximately 65% of the proposed dwellings have Eveleigh Street as the closest access to the external network. Furthermore, 75% of existing volumes currently travelling south on View Crescent head in a western direction when intersecting with Plucks Road.</p> <p>The submitted Traffic Assessment does not sufficiently address the impacts on the local street network under any of the different layout scenarios it discusses.</p> <p>As the proposal does not comply with this Specific Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p>SO 13 Medium density residential uses are only developed in appropriate locations including:-</p> <ol style="list-style-type: none"> (1) sites in close proximity to centres and community facilities; (2) sites with a high level of visual amenity that are adjacent to district and regional 	<p>PS 13 No solution provided.</p>

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Urban Locality - Residential A Zone Code	
<p>parks and open space or the Coast and River Lands Locality;</p> <p>(3) sites within easy walking distance (approximately 400-500m) of existing and committed future railway stations or bus facilities; and</p> <p>(4) sites in close proximity to land zoned Residential B;</p> <p>provided the character and amenity of the predominantly detached housing area and environmental values of the surrounding area are not prejudiced.</p>	
<i>Specific Outcome Assessment</i>	
Refer to the assessment provided against SO4 of the Urban Locality Code above.	
SO 14 Medium density residential uses are consistent with the visual and general amenity of the area.	PS 14 No solution provided.
<i>Specific Outcome Assessment</i>	
Refer to the assessment provided against SO6 of the Urban Locality Code above.	
As the proposal does not comply with this Specific Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.	
Multiple Dwelling Units Code	
<p>SO 3 All building work on the site is of a scale and form which:-</p> <p>(1) does not adversely impact on the existing or desired streetscape for the area; and</p> <p>(2) is in keeping with the desired or established character of the area.</p>	<p>PS 3.1 For low density multiple dwelling units, the building height does not exceed 2 storeys above natural ground surface.</p> <p>OR</p> <p>PS 3.2 For medium density multiple dwelling units, the building height does not exceed 2 storeys above natural ground surface.</p> <p>OR</p> <p>PS 3.3 For high density multiple dwelling units, the building height does not exceed 4 storeys above natural ground surface.</p>
<i>Specific Outcome Assessment</i>	
An alternative solution to Specific Outcome SO3 is sought as the development proposes medium density units that exceed two (2) storeys.	
In that regard, a variety of two (2) and (3) storey building types are proposed across the site. The scale of some units has not considered the impact on the existing streetscape nor are they focused on being in keeping with the existing character of the area. Specifically:	
<p>1. Units 153 - 160 are all proposed two (2) storey units with a proposed finished surface level of between 83-86 metres AHD. The existing dwellings directly adjoining these lots are located up to 5 metres lower with Leatherwood Drive and the existing dwelling house north along Leatherwood Drive being between 76 - 77 metres AHD. The height of the proposed units in this location will directly impact the existing streetscape and is not in keeping with the established character.</p>	

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Urban Locality - Residential A Zone Code



2. Units 63-65 are proposed three (3) storey units that are adjacent to an existing single storey dwelling house. While the ground level of the proposed units and the existing dwelling house are similar with a setback of approximately 10 metres, there will be a distinct difference in built form scale between the properties with the height and scale of the units being immediately visible from the existing Eveleigh Street cul-de-sac having an impact on that streetscape and character.



As the proposal does not comply with this Specific Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.

<p>SO 10 The development is provided with sufficient landscaped open space and recreation facilities to cater for the needs of residents.</p>	<p>PS 10.1 (1) For low density multiple dwelling units, not less than 20% of the area of that section of the site occupied by the multiple dwelling units is developed and maintained for communal landscaped open space and recreation facilities.</p> <p>OR</p>
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Urban Locality - Residential A Zone Code	
	<p>(2) For medium density multiple dwelling units, not less than 15% of the area of that section of the site occupied by the multiple dwelling units is developed and maintained for communal landscaped open space and recreation facilities.</p> <p>OR</p> <p>(3) For high density multiple dwelling units, not less than 20% of the area of that section of the site occupied by the multiple dwelling units is developed and maintained for communal landscaped open space and recreation facilities.</p>
Specific Outcome Assessment	
<p>Probable Solution PS10.2 nominates that for medium density dwelling units, not less than 15% of the area of the section of the site occupies by the multiple dwelling units is development and maintained for communal open space and recreations facilities.</p> <p>The development has a total site area of 4.4628 hectare. Excluding the bio-detention, drainage reserve and the main driveway hardstand area (1.1318 hectares), the nominated required communal open space would be 4,996m². The development has provided 900m². This represents approximately 3%.</p> <p>Some of the 170 proposed units are located up to 200m away (via internal driveway) with no internal direct pedestrian connections provided to the central communal open space area.</p> <p>The development has not provided sufficient landscape open space and recreation facilities to cater for the needs of residents.</p> <p>As the proposal does not comply with this Specific Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p>SO 13 The location, design, height, extent and materials of retaining walls minimises visual impact.</p>	<p>PS 13.1 The combined height of retaining wall and fence (of the parent parcel) does not exceed 2m.</p> <p>OR</p> <p>PS 13.2 The combined height of the retaining wall and fence (of the parent parcel) exceeds 2m and the fence is stepped back a minimum of 750mm from the edge of the retaining wall and the area between the fence and retaining wall is landscaped.</p> <p>AND</p> <p>PS 13.3 Internal retaining walls are stepped or terraced with the visual impact softened by landscaping.</p>
Specific Outcome Assessment	
<p>The development proposes an alternative solution to PS13.1 - PS13.3 in that proposed retaining walls exceed 2m in height. The development has incorporated a tiered wall arrangement with any wall exceeding 2m in height being stepped by 750mm.</p>	

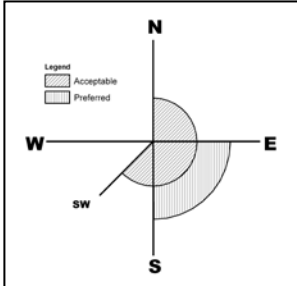
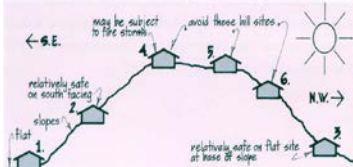
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Urban Locality - Residential A Zone Code	
<p>Whilst it is noted that the current slope of the site invariably requires retaining structures to appropriately develop, the current location, design, height and extent of retaining walls has not considered the visual impact of these both internally and externally. Currently all proposed boundaries of the site, except Plucks Road, are proposed to be retained with combined heights of walls proposed at high as 4.7m.</p> <p>The development has applied a maximum height of any wall at 2m whilst applying the 750mm terrace in between walls. In locations where the height of a terraced wall is up to 4 metres, the perceived height is more like 5.8m once a fence has been established, with the option for minimising the visual impact being one (1) 750mm terrace.</p> <p>The design, location, height and extent of retaining walls across the site directly contributes to the visual impact of this development. The proposal is therefore unable to comply with Specific Outcome SO13.</p>	
<p>SO 14 Landscaping contributes to a pleasant and safe environment.</p>	<p>PS 14.1 The landscape design shall ensure that proposed vegetation, when mature, will not result in vehicle and pedestrian entry areas, internal circulation pathways and communal open space being visually obscured from adjacent units.</p> <p>AND</p> <p>PS 14.2 Landscaping is established in accordance with an approved landscape plan and is:-</p> <ol style="list-style-type: none"> (1) consistent with the established landscape character of the area; and (2) contributes to the creation of attractive, comfortable and useable recreation spaces. <p>AND</p> <p>PS 14.3 Established trees within the <i>site</i> (including street trees) are retained where their removal is not required to facilitate approved construction works.</p>
<i>Specific Outcome Assessment</i>	
<p>Probable Solution PS14.2 nominates that landscaping is established in accordance with an approved landscape plan. The development has not submitted a landscape plan and therefore an alternative solution is proposed.</p> <p>It is acknowledged that, a condition could be applied to the development requiring the provision of a landscape plan to be submitted to Council. As such, it is recommended that the alternative solution be accepted in this instance.</p>	
<p>SO 25 Waste storage, recycling, disposal and bin washout facilities adequately catering for the everyday on-site activities of residents, managers/operators and maintenance staff are:-</p> <ol style="list-style-type: none"> (1) conveniently located in terms of the waste generating activities; (2) appropriately screened from recreation areas, internal thoroughfares, reception areas and adjacent land; 	<p>PS 25 Waste storage and bin washout facilities meeting the acceptable construction standards outlined in <i>Planning Scheme Policy PSP16 Construction Standards for Bin Washout Facilities, Shared Carwash Facilities and Waste Receptacle Storage Areas</i> are provided on the <i>site</i>.</p> <p>There is no probable solution for the location, screening and size of waste</p>

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Urban Locality - Residential A Zone Code	
<p>(3) of sufficient size to accommodate the everyday anticipated load of the waste generating activity;</p> <p>(4) so located as to not have a significant adverse effect on the amenity of occupants of the site and adjacent land;</p> <p>(5) readily accessible to waste collection vehicles; and</p> <p>so located that required reversing manoeuvres by waste collection vehicles are minimised in terms of number and travel distance and are restricted to areas where sight distances are not overly constrained.</p>	<p>storage and bin washout facilities to be provided on the site under this element.</p>
Specific Outcome Assessment	
<p>The waste management arrangements for the development are inadequate. It is acknowledged that the development will have bin storage areas located throughout the site which will store bulk (1.1m³) bins. The site plan shows 6 bin enclosures with 2 x 1.1m³ bins per an enclosure. A total of 12 x 1.1m³ bins are proposed for the development. This number of bins is not enough for the 170 townhouse development. This is a staged residential development and it is unclear on how waste will be managed for each of the stages of development.</p> <p>Each stage of the development should have an adequate number of bins for residents to use. Each bin enclosure should be large enough to accommodate the required number of bins with at least 200mm of space around bins for manoeuvrability and cleansing. The development has not demonstrated how it can comply with Specific Outcome SO25.</p> <p>As the proposal does not comply with this Specific Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
Bushfire Hazard Overlay Code	
<p>SO 1 Development maintains the safety of people and property by:-</p> <p>(1) minimising the number of people and properties that are subject to bushfire risk;</p> <p>(2) siting buildings to increase the survivability of buildings and protection of people during a bushfire; and</p> <p>(3) minimising the cost and potential threats to emergency services.</p>	<p>PS 1.1</p> <p>(1) Buildings and structures are located in accordance with an existing bushfire management plan previously accepted by Council⁶.</p> <p>OR</p> <p>(2) Buildings and structures established on lots greater than 2500m² are: –</p> <p>(1) located in areas of least risk on the site;</p> <p>(2) setback from hazardous vegetation 1.5 times the predominant mature canopy tree height or 20m whichever is the greater;</p> <p>(3) located on a site with a slope:</p> <p>a. less than 15%; and</p> <p>b. only facing downhill between north through east to south-west, preferably between east and south (see Figure 1.1a and 1.1b); and</p>

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Urban Locality - Residential A Zone Code	
	<p>(4) surrounded by a 20m wide asset protection zone wholly located on the site (measured from the outermost projection of the building or structure). An asset protection zone in this context includes a constructed road or an asset protection zone on an adjoining site.</p> <p>Note: "Located in areas of least risk" means locating in the area that has the lowest bushfire risk or hazard on the site ie for a site that has both high and medium hazard areas, locate in the medium hazard area or if the site has high, medium and low hazard areas, locate in the low hazard area.</p> <p>Figure 1.1a</p>  <p><i>Preferred site is a slope facing between east and south.</i></p> <p>Figure 1.1b <i>House Sites Numbered in Order of Degree of Fire Safety</i></p>  <p><i>Preferred House site Location – 1 and 2</i> From "Bushfire Prone Areas: Siting and Design of Residential Buildings" (1997), Queensland Department of Local Government and Planning, and Queensland Fire & Rescue Service.</p> <p>OR</p> <p>(3) Buildings and structures established on lots 2500m² or less are:-</p> <ul style="list-style-type: none"> (a) located in areas of least risk on the site; (b) located so that setbacks from hazardous vegetation are maximised; and

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Urban Locality - Residential A Zone Code	
	<p>(c) surrounded by a 20m wide asset protection zone wholly located on the site (measured from the outermost projection of the building or structure). An asset protection zone in this context includes a constructed road or an asset protection zone on an adjoining site.</p> <p>AND PS 1.2 Residential lots are designed so that their size and shape allow for setbacks and building siting in accordance with <i>PS 1.1 (1), (2) or (3)</i>.</p>
Specific Outcome Assessment	
<p>The site is mapped as being within a high and medium bushfire hazard risk under the Bushfire Hazard Area Overlay of the Pine Rivers Plan. Updated mapping under the MBRC scheme shows that the site is within the potential impact buffer. The proposed development is required to demonstrate compliance with the Bushfire Hazard Area Overlay Code. To address the requirements of the Code the applicant has submitted a Bushfire Management Plan. To achieve an acceptable bushfire hazard setback, this plan relies on an Asset Protection Zone being partially achieved on the adjacent property Lot 73 RP91437 which is not subject to this application. PS 1.1 (2) of the Code requires the asset protection zone to be wholly located on the development site.</p> <p>The Bushfire Management Plan demonstrates that the development in its current form is reliant on additional clearing and maintenance of existing clearing of native vegetation on an adjoining property. The applicant has attempted to address this non-compliance by suggesting that an agreement between the neighbouring properties will be forthcoming which will formalise responsibilities for the ongoing maintenance of the 3.6m Council Easement as well as for clearing the under storey and mid storey of the existing cleared zone on Lot 73 RP91437. As mentioned, Lot 73 is not part of this development application. The proposal put forth is unacceptable in terms of meeting the Code requirements and is not reasonable and relevant to require as a condition of approval.</p> <p>As the proposal does not comply with this Specific Outcome, an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	

2.3.3 Overall Outcome Assessment

The development proposal does not comply with Specific Outcomes SO6, SO29, SO41 of the Urban Locality Code; Specific Outcomes SO4, SO5, SO6, SO14 of the Urban Locality Code - Residential A Zone; Specific Outcomes SO3, SO10, SO13, SO14, SO25 of the Multiple Dwelling Units Code; and Specific Outcome SO1 of the Bushfire Hazard Overlay Code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

URBAN LOCALITY CHAPTER 3, PART 2, DIVISION 2		
Overall Outcomes	Complies	Assessment Comments
The overall outcomes for the Urban Locality are the following:-		
<p>General (1) The Urban Locality is used principally for residential</p>	<p>YES</p>	<p>The proposal is for medium density residential development within the urban locality.</p>

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URBAN LOCALITY CHAPTER 3, PART 2, DIVISION 2		
Overall Outcomes	Complies	Assessment Comments
purposes, including medium density residential development, and also for non-residential uses such as business and community centres containing shopping and office facilities, business and industry areas containing predominantly service industries, schools, open space, sporting facilities and some community facilities that are integral to the proper and normal functioning of the residential area;		
(2) Urban development is consolidated within the Urban Locality and is progressively developed and incorporated into the locality creating interconnected and integrated urban neighbourhoods;	YES	The proposal represents infill development and consolidates urban development in the locality. The proposal proposes connections back out onto Eveleigh Street, Plucks Road, and Leatherwood Drive.
(3) Non-residential development is conveniently located and is integrated into the pattern of development so as to maintain the character and amenity of residential areas;	NA	The proposal is not for non-residential development.
(4) Development providing opportunities for recreation and tourism, including nature based activities, occurs within appropriate locations within the Urban Locality; and	NA	The proposal is not for recreation and tourism.
(5) A wide range of conveniently located employment opportunities and services and facilities integrated with existing and intended future road networks and public transport services are provided.	NA	The proposal is not for employment.
Residential (6) A diversity of housing options and accommodation types, densities and residential allotment sizes are developed in appropriate locations within the Urban Locality to cater for the accommodation needs of residents through each stage of their lives.	YES	The proposal provides housing options as 3 and 4 bedroom dwelling units in a broader locality dominated by detached dwelling houses. The range of housing in the locality is able to cater for needs of residents through each stage of their lives.
Business and Industry Areas (7) - (9)	NA	
Business and Community Centres	NA	

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URBAN LOCALITY CHAPTER 3, PART 2, DIVISION 2		
Overall Outcomes	Complies	Assessment Comments
(10) - (16)		
Community Needs (17)Development maximises the use of existing services and facilities and contributes to the provision of new facilities; and	YES	The proposal is not required to contribute to new community facilities however will attract infrastructure charges to promote ongoing efficiencies of these operations.
(18)Community facilities and services are accessible and conveniently located on the transport network.	N/A	The proposal is not for a community facility.
Infrastructure Efficiency (19)Development occurs in an orderly manner having particular regard to the efficient and economic provision and ongoing maintenance of engineering and social infrastructure.	YES	The site is within the Priority Infrastructure Area and able to be suitably serviced. The development represents infill development and as such will efficiently utilise existing engineering and social infrastructure.
Transport Infrastructure (20)Land use and transport are integrated, including appropriate higher densities and a greater mix of uses in and around centres;	NO	The proposal provides density in what is proposed as a cluster with other development that is not integrated with transport options in and around a centre.
(21)There are high levels of accessibility and mobility including efficient public transport within the Urban Locality;	YES	The development site is located within easy walking distance (approximately 400-500m) of two (2) existing bus stops.
(22)Appropriate transport connections are provided to improve access and mobility between and through the Urban Locality;	YES	The proposal will provide an extension of the active transport network along Plucks Road to improve access and mobility within the Urban Locality.
(23)The efficiency and effectiveness of the existing transport system and future transport corridors are protected and enhanced through appropriate development;	NO	The traffic impact assessment submitted with the development proposal has not demonstrated that the efficiency and effectiveness of the existing transport system is protected and enhanced.
(24)Transport infrastructure facilitates economic development opportunities and supports the development of centres, business and industry areas and resource based activities;	N/A	The development has not proposed transport infrastructure associated with economic development.
(25)Development promotes and encourages well connected local public transport, walking and cycling networks and facilitates the integration of all modes of transport;	YES	The proposal will provide external pathway and bicycle infrastructure to promote and encourage active transport options.
(26)Development incorporates safe pathways for pedestrians and cyclists; and	YES	The proposal incorporates pathways internal and external for pedestrians and cyclists. A condition of approval

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URBAN LOCALITY CHAPTER 3, PART 2, DIVISION 2		
Overall Outcomes	Complies	Assessment Comments
		could require the extension of a Pathway from Eveleigh Street to Leatherwood Drive.
(27) Residential Street and pathway systems are designed and developed to facilitate use of public transport and encourage walking and cycling.	YES	The proposal will provide pathways internal and external and road widening on Plucks Road to widen the verge and encourage walking, cycling and use of public transport.
Public Spaces (28) A network of pleasant public spaces is developed within the Urban Locality including the provision of new public spaces and maximising the use of existing public spaces.	YES	The development is located approximately 300m metres from a pedestrian connection to William Scott Park which follows Cabbage Tree Creek.
Amenity (29) Development occurs in a manner that maintains significant scenic landscapes;	YES	The proposal does not jeopardise significant scenic landscapes.
(30) The Urban Locality is developed in an attractive manner, with a high standard of residential amenity in the residential areas;	NO	The development proposes 170 medium density multiple dwelling units in an area that is dominated by dwelling house and residential lots. The density and scale at which the development is proposed does not represent nor maintain the existing high standard of residential amenity that exists today.
(31) Development achieves high standards of amenity for residents and neighbours, including high levels of convenience and accessibility, and maintains or enhances residential character and streetscape;	NO	The existing character of the area largely consists of existing dwelling houses and associated domestic outbuildings on conventional residential allotments. As discussed in numerous assessments against the Specific Outcomes above, the proposal represents a doubling of the number of multiple dwelling units existing or approved in the immediate area with impacts on the character, streetscape and amenity of the area rather than maintaining and enhancing them as required.
(32) The scale, density and character of development are in keeping with the existing and likely future development of the surrounding area and the adverse impacts of intrusive uses, noise and through-traffic are minimised;	NO	Refer to the comments to Overall Outcome (31) above in addition to responses to the Specific Outcomes.

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URBAN LOCALITY CHAPTER 3, PART 2, DIVISION 2		
Overall Outcomes	Complies	Assessment Comments
(33)Development maintains a high level of visual amenity at the interface between residential areas and commercial or industrial areas; and	N/A	The development site is not located at an interface with a commercial or industrial area.
(34)The development of infrastructure minimises the adverse effects on amenity.	YES	The infrastructure proposed will not affect amenity.

URBAN LOCALITY - RESIDENTIAL A ZONE CHAPTER 3, PART 2, DIVISION 2		
Overall Outcomes	Complies	Assessment Comments
The overall outcomes for Residential A Zone are the following:-		
(1) Low density residential uses are established, predominantly in the form of a single house on each lot with other forms of residential development interspersed within the area;	NO	<p>Interspersed is defined as follows:</p> <ol style="list-style-type: none"> To scatter here and there. To diversify with something scattered or introduced here and there. <p>In that regard, it is noted that the subject site is located adjacent to existing multiple dwelling approvals. These include:</p> <ul style="list-style-type: none"> 48 Leatherwood Drive – 17 units and constructed; 52 Plucks Road - 30 units approved in 2010 and constructed; 62 Plucks Road – 40 units approved in 2015 and awaiting construction; and 80 Plucks Road - 77 units approved in 2018 and awaiting construction. <p>The density and scale of the development will result in cumulative total of 317 units (being more than double what is existing or approved within 250 metres of the site) that will result in a cluster of medium density residential uses that are not interspersed within the Residential A zoned area.</p>
(2) Medium density residential uses are not developed in the Residential A zone, except in limited appropriate locations;	NO	The development site is zoned Residential A. The proposal is for Medium Density Residential Dwellings and 'limited appropriate locations' is not defined by the Overall Outcome unlike in the Specific Outcomes to the zone.

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URBAN LOCALITY - RESIDENTIAL A ZONE CHAPTER 3, PART 2, DIVISION 2		
Overall Outcomes	Complies	Assessment Comments
		<p>While the site might be located in proximity to a bus route, community facilities and the like - Overall Outcome 1 of the Residential A Zone Code makes it clear that the use is required to also be interspersed. Having regard to the Overall Outcomes collectively and not individually, the zone code did not envisage the creation of a large cluster of multiple dwellings and reasonably provides a qualification or direction to Overall Outcome 2 that this site is not an appropriate location.</p> <p>Therefore the proposal does not comply with this Overall Outcome.</p>
(3) Non-residential land uses are only established in exceptional circumstances where residential character and amenity are maintained, the uses performed are allied to and compatible with the residential area and the uses do not undermine the viability of local centres; and	NA	The proposal is not for a non-residential land use.
(4) Development is of a scale, size and bulk that is appropriate for the lot and compatible with the surrounding residential development.	NO	<p>The existing character of the area largely consists of existing detached dwelling houses and associated domestic outbuildings. The majority of existing residential lots around Plucks Road, Eveleigh Street and Leatherwood Drive range in size from 600m² - 1,000m², with some lots in Eveleigh Street ranging from 1,000m² - 19,000m².</p> <p>The development proposes 170 multiple dwelling units that ranges from two (2) - three (3) storeys in height. Only 3% of the development site is proposed for communal open space.</p> <p>The development layout is not compatible with the surrounding residential development.</p>

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MULTIPLE DWELLING UNITS CODE CHAPTER 6, PART 1, DIVISION 29		
Overall Outcomes	Complies	Assessment Comments
The overall outcomes for Multiple Dwellings Units Code are the following:-		
(a) A high standard of environmental amenity is maintained for all residents;	YES	The development proposal is located in an area suited to residential development and not affected by being in proximity to other incompatible land uses such as industry or the like.
(b) A variety of liveable residential accommodation options are provided; and	YES	The development is for Medium Density Residential Dwellings and would contribute to providing a variety of liveable residential accommodation options.
(c) Development complements and enhances the amenity and character of the surrounding area.	NO	The existing character of the area largely consists of existing dwelling houses and associated domestic outbuildings. As discussed previously in this report, the proposal does not complement or enhance the amenity of the area.

BUSHFIRE HAZARD OVERLAY CODE CHAPTER 5, PART 9, DIVISION 5		
Overall Outcomes	Complies	Assessment Comments
The overall outcomes for Bushfire Hazard Overlay Code are the following:-		
(1) Life and property are protected by limiting, where possible, the number of people living and working in a high or medium bushfire hazard area;	NO	As discussed in section 2.6.1.3 of this report and the assessment against the Specific Outcomes of the code, the proposal has not demonstrated that life and property is protected from bushfire.
(2) The cost of a bushfire event to the community, including the cost of providing emergency services, is minimised by the siting and design of buildings and structures and the provision of road access, fire trails and water supply for fire fighting; and	NO	Refer to response to Overall Outcome (1) above. The cost of a bushfire event to the community, including the cost of providing emergency services, has not been minimised by the siting and design of buildings and structures and the provision of road access.
(3) The design limits the reliance on assistance from emergency services in a bushfire and assists in the response by emergency services to a bushfire threat.	YES	The development proposes suitable emergency access from Leatherwood Drive, Eveleigh Street and Plucks Road.

Based on the assessment above, the proposal is inconsistent with the Overall Outcomes of the code(s). Therefore, an assessment against the relevant Desired Environmental Outcomes is set out in section 2.3.4 of this report below.

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2.3.4 Desired Environmental Outcomes

The development proposal warrants assessment against the Desired Environmental Outcomes (DEOs) of the PineRiversPlan. The applicable DEOs under the types for the planning scheme are discussed as follows:

Chapter 2 - Part 1 - Desired Environment Outcomes		
Division 2 - Economic Development Desired Environmental Outcomes		
Section 2.1 - Urban Corridor		
<i>Urban land use and development are consolidated and contained within interconnected urban areas forming an urban corridor comprising the localities of Urban, Major Employment Centres, North Lakes, and bounded by the localities of Catchment, Semi-Urban and Coast and River Lands.</i>		
<i>With respect to the Desired Environmental Outcomes (DEOs), Chapter 1, Part 1, Division 2 of the PineRiversPlan summaries the approach taken by the planning scheme to achieve the DEOs and while the division does not have a role in development assessment under the planning scheme, it assists in the understanding of whether the proposal is or is not consistent with the DEOs by articulating aspects of interpretation and broad strategies to achieve the Outcome.</i>		
The effects of land use and development are intended to be managed such that:-		
(a) urban land use and development occurs within the urban corridor with the exception of urban development within the village centres of Dayboro and Samford;	Yes	The subject development is for an urban land use within the urban corridor.
(b) urban land use and development occurs in an ordered, efficient manner within the urban corridor;	Yes	The subject development is for an urban land use within the urban corridor on a site that is identified in Council's Priority Infrastructure Area and is able to be adequately serviced.
(c) the potential for land use and transport integration is facilitated, including provision in and around urban centres of appropriate higher densities and a greater mix of uses;	No	The development proposes medium density residential dwellings in an area that is not appropriately located for transport integration. Further, the traffic assessment submitted with the development proposal is deficient and does not demonstrate there will be no impact on the transport network.
(d) accessibility and mobility, including efficient public transport, are facilitated;	Yes	The development proposes access to each road frontage and would be required to provide active transport infrastructure (footpaths) along the frontages of the site while also providing facilities within the site (bicycle racks, etc).
(e) appropriate transport connections to improve access and mobility between and through urban areas are facilitated;	No	The proposal will provide an extension of the active transport network along Plucks Road to improve access and mobility within the Urban Locality. It is noted that the development site is located within walking distance (approximately 400-500m) of two (2) existing bus stops.

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Chapter 2 - Part 1 - Desired Environment Outcomes		
		However, the development proposal has not demonstrated the traffic generated by the development will not have an impact on the existing transport network, in particular intersections in the vicinity of the subject site.
(f) the planned physical separations between urban areas within the urban corridor are maintained;	Yes	The subject development is for an urban land use within the urban corridor on land zoned Residential A.
(g) future urban areas are progressively incorporated into the urban corridor and not developed as separated, isolated developments; and	N/A	The subject site is not identified as a Future Urban Area.
(h) urban areas are developed in an attractive manner with a good standard of residential amenity in the residential components.	No	The development proposes medium density residential uses in a Residential A zone that combined with other development existing and approved will cause the creation of a cluster inconsistent with the expected amenity and character for the area. The degree of works proposed and how the development is proposed to relate to the streetscape will not be attractive. The development does not comply with multiple aspects of the codes applicable to the development.
Section 2.4 - Urban Residential and Ancillary Development and land Use		
<i>Residential development and land use provides housing choices that match the housing needs of the community and maintain high quality living environments.</i>		
<i>With respect to the Desired Environmental Outcomes (DEOs), Chapter 1, Part 1, Division 2 of the PineRiversPlan summaries the approach taken by the planning scheme to achieve the DEOs and while the division does not have a role in development assessment under the planning scheme, it assists in the understanding of whether the proposal is or is not consistent with the DEOs by articulating aspects of interpretation and broad strategies to achieve the Outcome.</i>		
The effects of land use and development are intended to be managed such that:-		
(a) medium density residential uses are encouraged to locate around centres and railway stations;	No	The development site is not located around a centre or railway station.
(b) standard density residential development, cluster housing and attached flats are encouraged elsewhere;	No	The development proposed will have effects and have not been proposed to be sufficiently managed, and in the absence of being managed are sought by the strategy to be located elsewhere.
(c) residential street and pathway systems facilitate use of public transport and encourage walking and cycling;	Yes	The proposal will provide an extension of the active transport network along Plucks Road to improve access and mobility within the Urban Locality as well as connections through the site.

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Chapter 2 - Part 1 - Desired Environment Outcomes		
(d) working from home is encouraged provided the amenity of neighbouring properties and the local area are not adversely affected and safe vehicular access can be provided;	Yes	Working from home could be facilitated under this development proposal.
(e) community services and facilities such as schools, child care centres, and public and local utilities that complement activities in centres are accommodated in urban areas;	N/A	The development proposes medium density residential uses and not a community service or facility.
(f) a range of housing options are encouraged in appropriate locations to cater for the accommodation needs of Pine Rivers Shire residents through each stage of their lives; and	No	While the development proposes medium density residential uses that contributes to the provision of a range of housing options, the development proposal will likely result in a cluster of this housing option much higher than intended or sought and has been determined not to be an appropriate location.
(g) more intense forms of residential accommodation, such as units, town houses, duplexes, small lot housing, retirement villages and single pensioner units, are encouraged adjacent to centres and railway stations.	No	The development site is not located adjacent to a centre or railway station.

Chapter 2 - Part 1 - Desired Environment Outcomes		
Division 4 - Community Wellbeing Desired Environmental Outcomes		
Section 4.7 - Amenity		
<i>Reasonable and appropriate standards of amenity are maintained and promoted.</i>		
<i>With respect to the Desired Environmental Outcomes (DEOs), Chapter 1, Part 1, Division 2 of the PineRiversPlan summaries the approach taken by the planning scheme to achieve the DEOs and while the division does not have a role in development assessment under the planning scheme, it assists in the understanding of whether the proposal is or is not consistent with the DEOs by articulating aspects of interpretation and broad strategies to achieve the Outcome.</i>		
The effects of land use and development are intended to be managed such that:-		
(a) significant scenic landscapes and ecological processes and natural systems are maintained;	Yes	The proposal does not jeopardise significant scenic landscapes.
(b) land use and development is integrated into the pattern of streets and open spaces;	Yes	The development has been integrated into the pattern of streets and open spaces.
(c) residential street and pathway systems facilitate use of public transport and encourage walking and cycling;	Yes	The proposal will provide an extension of the active transport network along Plucks Road to improve access and mobility within the Urban Locality.
(d) the amenity of existing residential areas is maintained or enhanced and the adverse impacts of	No	The development proposal does not comply with this strategy as articulated above in the assessment against the Codes.

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Chapter 2 - Part 1 - Desired Environment Outcomes		
intrusive uses, noise and through-traffic are minimised;		
(e) infill residential development, including medium density development, is sensitively designed to minimise adverse impacts associated with perceptions of lack of privacy, increased noise and traffic and changes to streetscape character;	No	The development proposal does not comply with this strategy as articulated above in the assessment against the Codes.
(f) the adverse effects of land use and development are contained within development sites to the extent practicable to avoid spillage of effects across boundaries and undue detrimental impact on neighbouring properties; and	Yes	An acoustic assessment report has been submitted in support of the application and the recommendations of this report have been accepted. In addition to this pedestrian and external lighting could be conditioned if required.
(g) major public utilities, industrial uses, and extractive industry are buffered and, where practicable, segregated from incompatible uses.	N/A	The development proposed is not located in proximity to an incompatible land use or activity.

2.4 Trunk Infrastructure

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

2.4.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal if the Council were inclined to approve the development, and would take into consideration any applicable credits or offsets.

2.4.2 Levied Charge Credit

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

An assessment of existing and previous lawful uses of the land has determined that a credit amount of \$17,215.35, based on the proportional split stated in Table 3 of the CR, exists and has been calculated based on an existing 3 or more bedroom dwelling located on 82 Plucks Road, Arana Hills.

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

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

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(d) The adopted charge for a residential lot (applied equally to non-residential development)
The credit available under this option is \$51,646.05 based on the proportional split stated in Table 3 of the CR, being for the three (3) existing lots.

2.4.3 Levied Charge Offset or Refund

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

2.4.4 Additional Trunk Infrastructure Costs

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

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

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

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

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

2.6 Referrals

2.6.1 Council Referrals

2.6.1.1 Development Engineering

Traffic

A Traffic Report dated 11 September 2018 by TTM Consulting has been submitted in support of the application. This report presents four (4) scenarios which have been assessed for each of the assessment years (2018, 2020, 2030). The four scenarios are replicated below:

1. Base case – existing survey volumes only, no development traffic for either 80 or 82 Plucks Road
2. Development case – Scenario 1 – 80 Plucks Road only. Baseline assessment of committed traffic at the proposed shared access.
3. Development case – Scenario 2 – 80 and 82 Plucks Road development traffic with access via Plucks Road only. Worst case scenario for Plucks Road as all development traffic is using this access.
4. Development case – Scenario 3 – 80 and 82 Plucks Road development traffic with access via Eveleigh Street and Plucks Road. Worst case scenario for Eveleigh Street and reduced impact at Plucks Road.

Low Background Growth Rate

The submitted assessment identifies an annual growth rate of 1%, which is low and inconsistent that the growth rates applied to adjoining development applications.

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Distribution of Traffic

Approximately 65% of the proposed dwellings have Eveleigh Street as the closest access to the external network. Furthermore, 75% of existing volumes currently travelling south on View Crescent head in a western direction when intersecting with Plucks Road. The distribution of only 30% of proposed site traffic utilising Eveleigh Street is too low and does not sufficiently address the impact of the potential increase of volumes on the local street under Scenario 3.

Under Scenarios 1 and 2 the traffic assessment assumes 100% of vehicles will travel east and stay on the higher order roads. This is not a fair representation of local trips that will be looking to head west and south and will therefore need to utilise the local network to do this. The assessment therefore does not sufficiently address any potential impacts on the local street network under Scenarios 1 and 2.

More broadly, the trip distribution on the wider transport network is not acceptable. It is anticipated that a significant portion of traffic generated by the site will utilise the Yanderra Avenue / Plucks Road intersection as this forms the shortest route for trip attractors to the Southeast and forms the only feasible route for trip attractors to the South and West such as Ferny Grove Station, Patricks Road State School, Ferny Hills State School.

Leatherwood Drive

The advertised plan of development proposes access to Leatherwood Drive. The submitted Traffic Reports does not consider access to Leatherwood Drive under any of the proposed development scenarios. This has significant impacts on subsequent analyses on which the report recommendations are based.

SIDRA Analysis

The intersection layouts used in the SIDRA analysis are incorrect for both the View Crescent / Plucks Road and Tetragona Drive / Plucks Road intersections.

The submitted Traffic Report has not sufficiently addressed the impacts on the local street network under any of the three scenarios and cannot be supported.

Stormwater / Flooding

A Stormwater Management Plan dated 28 August 2018 by Water Technology has been submitted in support of the application. The report is not satisfactory in demonstrating compliance with Council requirements, however the necessary amendments are relatively minor and could be considered as being capable of being dealt with through conditions if necessary.

Earthworks

Earthworks and retaining walls are proposed throughout the site and on site boundaries. These walls could be appropriately conditioned.

Landslide Hazard

A Geotechnical Investigation Report dated April 2018 by Core Consultants has been provided in support of the application. The report concludes that the risk of slope instability is low, providing the recommendations in the report are implemented.

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2.6.1.2 Environmental Health

Noise

An acoustic report prepared by Acoustic Works dated 6 September 2018 report number 2018095 R01C 82 Plucks Road, Arana Hills RTN was submitted in responses to further information requested. The report assessed the road traffic impacts from Plucks Road to the development. The assessment found that compliance is predicted with Council's noise criteria on the basis the recommendations of the report are implemented. As a consequence the recommendations of this report could be conditioned if required.

Lighting

It is noted that conditions could be included to ensure suitable lighting is installed.

Waste Management

The waste management arrangements for the development are inadequate. It is acknowledged that the development will have bin storage areas located throughout the site which will store bulk (1.1m³) bins. The site plan shows 6 bin enclosures with 2 x 1.1m³ bins per an enclosure. A total of 12 x 1.1m³ bins are proposed for the development. This number of bins is not enough for the 170 multiple dwelling unit development. This is a staged residential development and it is unclear on how waste will be managed for each of the stages of development.

Each stage of the development should have an adequate number of bins for residents to use. Each bin enclosure should be large enough to accommodate for the required number of bins with at least 200mm of space around bins for manoeuvrability and cleansing.

2.6.1.3 Environmental Planning

Biodiversity Overlay

The Class 4 remnant vegetation that occurs on site has connectivity to properties both east and west. The Class 4 remnant vegetation to the east is proposed to be removed as part of an existing development approval (DA/34700/2017/V23R) and is currently being assessed. The Class 4 vegetation is consistent with the overland flow path (MSES - Regulated vegetation (intersecting a watercourse)) and provides continuity east to west from Leatherwood Drive Park through to the rural blocks to the west. The western properties retain connection to William Scott Park to the north and Cabbage Tree Creek Corridor.

Mapped vegetation (Class 4 Remnant) to the southern extent has been investigated as part of an Ecological Assessment Report. It is considered to be highly disturbed with weed infestation and devoid of remnant vegetation. It does however contain native vegetation and non-juvenile koala habitat trees. This vegetation has previously been approved for removal as part of an existing approval.

The northern extent of Class 4 vegetation mapped under the Pine Rivers Scheme is also modified from historic clearing and maintenance as a suburban yard. This area has been surveyed as part of the Ecological Assessment and is not consistent with remnant vegetation.

There is also a small section of biodiversity corridor associated with the north west section of the property and is linked to the Class B state mapping for vegetation to the south. The polygon contained on the property the subject of this application is not thought to be correctly mapped as a result of historical clearance for boundary maintenance and fire-breaks. This is confirmed in the ecological assessment submitted by the applicant.

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To a degree, consideration of the extent of remnant vegetation mapping under the Pine Rivers Scheme has been influenced by the absence of mapping under the MBRC Planning Scheme. This is considered reasonable. The assessment of remnant vegetation conducted by the applicant's consultants, is accepted.

Bushfire Hazard Area Overlay

The site is mapped as being within a high and medium bushfire hazard risk under the Bushfire Hazard Area Overlay of the Pine Rivers Plan. Updated mapping under the MBRC scheme shows that the site is within the potential impact buffer. The proposed development is required to demonstrate compliance with the Bushfire Hazard Area Overlay Code. To address the requirements of the Code the applicant has submitted a Bushfire Management Plan. To achieve an acceptable bushfire hazard setback, this plan relies on an Asset Protection Zone being partially achieved on the adjacent property Lot 73 RP91437 which is not subject to this application. PS 1.1 (2) of the Code requires the asset protection zone to be wholly located on the development site. The Bushfire Management Plan demonstrates that the development in its current form is reliant on additional clearing and maintenance of existing clearing of native vegetation on an adjoining property. The applicant has attempted to address this non-compliance by suggesting that an agreement between the neighbouring properties will be forthcoming which will formalise responsibilities for the ongoing maintenance of the 3.6m Council Easement as well as for clearing the under storey and mid storey of the existing cleared zone on Lot 73 RP91437. As mentioned, Lot 73 is not party to this development application and cannot be subject to requirements or conditions of approval from an adjacent development. The proposal put forth is unacceptable in terms of meeting the Code requirements and is not reasonable and relevant to require as a condition of approval.

Priority Koala Assessable Development Area

The site is located within the Priority Koala Assessable Development Area and consists of a portion of medium value bushland through the centre of the site. The remainder of the site is classified as low value other. Vegetation contained within this mapping has been investigated by the applicant's consultant and a vegetation survey provided. The applicant has challenged the bushland mapping in this location, in accordance with Schedule 11 of the Planning Regulation 2017.

Although Council officers agree that the medium value bushland is highly disturbed and not representative of bushland habitat as defined in Schedule 11, the applicant's request to reclassify the polygon from Medium Value Bushland habitat to Low Value Rehabilitation area is inconsistent with the mapping methodology and is therefore not supported. Previous advice from Council states that the assessment of the koala habitat type and value should be determined to be Medium Value Rehabilitation. In this instance the clearing of trees within this area of the site would attract an environmental offset in accordance with the *Environmental Offsets Act 2014*. This could be conditioned as part of any approval.

2.6.2 Referral Agencies

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

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

2.6.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.6.2.3 Third Party Agencies

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

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2.7 Public Consultation

2.7.1 *Public Notification Requirements under the Development Assessment Rules*

- (a) Public Notification was served on all adjoining landowners on 4 October 2018.
- (b) The development application was advertised in the North West News on 4 October 2018.
- (c) A notice in the prescribed form was posted on the relevant land on 4 October 2018 and maintained for a period of 15 business days until 25 October 2018.

2.7.2 *Submissions Received*

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

Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		155
	Petition	0	0
Not Properly Made	Letter, Email, Fax		6
	Petition	0	0
Total			161

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

Assessment of Submissions
<p>Issue - Traffic / Transport</p> <ul style="list-style-type: none"> • More traffic in the area and multiple bottleneck areas with people using smaller streets for 'rat running'. • non-compliance with SO60, SO62 and SO77 of the Urban Residential Subdivision Design Code. • The development needs more points of access as it is so large to reduce the traffic impacts on Eveleigh Street. The internal site layout needs to be reconsidered to ensure that some of the development can only access the development via Plucks Road; with some of the development only being able to access via Leatherwood Drive; and some of the development only being able to access via Eveleigh Street. • Plucks Road and adjoining roads are not designed or capable of handling the increased traffic volumes with the intersections and driveways onto the affected roads already unsafe. Plucks Road cannot be upgraded due to geographical constraints and is poorly maintained. • People will be parking on Plucks Road impacting on traffic flow. • SO5, and SO39 of the Urban Locality Code and SO6, SO7, SO8 of the Residential A Zone have not been adequately addressed in the traffic study • The study uses the wrong data with old guidelines. • <i>The factor of car usage at 0.6 per household used for the developer modelling is completely unrealistic and appears to have been based on similar dwelling developments in inner city suburbs where there is much less reliance on cars and higher utilisation of active and public transport. In contradiction to this the developer plans show typical accommodation of 1.5 – 2 cars per household</i> • <i>The report states in Section 1 the four scenarios which form part of the assessment, yet Leatherwood Drive is not mentioned, yet on the Updated Development Layout drawings in Attachment A, Leatherwood Drive has an entry and exit point.</i> • <i>TTM Section 4 references the survey from 20 April 2017 for the Plucks/Tetragona intersection, which I thought was queried for the 80 Plucks Rd development and was reassessed because the survey was conducted during school holidays between</i>

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Assessment of Submissions
<p><i>Easter and Anzac Day public holidays. This is not indicative of a normal day and therefore needs to be redone.</i></p> <ul style="list-style-type: none"> • Intersections on Plucks Road and adjoining roads are already dangerous and will become worse with additional traffic • The units will not be maintained in the long term and will bring low socioeconomic status and crime to the area. • <i>To date no traffic safety report information has been provided in the DA application</i>
<p>Discussion Council Engineers have reviewed the submitted Traffic Assessment and have determined it to be unsatisfactory. Specifically:</p> <p><u>Low Background Growth Rate</u> Section 4 identifies an annual growth rate of 1%, which is low. It is noted that the consultant utilised an annual growth rate of 2% for the adjoining development application.</p> <p><u>Distribution of Traffic</u> Approximately 65% of the proposed dwellings have Eveleigh Street as the closest access to the external network. Furthermore, 75% of existing volumes currently travelling south on View Crescent head in a western direction when intersecting with Plucks Road. The distribution of only 30% of proposed site traffic utilising Eveleigh Street is too low and does not sufficiently address the impact of the potential increase of volumes on the local street under Scenario 3.</p> <p>Under Scenarios 1 and 2 the traffic assessment assumes 100% of vehicles will travel east and stay on the higher order roads. It is Council's opinion this is not a fair representation of local trips that will be looking to head west and south and will therefore need to utilise the local network to do this. The assessment therefore does not sufficiently address any potential impacts on the local street network under Scenarios 1 and 2.</p> <p>The trip distribution on the wider transport network is not acceptable. It is anticipated that a significant portion of traffic generated by the site will utilise the Yanderra Avenue / Plucks Road intersection as this forms the shortest route for trip attractors to the Southeast and forms the only feasible route for trip attractors to the South and West such as Ferny Grove Station, Patricks Road State School, Ferny Hills State School.</p> <p>The intersection layouts used in the SIDRA analysis are incorrect for both the View Crescent / Plucks Road and Tetragona Drive / Plucks Road intersections. These intersections do not have two approach lanes on the minor approach.</p> <p><u>Urban Residential Subdivision Code</u> The application is not for subdivision therefore SO60, SO62 and SO77 of the Urban Residential Subdivision Design Code is not applicable to the assessment.</p> <p>These are sufficient grounds for refusal of the application.</p>
<p>Issue - The existing public transport servicing the area is inadequate and the traffic report overestimates the availability of the systems.</p>
<p>Discussion There is an existing bus service which operates on Plucks Road and travels between Ferny Grove station and other services in addition to Brisbane City. This provides residents with another option for travelling instead of using a personal vehicle. The concerns surrounding public transport are acknowledged however these services are not regulated by Council.</p> <p>These are sufficient grounds for refusal of the application.</p>

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<p>Assessment of Submissions</p>
<p>Issue - The site is mapped as Matters of State Environmental Significance and the development will result in loss of fauna and flora on the site. The development does not comply with SO49 and SO50, or Desired Environmental Outcome 3.1.</p> <ul style="list-style-type: none"> <i>The development proposal is not providing any biodiversity corridor linkages as none of the vegetation is proposed to be retained. The site (82 Plucks Road) and the neighbouring property at 23 Eveleigh Street are mapped as Medium Value Bushland under the State Planning Policy and Planning Regulation 2017 koala habitat values mapping.</i>
<p>Discussion</p> <p>Environmental Planning has reviewed the submitted Ecological Assessment Report and has determined it to be satisfactory. This assessment could be approved and conditioned as part of any approval along with appropriate conditions relating to fauna management and clearing vegetation.</p> <p><u>Priority Koala Assessable Development Area</u></p> <p>The site is located within the Priority Koala Assessable Development Area and consists of a portion of medium value bushland through the centre of the site. The remainder of the site is classified as low value other. Vegetation contained within this mapping has been investigated by the applicant’s consultant and a vegetation survey provided. The applicant has challenged the bushland mapping in this location, in accordance with Schedule 11 of the Planning Regulation 2017.</p> <p>Although Council officers agree that the medium value bushland is highly disturbed and not representative of bushland habitat as defined in Schedule 11, the applicant’s request to reclassify the polygon from Medium Value Bushland habitat to Low Value Rehabilitation area is inconsistent with the mapping methodology and is therefore not supported. Previous advice from Council states that the assessment of the koala habitat type and value should be determined to be Medium Value Rehabilitation. In this instance the clearing of trees within this area of the site would attract an environmental offset in accordance with the Environmental Offsets Act 2014. This, however, could be conditioned as part of any approval.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Conflicting information</p> <ul style="list-style-type: none"> Two plans which have alternate access points - the information to residents during the public notification stage was not accurate <i>The technical and supporting documents do not reflect the layout being sought by the applicant.</i> <i>It is my understanding that a DA can only have one proposed arrangement and a different layout needs a different submission. Refer DA Assessment Rules - Planning Act 2016. The variation in the proposed arrangements, access and layout indicates that according to Schedule 1 of the Planning Act 2016 that this is a "Substantially different development"</i>
<p>Discussion</p> <p>It is a matter for the Applicant to determine:</p> <ol style="list-style-type: none"> the form and content of the development application; the level of detail of any response to further information or queries raised by the Council, a referral agency or the general public. <p>It is then a matter for the Council to have regard to the development application as a whole in its assessment and determination of whether the application should be approved or refused.</p>

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Assessment of Submissions

The Applicant has in its most recent correspondence advised that the development application will proceed based on the Original Layout and it is this layout which the Council will focus its comments on.

This is not sufficient grounds for refusal of the application.

Issue - Bushfire

- *Bushfire hazard assessment adopts the current standard methodology but references the old Pine Rivers Plan methodology as comparison. The old methodology requires a 100m safety buffer to high risk areas and the current methodology calculates a minimum of 14m setback from the hazard. We need MBRC to clarify, if assessing the development under old planning scheme shouldn't the codes/methodology of that time also be applicable?*
- *The State Government's Department of Natural Resources and Mines applies a default value of 20 ton/Ha for its fuel accumulation assessment. In this report, the fuel accumulation assessment is only 16 ton/Ha. As the assessment was taken in the middle of July, during the winter time, the vegetation would have been at its lowest density. 16 ton/Ha would be a minimum value and not an average. If the 20t/ha was used in the bushfire severity calculation in Table 4 paragraph 3.3, the setback requirement would be much greater. In this same Table 4, 10/15 ton/Ha is used in the calculation of the bushfire severity instead of 16 ton/Ha*
- *Section 5.1 States number of fire incidents expected by the Qld Fire and Emergency Service varies in direct proportion to the numbers of people present. Section 5.2 then quotes 115 Townhouses underestimating additional people living in the area at 250-350 (based on 2-4 people per dwelling) – this figure is incorrect for the DA and does not include adjoining developments (315 townhouses in total) which significantly increases the estimate to the vicinity of 600 – 1200 people.*
- *The Bushfire Response letter of 19 March has been provided on PD Online. The Letter clarifies the Minimum 14m setback is completely on adjoining property Lot73 RP91437 and therefore Subject to a legally binding agreement for ongoing maintenance. Council would need to consider the implications of change in ownership of this property and the assurance of the ongoing maintenance of the APZ.*

Discussion

The site is mapped as being within a high and medium bushfire hazard risk under the Bushfire Hazard Area Overlay of the Pine Rivers Plan. Updated mapping under the MBRC scheme shows that the site is within the potential impact buffer. The proposed development is required to demonstrate compliance with the Bushfire Hazard Area Overlay Code. To address the requirements of the Code the applicant has submitted a Bushfire Management Plan. To achieve an acceptable bushfire hazard setback, this plan relies on an Asset Protection Zone being partially achieved on the adjacent property Lot 73 RP91437 which is not subject to this application. PS 1.1 (2) of the Code requires the asset protection zone to be wholly located on the development site. The Bushfire Management Plan demonstrates that the development in its current form is reliant on additional clearing and maintenance of existing clearing of native vegetation on an adjoining property. The applicant has attempted to address this non-compliance by suggesting that an agreement between the neighbouring properties will be forthcoming which will formalise responsibilities for the ongoing maintenance of the 3.6m Council Easement as well as for clearing the under storey and mid storey of the existing cleared zone on Lot 73 RP91437. As mentioned, Lot 73 is not party to this development application and cannot be subject to requirements or conditions of approval from an adjacent development. The proposal put forth is unacceptable in terms of meeting the Code requirements.

These are sufficient grounds for refusal of the application.

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<p>Assessment of Submissions</p>
<p>Issue - There is no need for the scale of this development with the current market leading to an oversupply of units and townhouses. Similar developments nearby have townhouses which remain unsold and empty.</p>
<p>Discussion The current market and economic need for this type of development is not a matter considered during application assessment and is a risk for the developer to consider.</p> <p>This is <u>not</u> sufficient grounds for refusal of the application.</p>
<p>Issue - The development will decrease property values in close proximity to the site.</p>
<p>Discussion The planning scheme does not regulate property values therefore this is not considered in the assessment of the application.</p> <p>This is <u>not</u> sufficient grounds for refusal of the application.</p>
<p>Issue - The Stormwater and Flood Mitigation Plan</p> <ul style="list-style-type: none"> • The report is based on old guidelines and inaccurate rainfall data. • Inadequate water quality and sediment control devices are proposed, with no consideration for impacts during construction. • The report fails to show how the force of the water will be captured and slowed, and does not consider that the existing drain at the end of Eveleigh is blocked after rainfall events. • <i>Assessment also identifies an increase in flows from the northern catchment and hydraulic modelling puts all flows into the southern creek area even though the detention basin locations don't support this.</i> • <i>Outcomes are increased water depths (up to 250mm) at the downstream properties and council reserve. The required no worsening scenario hasn't been provided.</i>
<p>Discussion Council's Stormwater Specialist has reviewed the Stormwater Management Plan and determined it to be unsatisfactory for approval in accordance with relevant Council policies.</p> <p>These are sufficient grounds for refusal of the application.</p>
<p>Issue - Impacts on amenity and the established character; the proposal does not comply with SO29 and SO41 of the Urban Locality Code.</p> <ul style="list-style-type: none"> • The 9 metre high buildings will lead to overshadowing and reduced privacy for the existing houses and will reduce the amount of direct sunlight in winter and • <i>At the 2016 ABS census Arana Hills had a makeup of 88.3% separate house and only 0.4% being "flat or apartment" with a further 11.3 % being semi-detached. The hills district is currently a family friendly community focussed district with space, amenities and infrastructure suited to the current majority dwelling type a development of 174 high density apartment style dwellings is clearly not in keeping with the character of the suburb.</i>
<p>Discussion</p> <p><u>Specific Outcome for Assessable Development SO29 of the Urban Locality Code</u> <i>Residential development maintains high levels of amenity for residents and neighbours and enhances streetscape character.</i></p> <p>As discussed above in the assessment of the development proposal against Specific Outcome SO29, the proposal does not comply.</p> <p>These are sufficient grounds for refusal</p>

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<p>Assessment of Submissions</p>
<p><u>Specific Outcome for Assessable Development SO33 of the Urban Locality Code</u> <i>The built form respects the natural environment and land form.</i></p> <p>The development proposes to bench the site with large areas of retaining proposed, in some instances, up to 4.7m high. A variety of two (2) and (3) storey building types are proposed across the site. The development has incorporated a tiered wall arrangement with any wall exceeding 2m in height being stepped by 750mm.</p> <p>The development has therefore sought to respect the natural environment and land form.</p> <p>This is not sufficient grounds for refusal.</p>
<p><u>Specific Outcome for Assessable Development SO41 of the Urban Locality</u> <i>Infill residential development, including medium density development, is sensitively designed to minimise adverse impacts associated with perceptions of lack of privacy, increased noise and traffic and changes to streetscape character.</i></p> <p>As discussed above in the assessment of the development proposal against Specific Outcome SO41, the proposal does not comply.</p> <p>These are sufficient grounds for refusal of the application.</p>
<p>Issue - The development will produce excessive levels of noise and air pollution. It also does not comply with SO43 of the Urban Locality Code.</p>
<p>Discussion</p> <p>The submitted acoustic assessment for the proposed development has been assessed and determined to be satisfactory. The development complies with the Specific Outcome in this instance.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Uncontrolled earthworks will lead to unstable land.</p>
<p>Discussion</p> <p>Development Engineering has reviewed the submitted geotechnical report and has determined it to be satisfactory. The report determined that the likelihood of a landslide occurring is unlikely. A condition could be included if the application is approved to ensure that earthworks are conducted on the site in accordance with the approved geotechnical report.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Community consultation was inadequate and Council failed to engage with the community.</p>
<p>Discussion</p> <p>The applicant conducted community consultation as required by the <i>Planning Act 2016</i> and the Development Assessment Rules. The development application process is led by the applicant therefore the onus is on the applicant to complete community consultation for the application.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Council should assess the application under the current planning scheme being the Moreton Bay Regional Council Planning Scheme</p> <ul style="list-style-type: none"> The site is mapped as General residential zone - Suburban neighbourhood precinct under the MBRC planning scheme. The maximum density under this zoning is 15 dwellings per hectare. This would allow a total of 64 dwellings which is more in line with the surrounding area.
<p>Discussion</p>

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<p>Assessment of Submissions</p>
<p>Section 29(11) of the <i>Planning Act 2016</i> states for a superseded planning scheme application the assessment manager must assess a superseded planning scheme application as if the superseded planning scheme was in effect instead of-</p> <ul style="list-style-type: none"> (a) The planning scheme; and (b) Any related planning scheme policies. <p>Therefore, in accordance with Section 29, the Council is unable to consider the current MBRC Planning Scheme in its assessment.</p> <p>As Council is unable to implement the policies of the MBRC Planning Scheme, the proposal has been assessed against the superseded <i>PineRiversPlan</i>.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Enforcement of laws and regulations</p>
<ul style="list-style-type: none"> • <i>There are concerns about MBRCs ability to enforce local laws and regulations around land clearing and other conditions on developers during construction (i.e. land clearing, impacts on waterway, damage to environmental corridors, erosion and sediment generation).</i>
<p>Discussion</p>
<p>Council's Audit Officers are responsible for conducting random audits of developments and investigating suspected non-compliance with the conditions of approval once the application has been decided. As such, it is not a matter that is considered during the assessment process.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Active transport and connections</p>
<ul style="list-style-type: none"> • <i>Lack of a dedicated Active Travel Route for pedestrians and cyclists from Leatherwood Drive through to Plucks Rd – a buffer zone should be created between the two developments to guarantee permanent access for pedestrians/cyclists, linking Plucks Rd and Leatherwood Dr.</i>
<p>Discussion</p>
<p>Leatherwood Drive Park is located at 72 Plucks Road, Arana Hills and provides a pedestrian connection from Leatherwood Drive to Plucks Road.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - There are not enough car parking spaces in the development so new residents will park on the nearby streets. Additionally, there is not enough car parking available at the local schools, train stations and Arana Plaza which will become worse.</p>
<p>Discussion</p>
<p>The Multiple Dwelling Units Code of the superseded <i>PineRiversPlan</i> Probable Solution PS5.1 seeks to ensure that 1.5 car parking spaces are provided per unit and 1 visitor parking space is provided per four units.</p> <p>For 170 units the planning scheme requires 255 resident spaces and 43 visitor spaces (298 in total).</p> <p>The proposal provides 340 resident parking spaces, 45 tandem spaces and 28 communal visitor spaces, totalling 413.</p> <p>The ultimate plan reduces the number of units to 151. In total, 227 resident spaces, and 38 visitor spaces are required by the planning scheme (265 in total).</p>

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Assessment of Submissions
<p>The proposal provides 302 resident parking spaces, 45 tandem spaces and 25 communal visitor spaces, totalling 372.</p> <p>The proposal exceeds the minimum requirement in both instances. The planning scheme only assesses car parking rates for the subject site therefore spaces available at other sites are not included.</p> <p>This is not sufficient grounds for refusal of the application.</p>
Issue - The local schools are already at capacity and have limited spaces for an increase in children of school age.
<p>Discussion</p> <p>Council officers note the concern raised regarding school capacity however this is not included in any relevant Assessment Benchmarks therefore is not a matter that is considered in deciding the application.</p> <p>This is not sufficient grounds for refusal of the application.</p>
Issue - It exceeds the number of allowable dwellings for the size of land.
<ul style="list-style-type: none"> • If the Council must approve the application then the developer must reduce the density as this development in conjunction with the other various townhouse developments nearby do not result in medium density
<p>Discussion</p> <p>The definition of Medium Density Multiple Dwelling Units is <i>the use of premises for 3 or more dwelling units whether or not they are attached, and with a maximum floor area ratio of 0.5</i>. The maximum floor area ratio for the original plan is 0.48 which complies. The floor area ratio for the ultimate plan is 0.43 which is also compliant.</p> <p>The proposal complies with the maximum floor area ratio in both instances</p> <p>This is not sufficient grounds for refusal of the application.</p>
Issue - The application is not consistent with other plans for South East Queensland and MBRC
<ul style="list-style-type: none"> • <i>If council is proposing to use the SEQ infrastructure plan as justification for supporting this development density then this process is flawed and possibly even negligent in light of giving the go ahead on the basis of a plan superseded before the SEQ document was updated.</i> • <i>Both Local and State government are responsible for Ensuring land use and infrastructure planning is integrated (SEQ 2017 Regional Plan Shaping SEQ Approach)</i> • <i>With regard to the State Planning Framework – SEQ Regional Plan/ Shaping SEQ Document, it states that Goal 1: Grow - includes “encouraging housing diversity that supports...housing preferences.” The majority of new developments in the surrounding suburbs are medium density multiple dwellings. It should therefore be considered that to keep a balance between the new medium density developments and low density residential developments, Council should seriously consider the existing approved development on 82 Pucks Road for 38 houses. This would complement the established character of the area, whilst providing new housing and less strain on surrounding road networks.</i> • <i>Allowing increased traffic on Eveleigh Street and other family oriented streets in the area seems to favour only one of MBRC Corporate Plan 2017-2022 priority areas (creating opportunities [development]) at the direct detriment of the other two values (strengthening communities and valuing lifestyle).</i>
<p>Discussion</p> <p>Section 45 of the <i>Planning Act 2016</i> outlines matters that Council must consider in its assessment such as matters prescribed by the Regulation. The <i>Planning Regulation 2017</i></p>

ITEM 2.1 MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR MEDIUM DENSITY MULTIPLE DWELLING (170 TOWNHOUSES) (SUPERSEDED PLANNING SCHEME) - 35 EVELEIGH STREET, ARANA HILLS; 36 EVELEIGH STREET, ARANA HILLS; 82 PLUCKS ROAD - ARANA HILLS - DIVISION 10 - A17892810 (Cont.)

<p>Assessment of Submissions</p> <p>(the Regulation) prescribes the Assessment Benchmarks that the application must comply with, which are additional or alternative to the Assessment Benchmarks in Council's planning scheme.</p> <p>The site is located in the Urban Footprint as per the South East Queensland Regional Plan. The proposed development is for an urban activity in the Urban Footprint, and there are no requirements in the State Planning Regulatory Provisions applicable to this proposal. The other plans that were mentioned in the submissions are not included in Council's assessment of the application as stated above.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Incomplete response to Council's information request</p> <ul style="list-style-type: none"> To date no traffic safety report information has been provided in the DA application
<p>Discussion</p> <p>The development assessment process is applicant driven. The onus is on the applicant to determine the extent and level of information that will be submitted to Council. Council can only assess and decide an application based on the information provided.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Infrastructure upgrades</p> <ul style="list-style-type: none"> Bus routes, parking at Ferny Grove, Keperra, Grovely and Oxford Park train stations, water supply infrastructure, local schools that are already at near capacity, waterways and local creeks, sewerage systems developed in the 1960's that don't account for this type of dwelling density The sewerage system is especially important as to date none of the development application appears to consider the increased sewerage demand to be placed on the system within the existing drainage path. Unsuitable road infrastructure at Eveleigh Street and Plucks Road.
<p>Discussion</p> <p>An approved application in most instances will require infrastructure charges to be paid to upgrade Council-controlled infrastructure including parks, roads and stormwater. An Infrastructure Charges Notice will be attached to any approval for these services. Other services including water and sewerage are not regulated by Council therefore are not considered in the assessment process.</p> <p>This is not sufficient grounds for refusal of the application.</p>

ITEM 2.1 MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR MEDIUM DENSITY MULTIPLE DWELLING (170 TOWNHOUSES) (SUPERSEDED PLANNING SCHEME) - 35 EVELEIGH STREET, ARANA HILLS; 36 EVELEIGH STREET, ARANA HILLS; 82 PLUCKS ROAD - ARANA HILLS - DIVISION 10 - A17892810 (Cont.)

<p>Assessment of Submissions</p>
<p>Issue - The development does not comply with 2.3 of the Major Employment Centres Locality (Chapter 3, Part 3, Section 2.3) and 4.3, 4.7 and 4.8 of the Desired Environmental Outcomes.</p>
<p>Discussion The development is located in the Urban Locality therefore 2.3 of the Major Employment Centres Locality is not applicable.</p> <p><u>Desired Environmental Outcome 4.3 Transport Infrastructure</u> <i>Land use and development is undertaken in a manner that provides for safe and convenient pedestrian and cyclist mobility, encourages use of public transport, supports the provision of a transport system that provides appropriate levels of service, maximises the potential economic benefit of the transport system and maintains and protects existing and future transport corridors and linkages.</i></p> <p>The proposal will provide an extension of the active transport network along Plucks Road to improve access and mobility within the Urban Locality. Furthermore, the development will not fetter existing and future transport corridor and linkages.</p> <p>This is not sufficient grounds for refusal of the application.</p> <p><u>Desired Environmental Outcome 4.7 Amenity</u> <i>Reasonable and appropriate standards of amenity are maintained and promoted.</i></p> <p>Refer to response to Issue - <i>Impacts on amenity and the established character; the proposal does not comply with SO29 and SO41 of the Urban Locality Code above.</i></p> <p>These are sufficient grounds for refusal of the application.</p> <p><u>Desired Environmental Outcome 4.8 Community Identity</u> <i>The distinct character and identity of the communities in the Shire is maintained.</i></p> <p>It can be established that the development does not complement the existing character of the adjoining / surround residential area, however no argument can be made to the development no maintaining the distinct character and identity of the communities in the Shire. Medium Density Multiple Dwelling Units are not inconsistent development in this locality and have been established where considered appropriate.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - There is an existing approval on the site which is much more suited to the area and zoning.</p>
<p>Discussion The existing approval on the site for Reconfiguring a Lot - Development Permit for Subdivision (1 into 20 lots) is current and the relevant period expires on 14 May 2019. The applicant may act on the approval until this date however is not required to.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p>Issue - Children will be unable to play in the street therefore their physical and mental health will be impacted negatively and less interaction with neighbours will lead to negative mental health impacts.</p>
<p>Discussion The development is not considered to reduce opportunities for residents to interact with neighbours or for children to play outside. The 'street' is first and foremost a road reserve and is ultimately designed to facilitate vehicle movements.</p>

ITEM 2.1 MATERIAL CHANGE OF USE – DEVELOPMENT PERMIT FOR MEDIUM DENSITY MULTIPLE DWELLING (170 TOWNHOUSES) (SUPERSEDED PLANNING SCHEME) - 35 EVELEIGH STREET, ARANA HILLS; 36 EVELEIGH STREET, ARANA HILLS; 82 PLUCKS ROAD - ARANA HILLS - DIVISION 10 - A17892810 (Cont.)

Assessment of Submissions
This is not sufficient grounds for refusal of the application.
Issue - The developer has not considered the cultural heritage of the site.
<p>Discussion</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage which applies on all land and water. The onus of Duty of Care is on the person or entity conducting the activity. Cultural heritage is acknowledged by Council and an advice notice regarding the Duty of Care is included in all application approvals and would be recommended if this application is approved.</p> <p>This is not sufficient grounds for refusal of the application.</p>
Issue - Rezoning the land from low to medium density will have an impact on environmental values and infrastructure.
<p>Discussion</p> <p>The application on the site is for a Material Change of Use - Development Permit for Medium Density Multiple Dwelling (170 Townhouses) (Superseded Planning Scheme).</p> <p>This is not sufficient grounds for refusal of the application.</p>
Issue - Cumulative impacts of this and other medium density developments in the area should be considered.
<p>Discussion</p> <p>Council officers note the concern raised regarding the lack of assessment of cumulative impacts of surrounding medium density developments and development assessment is limited to the subject site. However, some requirements of the planning scheme do require consideration of the amenity of the area and therefore by default do cause consideration to include development on surrounding land.</p> <p>On its own, this is not sufficient grounds for refusal of the application.</p>
Issue - Residents will be subject to noise and air pollution during construction.
<p>Discussion</p> <p>If the application is approved, a condition will be recommended requiring a Construction Management Plan to be assessed and approved by the Council. The plan would be required to address and mitigate impacts on residents.</p> <p>This is not sufficient grounds for refusal of the application.</p>
Issue - Increased density will cause problems with water supply and pressure to fire hydrants in the event of a bushfire.
<p>Discussion</p> <p>Matters related to water service and infrastructure are not regulated by Council or the planning scheme. Applications and approvals for water infrastructure are required to be submitted to Unitywater and Unitywater will consider the impacts at that time.</p> <p>This is not sufficient grounds for refusal of the application.</p>

2.7.3 *Notice of Compliance*

The Notice of Compliance was received by Council 26 October 2018. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.8 Other Matters
None identified.

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3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

The proposal is not consistent with the planning provisions and relevant policies.

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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.

3.7 Economic Benefit

There are no economic benefits arising from the refusal of this development application.

3.8 Environmental Implications

There are no environmental implications arising from the refusal of this development application.

3.9 Social Implications

There are no social implications arising from the refusal of this development application.

3.10 Consultation / Communication

Refer to clause 2.7.

ATTENDANCE

Mr John Hall retired from the meeting at 9.25am during discussion on Item 2.1.

Mr Marco Alberti left the meeting at 9.31am after consideration on Item 2.1.

Mr Blayne Magnar attended the meeting at 9.31am for discussion on Item 2.2.

ITEM 2.2

DEVELOPMENT APPLICATION DA/36729/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 285 & 293 OAKLEY FLAT ROAD AND 87 BURBURY ROAD, MORAYFIELD - DIVISION 12

APPLICANT: ADPEN PTY LTD.

C/- WOLTER CONSULTING GROUP PTY. LTD.

OWNER: MISS C MCPHERSON, MR C HEUSER AND MRS L HEUSER, MR J HARDY AND MRS A HARDY.

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A17833207 : 13 February 2018 – Refer Supporting Information A17883025

Responsible Officer: BM, Principal Planner (Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Adpen Pty Ltd C/- Wolter Consulting Group Pty Ltd
Lodgement Date:	22 August 2018
Properly Made Date:	22 August 2018
Confirmation Notice Date:	4 September 2018 (original notice) 11 September 2018 (Amended notice)
Information Request Date:	Not Applicable (as no information request was issued)
Info Response Received Date:	Not Applicable
Decision Due Date	11 January 2019
No. of Submissions:	Properly Made: 20 Not Properly Made: 1

PROPERTY DETAILS	
Division:	12
Property Address:	285 & 293 Oakley Flat Road and 87 Burbury Road Morayfield
RP Description	Lot 8 RP 196576, Lot 2 RP 804516, Lot 3 RP 804516
Land Area:	38,114m ²
Property Owner	Miss C McPherson, Mr C Heuser and Mrs L Heuser, Mr J Hardy and Mrs A Hardy

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	Moreton Bay Regional Council Planning Scheme
Planning Locality / Zone	Emerging community zone, Transition precinct
Level of Assessment:	Impact Assessment

This application seeks a Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct (the development) on land located at 285 & 293 Oakley Flat Road and 87 Burbury Road, Morayfield and described as Lot 8 RP 196576, Lot 2 RP 804516, Lot 3 RP 804516. It is proposed to vary the Moreton Bay Regional Council Planning Scheme to allow future development to be assessed and decided against the assessment benchmarks of the Centre zone, Local centre precinct, as contained within the Planning Scheme.

ITEM 2.2 DEVELOPMENT APPLICATION DA/36729/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 285 & 293 OAKEY FLAT ROAD AND 87 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A17833207 (Cont.)

The application was publicly advertised with 21 submissions received, consisting of 20 properly made submissions and 1 not properly made submission. The proposed development conflicts with the Moreton Bay Regional Council Planning Scheme and is recommended to be refused.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 13/0

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

ITEM 2.2 DEVELOPMENT APPLICATION DA/36729/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 285 & 293 OAKEY FLAT ROAD AND 87 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A17833207 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council in accordance with the *Planning Act 2016*, refuse the development application for a Material change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct on premises located at 285 and 293 Oakey Flat Road and 87 Burbury Road, Morayfield and described as Lot 8 on RP 196576, Lot 2 on RP 804516, Lot 3 on RP 804516, for the following reasons of refusal:

Strategic framework

1. The proposed development is in conflict with the following parts of the Strategic Framework:
 - (a) Strategic outcome 3.5.1, as the proposed development does not utilise the principles of urban design to promote healthy and safe communities;
 - (b) Strategic outcome 3.5.3, as the proposed development will not promote vitality, enhance community safety or create a distinctive place;
 - (c) Strategic outcome 3.6.1, as the proposed development will not create a more efficient land use and development pattern over time as the proposal does not:
 - i. integrate 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;
 - ii. propose an active frontage with Oakey Flat Road;
 - iii. provide superior transportation choices or otherwise reduce car use, particularly through supporting growth in targeted established urban areas and redevelopment in and around existing urban centres and along priority transit networks and other high-frequency transit corridors
 - (d) Strategic outcome 3.6.2, as the proposed development:
 - i. does not include a broad mix of land uses in activity centres appropriate to local centres and are otherwise not structured as a mixed-use centre in a predominantly main-street format to best serve the surrounding community;
 - ii. is not in an appropriate location in a walkable neighbourhood with street-fronting retail and non-retail commercial layouts instead of enclosed or parking-lot dominant retail formats;
 - iii. does not provide activity centres with attractive, high-amenity public spaces at locations that encourage and support social interaction, casual meeting and healthy and active lifestyles;
 - iv. is dominated by enclosed retail and does not:
 - (A) include active street frontages;
 - (B) include car parking areas behind active frontages;
 - (C) include integrating development with surrounding public spaces and activities; and

ITEM 2.2 DEVELOPMENT APPLICATION DA/36729/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 285 & 293 OAKLEY FLAT ROAD AND 87 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A17833207 (Cont.)

- (D) provide employment opportunities and a wider range of services;
- (e) Strategic outcome 3.6.6, as the proposed development:
 - i. is not supported in a greenfield location with available infrastructure capacity or where infrastructure capacity can be provided efficiently and cost effectively and without creating disadvantage to current and planned priority infrastructure areas;
 - ii. will compromise and constrain the efficient expansion of the infrastructure system and services required to service development and/or the corridors required for provision of infrastructure will be discouraged;
 - iii. has not been designed and developed as part of a future transit based walkable neighbourhood and as such must provide pedestrian, cycle, local road, open space and waterway connectivity, within the neighbourhood and adjacent areas in accordance with the specific outcomes of the relevant place types;
 - iv. has not been designed and developed as a transit based walkable neighbourhood and with an appropriate network of public spaces and pedestrian, cycle, local road, green infrastructure, within the neighbourhood and to adjacent areas in accordance with the specific outcomes of the relevant place type;
 - v. will compromise the new "15 minute" walkable neighbourhoods which is designed to include a diversity of uses and employment opportunities at a minimum of 35 people and jobs per hectare to support viable public transport services and walkable communities and encourage active transport.
 - vi. does not allow for pedestrian and cycle way networks and local road systems to be designed to maximise connectivity.
- (f) Strategic Outcome 3.10.1, as the proposed development does not demonstrate a *compact settlement pattern and urban form to encourage sustainable travel patterns, reducing the need to make trips by any motorised form and reduce the length of motorised trips*;
- (g) Strategic Outcome 3.10.2, as the proposed development is not designed and located to support active transport;
- (h) Strategic Outcome 3.10.4, as the proposed development:
 - i. is not designed to activate areas to encourage a sense of community, creating a feeling of safety and encouraging more people to walk; and
 - ii. does not provide for pedestrian and cycle routes and associated infrastructure to be well managed and maintained;
- (i) Strategic Outcome 3.11.2, as the proposed development does not demonstrate the development infrastructure required in order to coordinate, prioritise and sequence infrastructure through strategic plans, programs, budgets and statutory planning;
- (j) Strategic Outcome 3.13.2.4.1(a), as:
 - i. the Council has not undertaken further investigation and planning of the Caboolture planning area to coordinate and integrate land use and infrastructure in the context of the outcomes Council is seeking to achieve in the Caboolture planning area; and

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- ii. the development application does not provide sufficient information to demonstrate how it can be coordinated and integrated into the Caboolture Planning Area in the context of the outcomes Council is seeking to achieve in the Caboolture planning area;
- (k) Strategic Outcome 3.13.2.4(5), as the proposed development is for a local centre or uses consistent with the local centre:
 - i. in a location which is not in the indicative location for a new local centre in Morayfield south as shown on map 3.13;
 - ii. does not maintain an appropriate separation distance to ensure catchment overlap does not occur;
- (l) Strategic Outcome 3.13.2.4.5, as:
 - i. the emerging community of Morayfield South will provide for land to be available for urban development over the next 10 to 20 years;
 - ii. limited infrastructure network planning has been done for the identified area;
 - iii. the premises is not included within the priority infrastructure area and it is not serviced by all local government networks including water and sewerage;
 - iv. the proposed development will fragment, pre-empt or compromise the potential development of rural residential areas for urban purposes beyond the life of the planning scheme;
 - v. further integrated land use and infrastructure planning has not been undertaken in the Morayfield South area and this further planning work will determine how the area can be developed efficiently to create a cohesive and sustainable urban community.
- (m) Strategic Outcome 3.14.1.8, as the proposed development:
 - i. does not provide range of housing choice;
 - ii. does not provide for the employment opportunities, services and facilities required for a local centre in a Next generation neighbourhood place type;
 - iii. is not appropriately designed to have an interconnected street and active transport network that provides modal choice and convenient access to services and facilities within the neighbourhood.
- (n) Strategic Outcome 3.14.9.4, as the premises is not conveniently located within the neighbourhood and the Applicant has not demonstrated how the proposed development can be supported on the premises in light of existing approvals in the area for a local centre or uses consistent with a local centre;
- (o) Strategic Outcome 3.14.9.6, as the proposed development:
 - i. is not surrounded by a well-connected, permeable, legible and grid-like network of streets and active transport linkages that provide direct and easily understood choices of routes to walk, cycle, take public transport and drive to multiple destinations within the neighbourhood.

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- ii. is not surrounded by nor does it create an active transport network that is integrated with public transport infrastructure so that the proposed development and all homes in the area are within 400 metres of a bus stop; and
 - iii. does not demonstrate that it is conveniently located within 15 minutes of all residents by walking, cycling or public transport.
- (p) Strategic Outcome 3.14.9.7, as the proposed development does not have or provide the level of service of infrastructure provision necessary to support growth, increased intensity of activity and adaptation to change over time and to create a safe and attractive public realm.

Emerging Community Zone Code

2. The proposed development is in conflict with the following parts of the Emerging Community Zone Code:

- (a) Section 6.2.3.2(1)(a),(b) and (c) in that:

- i. the subject site is not currently identified as suitable for urban development as the detailed land use and infrastructure planning has not been completed for the Morayfield South growth area;
- ii. the proposed development seeks to implement an ultimate commercial development which pre-empts the necessary structure planning which is required for the Morayfield South growth area;
- iii. the proposed conversion of non-urban land to urban purposes is premature, as the premises is located outside the PIA and necessary infrastructure to support the conversion is not currently planned and the existing infrastructure networks are not to an appropriate standard or capacity to support the conversion;
- iv. it is not possible to determine the longer-term land uses or infrastructure requirements, without undertaking the planning of the growth area over the full development horizon;
- v. the proposed development makes more difficult the land use and infrastructure planning which is necessary for the provision of infrastructure required to support the appropriate land use outcomes for both the Morayfield South growth area and other anticipated development outside the Morayfield South growth area;
- vi. the development application does not identify the development infrastructure required to facilitate the implementation of the development;

- (b) Section 6.2.3.2(2)(b) in that:

- i. The land use and infrastructure planning has not been completed for the Morayfield South growth area and it is premature for a development proposal to implement an ultimate development in the absence of detailed land use and infrastructure planning for the growth area;
- ii. the proposed development is not for an interim use and in any event without detailed land use and infrastructure planning it is not possible to ascertain whether the proposed development is compromising or making more difficult the form of the land use and infrastructure planning for the growth area;

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- iii. the planning instruments and land use and infrastructure planning necessary to promote and implement a local have not been completed or adopted by Council;
 - iv. the premises is not serviced with all local government networks to a standard or capacity which is suitable for urban development and the development proposal does not demonstrate that all local government networks can be provided to the proposed urban community in accordance with the appropriate standards and required capacity
- (c) Section **6.2.3.2.1 (1)(b),(k),(l),(m),(n),(o),(p) and (q) in that the:**
- i. **proposed development** does not maintain a semi-rural character until such time as availability and provision of infrastructure is delivered and relevant site-specific constraints are resolved;
 - ii. **applicant has demonstrated how the proposed non-residential uses** do not result in adverse or nuisance impacts on adjoining properties or the wider environment, and to the extent that it does, the adverse or nuisance impacts are not contained and internalised to the premises through location, design, operation and on-site management practices;
 - iii. **proposed development does not demonstrate** a high standard of electricity, telecommunications, roads, sewerage, water supply and street lighting services are provided to new developments to meet the current and future needs of users of the site;
 - iv. **applicant has not demonstrated how the proposed development** does not result in unacceptable impacts on the capacity on the capacity and safety of the external road network;
 - v. applicant has not demonstrated how the site works including earthworks will be managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment;
 - vi. applicant has not demonstrated how the activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke;
 - vii. the applicant has not demonstrated how the proposed development will maintain, restore and rehabilitate environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity;
 - viii. **the proposed development provides for uses which are not consistent with the uses prescribed in this precinct; and**
 - ix. **the proposed development does not reflect or support the outcomes of this zone.**
- (d) Section **6.2.3.2.2.2, table 6.2.3.2.1.2, PO1, PO5, PO6, PO10, PO16, PO17, PO18, PO24, PO28, PO30, PO73, PO77, in that the:**
- i. **proposed development** is over premises which is not serviced with all local government networks including water and sewer;
 - ii. **the proposed development** comprises uses of which the height exceeds 5 metres and is otherwise not consistent with the existing low rise, open area and low density character and amenity of the Interim precinct;

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- iii. **the applicant** has not demonstrated how the non-residential uses are to be appropriately setback to ensure:
 - (A) chemical spray, fumes, odour, dust are contained on-site;
 - (B) unreasonable nuisance or annoyance resulting from, but not limited to; noise, storage of materials and rubbish does not adversely impact upon land users adjacent to, or within the general vicinity; and
 - (C) buildings and other structures are consistent with the open area, low density, low built form character and amenity associated with the interim precinct;
- iv. the applicant has not demonstrated that a development of a Local centre on the premises can be setback to be consistent with the semi-rural character of the area and the submitted indicative site plan shows that the proposal would be visually dominant with respect to adjoining properties and would unduly impact on the privacy experienced by adjoining premises;
- v. the applicant has not demonstrated how the impacts of environmental nuisance, including noise and light generated by the development of a local centre on the premises would be mitigated to ensure the activities do not cause a nuisance to adjoining properties;
- vi. the applicant has not demonstrated how stormwater generated on-site is treated and disposed of in an acceptable manner to mitigate any impacts on soil, surface water or ground water quality and how future development will not result in the degradation of soil, surface water or ground water quality is avoided;
- vii. the applicant has not demonstrated the traffic generation, vehicle movement and on-site car parking associated with the proposed development:
 - (A) provides safe, convenient and accessible access for vehicles and pedestrians;
 - (B) provides safe and convenient on-site parking and manoeuvring to meet anticipated parking demand;
 - (C) is appropriate to the road classification and carrying capacity of the local network and able to meet the additional demands generated by the development; and
 - (D) does not result in adverse impacts on the efficient and safe functioning of the road network;
- viii. the applicant has not demonstrated how noise generated from the proposed development will not adversely affect existing or potential noise sensitive uses;
- ix. the applicant has not demonstrated how the development provides for the treatment and disposal of sewage and other waste water in a way that will not cause environmental harm or pose a risk to public health;
- x. the applicant has not demonstrated the development does not compromise:
 - (A) the development of the road network in the area;
 - (B) the function or safety of the road network;

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- (C) the capacity of the road network.
- xi. the applicant has not demonstrated the upgrade works (whether trunk or non-trunk) necessary to:
 - (A) ensure the type or volume of traffic generated by the development does not have a negative impact on the external road network;
 - (B) ensure the orderly and efficient continuation of the active transport network;
 - (C) ensure the site frontage is constructed to a suitable urban standard generally in accordance with Planning scheme policy - Integrated design;
- xii. the applicant has not demonstrated how the development of the site for a local centre would minimise the bushfire risk or how safe and effective access for emergency services could be provided on site during a bushfire;
- xiii. the applicant has not demonstrated how development of the premises would avoid being located in the mapped High Value Area or how the ecological values, inclusive of habitat trees of the premises would be maintained and not lost or degraded;

Centre Zone Code

3. The proposed development is in conflict with the following parts of the centre zone code:

- (a) section **6.2.1.2(1), (2), (3), (4)(c) and (5) in that:**
 - i. **the applicant** has not demonstrated that the proposed development will provide for a mix of uses and activities having regard to the indicative site plan;
 - ii. the proposed development does not recognise, foster and encourage the development of vibrant, multi-functional centres that form a network within the region to provide a focus for community and social interaction, provide enhanced opportunities for land use and transport integration particularly in respect of active (pedestrian, bicycle) and public transport networks and provide an interesting and diverse mixed-use residential environment;
 - iii. the proposed development does not comply with Part 3, Strategic Framework;
 - iv. the proposed development is situated on premises which does not have good local accessibility, particularly active transport and act as a focal point and meeting place for the local community;
 - v. the applicant has not demonstrated the need for a scale of retail and commercial activities based on the indicative plan;
- (b) section **6.2.1.6.1 (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p) and (q), in that the applicant has not demonstrated the proposed development:**
 - i. can accommodate a Local centre of a size, scale and range of services to service with an appropriate local catchment as contemplated by *Table 6.2.1.1 Moreton Bay centres network* of the Planning Scheme;

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- ii. has an appropriate mix and scale of uses as contemplated for a Local centre;
- iii. will contribute to the mix and the co-location of compatible uses, in a compact urban form;
- iv. has an appropriate mix of land uses which may compromise the achievement of a compact urban form;
- v. can accommodate a development with a sufficient intensity and mix of land uses to support public transport, active transport, improve land efficiency and support centre facilities;
- vi. can mitigate unreasonable nuisance or annoyance resulting from, but not limited to; noise, and odour generated from the proposal on users adjacent to, or within the general vicinity of the site;
- vii. can mitigate the impacts of noise and light generated by the local centre on the adjoining residential (sensitive) uses;
- viii. can provide facilities, infrastructure and public realm improvements to support active transport usage and contribute to improved pedestrian connectivity and walkability between key destinations;
- ix. will be connected to the surrounding area and key destinations;
- x. will provide any streetscape improvements to the existing street network and in particular the indicative site plan shows an internalised shopping centre that does not contribute to an attractive and walkable street environment along Oakey Flat Road;
- xi. can provide pedestrian connections to integrate with the surrounding area of which the premises street frontages and the wider area are currently not provided with a pathway network to facilitate appropriate active transport movements;
- xii. can be connected to the established residential catchment;
- xiii. can provide a high quality civic and plaza spaces;
- xiv. which is situated on premises that can achieve a 'Main street' as defined by the Planning Scheme and as contemplated by Planning Scheme Policy PSP Neighborhood design, for a Future Local Centre on the site having regard to site's geographic location, adjoining Oakey Flat Road (a Council Arterial Road);
- xv. can achieve the desired character of the centre being attractive, active frontages as contemplated by the planning scheme and Planning Scheme Policy PSP - Centre and neighbourhood hub design due to sites location;
- xvi. would not would undermine the centres network within the Region;
- xvii. will provide a high standard of roads to meet and support the current and future users;
- xviii. will mitigate the impacts of noise and light generated by a local centre on adjoining premises;
- xix. will not impact on mapped High Value Area or how the ecological values, inclusive of habitat trees of the premises would be maintained and not lost or degraded.

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- (c) Section 6.2.1.6, table 6.2.1.6.1, PO1, PO2, PO6, PO7, PO24, PO40, PO42 and PO76, in that the:
- xx. The development proposal can accommodate a Local centre of a size, scale and range of services to service with an appropriate local catchment as contemplated by *Table 6.2.1.1 Moreton Bay centres network* of the Planning Scheme;
 - xxi. The development proposal has an appropriate mix and scale of uses as contemplated for a Local centre;
 - xxii. The application has not demonstrated that high quality civic and plaza spaces can be provided. The indicative site layout plan submitted with the application does not identify a high quality civic and plaza space.
 - xxiii. The development proposal is situated on premises that can not achieve a 'Main street' as defined by the Planning Scheme and as contemplated by Planning Scheme Policy PSP Neighborhood design, having regard to site's geographic location, adjoining Oakey Flat Road (a Council Arterial Road);
 - xxiv. The applicant has not demonstrated that the development proposal can achieve the desired character of the centre being attractive, active frontages as contemplated by the planning scheme and Planning Scheme Policy PSP - Centre and neighbourhood hub design due to sites location;
 - xxv. the applicant has not demonstrated how noise generated from the proposed development will not adversely affect existing or potential noise sensitive uses;
 - xxvi. the applicant has not demonstrated the development does not compromise:
 - (A) the development of the road network in the area;
 - (B) the function or safety of the road network;
 - (C) the capacity of the road network.
 - xxvii. the applicant has not demonstrated the upgrade works (whether trunk or non-trunk) necessary to:
 - (A) ensure the type or volume of traffic generated by the development does not have a negative impact on the external road network;
 - (B) ensure the orderly and efficient continuation of the active transport network;
 - (C) ensure the site frontage is constructed to a suitable urban standard generally in accordance with Planning scheme policy - Integrated design;
 - xxviii. the applicant has not demonstrated how development of the premises would avoid being located in the mapped High Value Area or how the ecological values, inclusive of habitat trees of the premises would be maintained and not lost or degraded;

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Submitter rights

4. Council is of the view that the development application in its current form does not provide the amount and detail of information sufficient for submitters:
- (a) to properly consider the effect the variations would have on submitter rights for the later development applications arising from any approval of the development application; and
 - (b) to be satisfied it would not be necessary for rights to extend further to later development applications arising from any approval of the development application.

Other relevant matters

5. Having regard to the conflict with the MBRC Planning Scheme, there are no 'other matters' which may warrant the giving of a decision notice approving the development application subject to conditions. In this regard, the Applicant has not demonstrated to the satisfaction of the Council that:
- (a) there is a town planning, community and economic need for the proposed development having regard to existing and approval local centres in the locality;
 - (b) the proposed development is consistent with the Council's centres network planning and strategy with respect to local centres;
 - (c) the subject premises is an appropriate site in the locality for the proposed development in terms of its convenient location and access for the public it will serve;
 - (d) the proposed development would improve choice, competition and convenience in retail and related facilities and would provide a community focal point in a convenient location;
 - (e) the proposed development will result in a more efficient use of existing infrastructure;
 - (f) approval of the proposed development will result in enhanced employment opportunities for local residents;
 - (g) the proposed development is not out of character with surrounding development/area;
 - (h) approval of the proposed development will satisfy a need, and assist in achieving the planning aims of the South East Queensland Regional Plan and the planning scheme, without any unacceptable amenity, infrastructure and centres hierarchy impacts;
 - (i) the proposed development in terms of its design and components will provide significant additional public benefits:
 - (i) the proposed development is well designed and will deliver a positive urban design outcome;
 - (ii) the proposed development will provide an active street frontage, outdoor dining opportunities and strong pedestrian connections;
 - (iii) the proposed development will deliver enhanced pedestrian and vehicular connectivity for the locality;

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- (j) the proposed development will therefore serve an important public service function in the locality;
- (k) the proposed development could be appropriately conditioned having regard to the level of detail provided in the common material.

B. That the following information be included in the Decision Notice:

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct
Relevant Period of Approval	Not Applicable - Refusal
IDAS Referral Agencies	Not Applicable
Submissions	20 properly made submissions

REPORT DETAIL

1. Background

On 9 May 2018, a prelodgement meeting (PRE/4491) was held to discuss a proposal for a Local Centre on the premises. At the prelodgement meeting Council advised that the development proposal would not be supported.

2. Explanation of Item

2.1 Proposal Details

The application seeks a Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct on land located at 285 & 293 Oakley Flat Road and 87 Burbury Road, Morayfield and described as Lot 8 RP 196576, Lot 2 RP 804516 and Lot 3 RP 804516.

It is proposed to vary the Moreton Bay Regional Council Planning Scheme to allow future development on the site to be assessed and decided against the provisions of the Centre zone, Local centre precinct, instead of the site's current zoning being Emerging community zone, Transition precinct. The intent of this application is to ultimately facilitate a future development application for a Local centre to be assessed and decided using Code Assessment procedures.

The variation request seeks to apply the assessment benchmarks as contained within the Moreton Bay Regional Council Planning Scheme as they relate to the Centre zone.

The applicant has submitted an indicative site layout plan to demonstrate how the site may be developed as part of the common material, however this indicative site layout plan does not form part of the variation request for which approval is sought.

2.2 Emerging community zone, Transition precinct

The Emerging community zone covers areas throughout the Moreton Bay Region that are not currently recognised or developed as urban environments but may be suitable for future urban uses over the next 10 to 20 years. As identified within the Strategic framework of the Planning Scheme, further integrated land use and infrastructure planning will be undertaken in the Morayfield South area. This further planning work will determine how the area can be developed efficiently to create a cohesive and sustainable urban community. Presently, this work has not been undertaken by Council.

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The purpose of the Emerging community zone, Transition precinct is to:

- (a) identify land that is suitable for urban purposes and conserve land that may be suitable for urban development in the future;
- (b) manage the timely conversion of non-urban land to urban purposes;
- (c) prevent or discourage development that is likely to compromise appropriate longer term land use;
- (d) provide mechanisms to promote and implement an appropriate mix of dwelling types, consistent with a Next Generation Neighbourhood across the Transition precinct once this land is developed and serviced with all local government networks including water and sewer and is suitable for urban development.

The subject site is not currently identified as suitable for urban development as detailed land use and infrastructure planning has not been completed for the Morayfield South growth area. The development proposal proposes to establish a framework for future development on the site which pre-empts structure planning to be carried out by the Council to identify land use and infrastructure planning for the Morayfield South growth area.

The subject site is outside the Priority Infrastructure Area (PIA) and necessary infrastructure to support its development for urban uses is not currently planned for. Existing infrastructure networks available to the subject site are not to an appropriate standard or capacity to support its development for urban uses. It is not possible to determine the longer-term land uses or infrastructure requirements, without undertaking the planning of the growth area over the full development horizon. On this basis, the development proposal makes more difficult the land use and infrastructure planning which is necessary for the provision of infrastructure required to support the appropriate land use outcomes for both the Morayfield South growth area and other anticipated development outside the Morayfield South growth area.

2.3 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	Emerging community zone, Transition precinct	Dwelling House, The adjoining land to the north (Lot 14 RP178819 and Lot 1 RP79449) is subject to development application DA/34873/2017/V3RL, which was refused by Council on 23 January 2018. The decision is currently subject to an appeal in the Planning and Environmental Court.
South	Emerging community zone, Transition precinct	Dwelling houses
East	Emerging community zone, Transition precinct	Oakey Flat Road, Dwelling houses
West	Emerging community zone, Transition precinct	Dwelling houses

2.4 Assessment and Deciding the Development Application

The applicant has made a development application which seeks a Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct on land located at 285 & 293 Oakey Flat Road and 87 Burbury Road, Morayfield and described as Lot 8 RP 196576, Lot 2 RP 804516 and Lot 3 RP 804516.

The Council has had regard to the applicable provisions of the *Planning Act 2016* and *Planning Regulation 2017* as part of carrying out and deciding the development application.

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2.5 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

2.5.1 *State Planning Policy*

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not Applicable
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
Yes	(4) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from <ul style="list-style-type: none"> (e) altered stormwater quality and hydrology (f) waste water (g) the creation or expansion of non-tidal artificial waterways (h) the release and mobilization of nutrients and sediments. 	As this application is seeking a Material Change of Use - Preliminary Approval (Variation Approval) and does not propose Gross Floor Area or authorise development to occur, a Stormwater Management plan was not required as part of the application. This application proposes to establish a

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	<p>(5) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(6) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	<p>framework for future development applications and water quality will be assessed as part of those future applications.</p>
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>(8) Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(9) 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>(10) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(11) 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>(12) 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>(13) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>The site is mapped as containing Medium potential bushfire intensity and potential impact buffer.</p> <p>As this application is seeking a Material Change of Use - Preliminary Approval (Variation Approval) and does not propose Gross Floor Area or authorize development to occur, a bushfire management plan was not required as part of this application. This application proposes to set a framework for future development applications and bushfire management will be assessed as part of future development applications.</p>
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

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2.5.2 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.

The development proposal does not require referral to the Chief executive under Schedule 10, Parts 15 and 16 of the *Planning Regulation 2017*.

2.6 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.

2.6.1 Strategic Framework

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework. The applicable Strategic Outcomes under the Themes for the planning scheme are discussed as follows:

Strategic Outcome	Complies	Assessment
3.5 Strong Communities		
<p>3.5.1 Strategic Outcomes - Healthy and safe communities</p> <p><i>Utilise the principles of urban design to promote healthy and safe communities.</i></p> <p>1. Sustainability and urban design principles and the standards of universal access and safety will be used to create built environments conducive to physical activity and public environments accessible by all people;</p> <p>2. Development and provision of infrastructure will help to deliver a healthy and safe built environment, encouraging healthy lifestyle choices;</p> <p>3. Appropriate consideration of social needs will occur for major new development; and</p> <p>4. Community facilities in appropriate locations will be available for emergency</p>	No	<p>The application does not comply with Strategic Outcome 3.5.1 in the following regard:</p> <p>i. The proposed development does not utilise the principles of urban design to create a built environment conducive to physical activity or provide public environments accessible to all people; and</p> <p>ii. The proposed development does not have or provide for the provision of infrastructure to deliver a healthy and safe built environment.</p>

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Strategic Outcome	Complies	Assessment
<p>purposes during and after natural disasters.</p>		
<p>3.5.3 Strategic Outcomes - Healthy and safe communities</p> <p><i>The built form contributes to a sense of place and identity.</i></p> <ol style="list-style-type: none"> 1. Sustainability and urban design principles will be used to promote vitality, enhance community safety, and create distinctive places; 2. 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; 3. Crime Prevention Through Environmental Design principles will be applied to the planning, design and delivery of development and infrastructure projects; and 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>No</p>	<p>The application does not comply with Strategic Outcome 3.5.3 in the following regard:</p> <ol style="list-style-type: none"> i. The application has not demonstrated that the proposed development will promote vitality, enhance community safety or create a distinctive place; and ii. The site's geographic location has the potential to restrict the ability to achieve attractive, high amenity public spaces. The indicative site layout plan submitted with the application does not demonstrate that a high quality public space would be provided.
<p>3.6 Settlement Pattern and Urban Form</p>		

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Strategic Outcome	Complies	Assessment
<p>3.6.1 Strategic Outcome - Compact urban form within the urban footprint</p> <p><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> <ul style="list-style-type: none"> a. limiting new urban development occurring outside the Urban Footprint to land in an Identified Growth Area and part of new master planned walkable and transit based neighbourhoods which are contiguous with existing neighbourhoods wherever possible; b. encouraging more intense development and a greater mix of uses at targeted locations within the Urban Footprint; c. 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 	<p>No</p>	<p>The application does not comply with Strategic Outcome 3.6.1 in the following regard:</p> <ul style="list-style-type: none"> i. The proposal does not integrate 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; ii. The site's geographic location, adjoining Oakley Flat Road (Council arterial road) may result in a development unable to achieve an active. The indicative site layout plan submitted with the application does not demonstrate a development with active frontages and street-fronting retail; and iii. The proposal does not provide superior transportation choices or otherwise reduce car use, particularly through supporting growth in targeted established urban areas and redevelopment in and around existing urban centres and along priority transit networks and other high-frequency transit corridors.

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Strategic Outcome	Complies	Assessment
<p>d. directing growth away from areas of higher risk of natural hazards, given that urban land allocations outside these areas are sufficient to accommodate growth beyond the life of the planning scheme.</p> <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> <p>3. Target growth in locations within the Urban Footprint in growth areas and in investigation areas that provide superior transportation choices or otherwise reduce car use, particularly through supporting growth in targeted established urban areas and redevelopment in and around existing urban centres and along priority transit networks and other high-frequency transit corridors;</p> <p>4. Within the Urban Footprint, Council will consolidate and maintain rural residential development in the identified rural residential areas in locations where this form of development will not compromise the orderly, progressive and efficient expansion of the urban area and its associated infrastructure networks.</p>		

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Strategic Outcome	Complies	Assessment
<p>5. Development in the Urban Footprint, in growth areas and in investigation areas protects agricultural land outside the Urban Footprint with the onus of buffering placed on land in the Urban Footprint, growth areas and in investigation areas.</p> <p>6. New industrial land uses are appropriately separated from sensitive land uses; and</p> <p>7. New development including sensitive land uses recognises existing industrial development and includes appropriate separation measures.</p>		
<p>3.6.2 Strategic Outcomes - Network of Centres</p> <p><i>A strong network of activity centres with well designed public and civic spaces, and active frontages that provide a focal point for compact, self-contained and diverse communities and convenient access to an appropriate mix of businesses, services, community facilities, recreation, entertainment and employment opportunities and provided with convenient access by a quality public transport and active transport system.</i></p> <p>1. Include a broad mix of land uses in activity centres appropriate to each centre's role and function in the network - higher order centres (principal and major regional activity centres), district and local centres - and structure them as mixed-use centres</p>	<p>No</p>	<p>The application does not comply with Strategic Outcome 3.6.2 in the following regard:</p> <ul style="list-style-type: none"> i. The proposal does not include a broad mix of land uses appropriate for a local centre and is otherwise not structured as a mixed-use centre in a predominantly main-street format to best serve the surrounding community; ii. The site's geographic location, adjoining Oakley Flat Road (a Council Arterial Road), would be unable to achieve a 'Main street' for a future local centre as defined by the Planning Scheme and as contemplated by Planning Scheme Policy PSP Neighbourhood design; iii. The site's geographic location, adjoining Oakley Flat Road (Council arterial road) may result in a development unable to achieve an active frontage and street fronting retail as contemplated by the Planning Scheme. The indicative site layout plan submitted with the application does not demonstrate a

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Strategic Outcome	Complies	Assessment
<p>in a predominantly main-street format to best serve their surrounding communities;</p> <p>6. Develop new viable local centres through possible new neighbourhood plans in appropriate locations in walkable neighbourhoods with street-fronting retail and non-retail commercial layouts instead of enclosed or parking-lot dominant retail formats;</p> <p>7. Provide activity centres with attractive, high-amenity public spaces at locations that encourage and support social interaction, casual meeting and healthy and active lifestyles;</p>		<p>development centered around a main street with an active frontage and street-fronting retail;</p> <p>iv. The application has not demonstrated the site is in a walkable location. The existing rural residential catchment is not conducive to a walkable neighbourhood by way of the established pattern of development. The application has not demonstrated how a future local centre would integrate with the surrounding rural residential area;</p> <p>v. The application has not demonstrated that a future Local centre would be viable in the proposed location having regard to existing, approved (inclusive of approved but not yet in effect) centres within the catchment; and</p> <p>vi. The site's geographic location has the potential to restrict the ability to achieve attractive, high amenity public spaces. The indicative site layout plan submitted with the application does not demonstrate that a high quality public space would be provided to support social interaction or casual meeting.</p>
<p>3.6.6 Strategic Outcomes - Growth Areas</p> <p><i>New master planned walkable neighbourhoods, activity centres and enterprise and employment areas served by public transport have a role to play in helping to accommodate regional dwelling and employment targets, and require comprehensive planning to coordinate future development with infrastructure delivery.</i></p> <p>1. New urban development will be supported in greenfield locations with available infrastructure</p>	<p>No</p>	<p>The application does not comply with Strategic Outcome 3.6.6 in the following regard:</p> <p>i. The proposed development is not supported in a greenfield location with available infrastructure capacity or where infrastructure capacity can be provided efficiently and cost effectively and without creating disadvantage to current and planned priority infrastructure areas;</p> <p>ii. The proposed development will compromise and constrain the efficient expansion of the infrastructure system and services required to service development and/or the corridors required for</p>

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Strategic Outcome	Complies	Assessment
<p>capacity or where infrastructure capacity can be provided efficiently and cost effectively and without creating disadvantage to current and planned priority infrastructure areas;</p> <p>2. New development and land use patterns that would compromise or constrain the efficient expansion of the infrastructure system and services required to service development and/or the corridors required for provision of infrastructure will be discouraged;</p> <p>3. Development within new greenfield developments and rural residential transition areas^(3.19) is to be designed and developed as part of a future transit based walkable neighbourhood and as such must provide pedestrian, cycle, local road, open space and waterway connectivity, within the neighbourhood and adjacent areas in accordance with the specific outcomes of the relevant place types;</p> <p>4. Urban development of greenfield areas^(3.20) will not be supported unless it is designed and developed as a series of transit based walkable neighbourhoods and with an appropriate network of centres, public spaces and pedestrian, cycle, local road, green infrastructure, within the neighbourhood and to adjacent areas in</p>		<p>provision of infrastructure will be discouraged;</p> <p>iii. The proposed development has not been designed and developed as part of a future transit based walkable neighbourhood and as such must provide pedestrian, cycle, local road, open space and waterway connectivity, within the neighbourhood and adjacent areas in accordance with the specific outcomes of the relevant place types;</p> <p>iv. The proposed development has not been designed and developed as a transit based walkable neighbourhood and with an appropriate network of public spaces and pedestrian, cycle, local road, green infrastructure, within the neighbourhood and to adjacent areas in accordance with the specific outcomes of the relevant place type;</p> <p>v. The proposed development will compromise the new "15 minute" walkable neighbourhoods which is designed to include a diversity of uses and employment opportunities at a minimum of 35 people and jobs per hectare to support viable public transport services and walkable communities and encourage active transport; and</p> <p>vi. The proposed development does not allow for pedestrian and cycle way networks and local road systems to be designed to maximise connectivity.</p>

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Strategic Outcome	Complies	Assessment
<p>accordance with the specific outcomes of the relevant place types and local plan strategies;</p> <p>5. New "15 minute" walkable neighbourhoods will include a diversity of uses and employment opportunities at a minimum of 35 people and jobs per hectare^(3.21) to support viable public transport services and walkable communities and encourage active transport. These new neighbourhoods will be designed around local centres and neighbourhood hubs and include a range of community facilities and services and public spaces required by the local community. A range of different housing types will be provided on a range of lot sizes. Pedestrian and cycle way networks and local road systems will be designed to maximise connectivity;</p> <p>6. Greenfield development sites will be designed to demonstrate best practice in community services, urban green infrastructure, communication, mobility, energy efficiency, water cycle management and waste management; and</p> <p>7. Urban development avoids areas of higher natural hazard risk and otherwise ensures development subject to natural hazards is compatible with the risk presented to protect</p>		

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Strategic Outcome	Complies	Assessment
people, property and infrastructure		
3.10 Integrated Transport		
<p>3.10.1 Strategic Outcome - Integrated transport and land-use planning</p> <p><i>Plan for a more compact settlement pattern and urban form to encourage sustainable travel patterns: reducing the need to make trips by any motorised form and to reduce the length of motorised trips.</i></p> <ol style="list-style-type: none"> 1. Support transit oriented communities at locations with high frequency public transport services and access to good quality and safe cycling and walking routes; 2. Sufficient infrastructure is provided to connect communities and increase self-containment in the region; 3. Reduce the length and reduce the frequency of car trips; 4. Reduce the length and increase the frequency of public transport trips; 5. Increase the length and increase the frequency of walking and cycling trips; 6. End of trip facilities are provided in public and private developments in activity centres to encourage walking and cycling; 7. Complementary land uses are provided in close proximity to each other, encouraging shorter trips and a higher level of linked trips (e.g. child-care facilities, open 	<p>No</p>	<p>The application does not comply with Strategic Outcome 3.10.1 in the following regard:</p> <ol style="list-style-type: none"> i. The proposed development does not demonstrate a compact settlement pattern and urban form to encourage sustainable travel patterns, reducing the need to make trips by any motorised form and reduce the length of motorised trips; ii. The application has not demonstrated that facilities, infrastructure and public realm improvements can be provided to support active transport usage; iii. The site is not in a walkable location and the surrounding area is not serviced by an active transport network. The site is outside of the Priority Infrastructure Area (PIA) under Council's Local Government Infrastructure Plan and improvements to the active transport network are not planned; iv. The site is not service by high frequency public transport services; and v. The site is located in a rural residential setting and is surrounded by rural residential style allotments containing Dwelling houses. The application has not demonstrated the proposal is in close proximity to complementary land uses which would encourage short trips or a higher level of linked trips.

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Strategic Outcome	Complies	Assessment
<p>space and shops located close to work-places) and providing opportunities for communal parking;</p> <p>8. Ensure new development is serviced with new public transport routes, facilities and high frequency services, including priority transit corridors, to establish improved mode share at an early stage; and</p> <p>9. Appropriate fauna management practices are implemented where necessary to protect wildlife.</p> <p>10. Appropriate measures are implemented where necessary to protect water quality in drinking water catchments.</p>		
<p>3.10.2 Strategic Outcome - Accessibility</p> <p><i>Ensure all people in the Region have access to a range of travel options that reflect their budget, their needs and their lifestyle.</i></p> <p>1. Residents in urban areas have access to a wide range of quality and affordable transport options;</p> <p>2. Support community focused transport services that connect rural communities to service centres;</p> <p>3. Ensure the planning and development of urban areas supports walking, cycling and public transport;</p> <p>4. Ensure remote or isolated communities are provided with resilient infrastructure</p>	<p>No</p>	<p>The application does not comply with Strategic Outcome 3.10.2 in the following regard:</p> <p>i. The site is not located in an urban area supported by quality and affordable transport options;</p> <p>ii. The site is not in a walkable location and the surrounding area is not serviced by an active transport network or Public Transport;</p> <p>iii. The site and the wider area are currently not provided with an active or public transport infrastructure to facilitate appropriate movements for people with a disability; and</p> <p>iv. The applicant has not demonstrated how the proposed development will be connected to key destinations including Brisbane City and Sunshine Coast via a regional public transport system.</p>

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Strategic Outcome	Complies	Assessment
<p>to ensure safe evacuation during natural disasters;</p> <p>5. Ensure access to community facilities or private facilities used by the public, public transport infrastructure, and footpaths are suitable for use for people with a disability; and</p> <p>6. Regional public transport systems connecting MBRC to the Sunshine Coast and to Brisbane City are improved to support the economic and lifestyle choices of residents of the region.</p>		
<p>3.10.4 Strategic Outcome - Safety and quality</p> <p><i>Influence sustainable travel behaviour by creating attractive places to walk and cycle.</i></p> <p>1. Provide good quality urban design to encourage Crime Prevention Through Environmental Design principles to improve the design quality of public space;</p> <p>2. Activate areas to encourage a sense of community, creating a feeling of safety and encouraging more people to walk;</p> <p>3. Pedestrian and cycle routes and associated infrastructure are well managed and maintained;</p> <p>4. Promote the health aspects of walking and cycling; and</p>		<p>The application does not comply with Strategic Outcome 3.10.4 in the following regard:</p> <p>i. The indicative site plan submitted with the application identifies the proposal is not designed to activate areas, to encourage a sense of community, create a feeling of safety or encourage more people to walk; and</p> <p>ii. The proposal does not provide for pedestrian and cycle routes and associated infrastructure to be well managed and maintained.</p>

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Strategic Outcome	Complies	Assessment
<p>5. Provide best practice design of the transport network to reduce accidents and improve safety, particularly related to pedestrians and cyclists.</p>		
<p>3.11 Infrastructure</p>		
<p>3.11.2 Strategic Outcome - Improved strategic planning and Infrastructure coordination</p> <p><i>Coordinate, prioritise and sequence infrastructure through strategic plans, programs, budgets and statutory planning.</i></p> <ol style="list-style-type: none"> 1. Develop a full suite of infrastructure planning strategies and implementation plans that are closely coordinated with State and Federal policies; 2. Develop detailed land use and infrastructure models to identify future infrastructure needs and whole of life costs; and 3. The Integrated Regional Infrastructure Strategy identifies both short and long term infrastructure projects required to service the growth scenario proposed in the new planning scheme overcoming constraints to future growth. 		<p>The application does not comply with Strategic Outcome 3.11.2 in the following regard:</p> <ol style="list-style-type: none"> i. The planning instruments and land use and infrastructure planning necessary to promote and implement a local centre have not been completed or adopted by Council. The subject site is not serviced with all local government networks to a standard or capacity which is suitable for urban development and the development proposal does not demonstrate that all local government networks can be provided to the proposed local centre in accordance with the appropriate standards and required capacity.
<p>3.13.2 Element - Caboolture planning area, 3.13.2.4 Specific Outcomes</p>		
<p><u>3.13.2.4.1 Land use strategy</u></p> <ol style="list-style-type: none"> (a) Further investigation and planning of these areas is required to coordinate and integrate land use and infrastructure in the context of the outcomes 	<p>No</p>	<p>The application does not comply with Strategic Outcome 3.13.2.4.1(a) in the following regard:</p> <ol style="list-style-type: none"> i. The subject site is outside the PIA and the necessary infrastructure to support its development for urban uses is not currently planned for.

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Strategic Outcome	Complies	Assessment
<p>Council is seeking to achieve in the Caboolture planning area.</p>		<p>Existing infrastructure networks available to the subject site are not to an appropriate standard or capacity to support its development for urban uses;</p> <p>ii. It is not possible to determine the longer-term land uses or infrastructure requirements, without undertaking the planning of the growth area over the full development horizon. On this basis, the development proposal makes more difficult the land use and infrastructure planning which is necessary for the provision of infrastructure required to support the appropriate land use outcomes for both the Morayfield South growth area and other anticipated development outside the Morayfield South growth area; and</p> <p>iii. The information submitted as part of the development application has not adequately addressed the infrastructure deficiencies necessary for development of the Morayfield South growth area for urban purposes.</p>
<p>3.13.2.4(5)</p> <p>Next generation and urban neighbourhoods at Morayfield, Burpengary, north of Caboolture and Caboolture West will be developed as well planned and attractive new residential neighbourhoods providing a diverse range of residential opportunities at densities that support the provision of community facilities and services and viable local centres.</p> <p>The local centres will generally be located on central intersections with good accessibility and visibility, in locations that support active transport and a network of well-connected and attractive streets and open spaces within the</p>	<p>No</p>	<p>The application does not comply with Strategic Outcome 3.13.2.4.5 in the following regard:</p> <p>i. The site is not located in the indicative location for a new local centre in Morayfield south as shown on map 3.13;</p> <p>ii. There is an approved Material Change of Use - Preliminary Approval to vary the effect of the Caboolture ShirePlan to permit development in accordance with the modified assessment table for the Local Centre zone (Council reference DA/30694/2015/V2K), located in the indicative location for a new centre as shown on map 3.13</p> <p>iii. It is identified that Excelsior Park Village is located 750 meters to the south of the subject site. Excelsior</p>

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Strategic Outcome	Complies	Assessment
<p>neighbourhoods. An indicative location for a new local centre in Morayfield south is shown on map 3.13. A new local centre or neighbourhood hub is to establish in this location. Any additional local centres or neighbourhood hubs in this area must maintain an appropriate separation distance to ensure catchment overlap does not occur;</p>		<p>Park Village contains limited retail tenancies including an IGA Express food store of approximately 200m² as well as Liquor land and sunflower Bakery and Café; and</p> <p>iv. The application has not demonstrated that a future Local centre would be viable in the proposed location having regard to existing, approved (inclusive of approved but not yet in effect) centres within the catchment.</p>
<p>3.13.2.4.8 Specific Outcomes – Settlement Pattern</p> <p><u>3.13.2.4.5 Land use strategy</u></p> <p>a. The emerging community of Morayfield South will provide for land to be available for urban development during the life of the planning scheme. Limited infrastructure network planning has been done for the identified area and it will not be included within the priority infrastructure area. It is not serviced by all local government networks including water and sewerage.</p> <p>b. Development of the identified area will be subject to bring forward costs and will not be subject to any infrastructure offsets.</p> <p>c. Interim development in this area does not fragment, pre-empt or compromise the potential development of rural residential areas for urban purposes beyond the life of the planning scheme.</p> <p>d. Further integrated land use and infrastructure planning will be undertaken in the Morayfield South area. This further planning work will determine how the area can be developed efficiently to create a cohesive and</p>	<p>No</p>	<p>The application does not comply with Strategic Outcome 3.13.2.4.8 in the following regard:</p> <p>i. The detailed land use and infrastructure planning has not been completed for the Morayfield South growth area and it is premature for a development proposal to implement an ultimate development in the absence of detailed land use and infrastructure planning for the growth area;</p> <p>ii. The development proposal is not for an interim use and in any event without detailed land use and infrastructure planning it is not possible to ascertain whether the proposed development is compromising or making more difficult the form of the land use and infrastructure planning for the growth area.</p> <p>iii. The development proposal will fragment, pre-empt or compromise the potential development of rural residential areas for urban purposes beyond the life of the planning scheme; and</p> <p>iv. further integrated land use and infrastructure planning has not been undertaken in the Morayfield South area and this further planning work will determine how the area can be developed efficiently to create a</p>

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Strategic Outcome	Complies	Assessment
sustainable urban community.		cohesive and sustainable urban community.
3.14 MBRC Place Model (Next generation neighbourhood)		
<p>3.14.1.8 Strategic Outcome - Next generation neighbourhood place type</p> <p>1. These are selected formerly suburban areas, greenfield and rural residential transition areas close to Urban neighbourhoods and Activity centres that have the capability and capacity to be developed;</p> <p>2. The place type will provide a greater range of housing choice, but still predominately detached housing, and more local employment opportunities, services and facilities than Suburban neighbourhoods; and</p> <p>3. These areas have an interconnected street and active transport network that provides modal choice and convenient access to services and facilities within the neighbourhood.</p>	No	<p>The application does not comply with Strategic Outcome 3.14.1.8 in the following regard:</p> <p>i. The development proposal does not provide range of housing choice;</p> <p>ii. The indicative site layout plan submitted as part of the application has not demonstrated an appropriate mix and scale of use as contemplated for a Local centre as identified in <i>Table 6.2.1.1 Moreton Bay centres network</i> of the Planning Scheme. Therefore, the proposal does not provide for the employment opportunities, services and facilities required for a local centre in a Next generation neighbourhood place type; and</p> <p>iii. The development proposal is not appropriately designed to have an interconnected street and active transport network that provides modal choice and convenient access to services and facilities within a neighbourhood.</p>
<p>3.14.9.4 Specific Outcomes - Settlement pattern and urban form</p> <p>6. At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient locations for local centres and neighbourhood hubs are on main through streets or on central intersections and within a 15 minute walking</p>	No	<p>The application does not comply with Specific Outcome 3.14.9.4 in the following regard:</p> <p>i. Within the catchment to which the site is located, there is an approved Material Change of Use - Preliminary Approval to vary the effect of the superseded Caboolture ShirePlan to permit development in accordance with the modified assessment table for the Local Centre zone (Council reference DA/30694/2015/V2K), located at 192 Oakley Flat Road Morayfield,</p>

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Strategic Outcome	Complies	Assessment
<p>distance and responsive to active transport;</p> <p>7. Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:</p> <ul style="list-style-type: none"> a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities; b. it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node; c. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses; d. a new local centre or neighbourhood hub is to service an unserved catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood; e. they are appropriately designed to have high quality urban design outcomes 		<p>(Lot 15 RP196983) approximately 600m north of the site.</p> <p>It is also identified that Excelsior Park Village is located 750 meters to the south of the subject site. Excelsior Park Village contains limited retail tenancies including an IGA Express food store of approximately 200m² as well as Liquor land and sunflower Bakery and Café.</p> <p>Combined, the approved Centre at Lot 192 Oakey Flat Road and Excelsior Park Village would service a 15 minute walkable catchment for the surrounding area, including the subject site.</p> <ul style="list-style-type: none"> ii. The site proposed to accommodate a future Local centre is not located on a central intersection, would not form a main street and is not responsive to active transport. The site proposed to accommodate a future Local centre is not responsive to active transport uses as a result of the road hierarchy, established pattern of development and absence of pathway network in proximity to the site. iii. The existing development approval for a Local centre at 192 Oakey Flat Road, Morayfield establishes a 15 minute walkable neighbourhood to service the residential population of the Morayfield South area, which includes the subject site. iv. The indicative site layout plan submitted with the application does not demonstrate that a high quality design would be provided, as contemplated by the Planning Scheme
<p>3.14.9.6 Specific Outcomes - Integrated transport</p> <p>1. Next generation neighbourhoods have a well-connected, permeable,</p>		<p>The application does not comply with Specific Outcome 3.14.9.6 in the following regard:</p> <ul style="list-style-type: none"> i. The site is located in a rural residential setting and is surrounded

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Strategic Outcome	Complies	Assessment
<p>legible and grid-like network of streets and active transport linkages that provide direct and easily understood choices of routes to walk, cycle, take public transport and drive to multiple destinations within the neighbourhood. Cul-de-sacs are not the dominant form of street network;</p> <p>2. The active transport network is integrated with public transport infrastructure so that all homes are within 400metres of a bus stop; and</p> <p>3. Local centres, local concentrations of employment and other local attractors are within 15 minutes of all residents by walking, cycling or public transport.</p>		<p>by rural residential style allotments. As such, the proposed development is not surrounded by a well-connected, permeable, legible and grid-like network of streets and active transport linkages that provide direct and easily understood choices of routes to walk, cycle, take public transport and drive to multiple destinations within the neighbourhood.</p> <p>ii. The site is not surrounded by nor does it create an active transport network that is integrated with public transport infrastructure so that the proposed development and all homes in the area are within 400 metres of a bus stop; and</p> <p>iii. The proposal does not demonstrate that it is conveniently located within 15 minutes of all residents by walking, cycling or public transport.</p>
<p>3.14.9.7 Specific Outcomes - Infrastructure</p> <p>1.Next generation neighbourhoods have the level of service of infrastructure provision necessary to support growth, increased intensity of activity and adaptation to change over time and to create a safe and attractive public realm; and</p> <p>2.Next generation neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.</p>	<p>No</p>	<p>The application does not comply with Specific Outcome 3.14.9.7 in the following regard:</p> <p>i. The subject site is outside the PIA and the necessary infrastructure to support its development for urban uses is not currently planned for. Existing infrastructure networks available to the subject site are not to an appropriate standard or capacity to support growth and increased intensity of activity.</p>

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2.6.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
Emerging community zone, Transition precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1, PO5, PO6, PO10, PO16, PO17, PO18, PO24, PO28, PO30 PO73 and PO77
Centre zone code, Local centre precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1, PO2, PO6, PO7, PO24, PO40, PO42 and PO76

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

2.6.3 Performance Outcome Assessment

Performance Outcome	Example
Emerging community zone code, Transition precinct, developable lot	
PO1 The site is a developable lot that is not serviced with all local government networks including water and sewer	No example provided.
<i>Performance Outcome Assessment</i>	
The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. To facilitate a local centre on the premises, the site would need to be provided with infrastructure and services (including reticulated water and sewer, stormwater, dedicated roads and electricity) of a standard and capacity required for the proposed development. As such, the development proposal does not meet the requirements of Performance Outcome PO1. As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.	
PO5 The height of buildings and structures:	E5

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Performance Outcome	Example
<ul style="list-style-type: none"> a. is consistent with the existing low rise, open area and low density character and amenity of the Interim precinct; b. does not unduly impact on access to daylight, sunlight, overshadowing or privacy experienced by adjoining premises. 	<p>Unless otherwise specified in this code, the height of all buildings and structures does not exceed 5m.</p>
<i>Performance Outcome Assessment</i>	
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The application has not demonstrated that a development of a Local centre on the premises is consistent with the existing low rise open space and low density character of the area. The submitted indicative site plan shows that the proposal would not be consistent low density character of the area. Furthermore, the application has not demonstrated that the development of a local centre would not unduly impact on the privacy experienced by adjoining premises.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	
<p>PO6</p> <p>Buildings and structures are setback to:</p> <ul style="list-style-type: none"> a. be consistent with the semi-rural character of the area; b. result in development not being visually dominant or overbearing with respect on adjoining properties; c. maintain the privacy of adjoining. 	<p>E6</p> <p>Unless specified elsewhere in the zone code, the minimum setback from a boundary is as follows:</p> <ul style="list-style-type: none"> a. Front boundary – 6m; b. Side boundary – 4.5m; c. Rear boundary – 4.5m.
<i>Performance Outcome Assessment</i>	
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The application has not demonstrated that a development of a Local centre on the premises can be setback to be consistent with the semi-rural character of the area. The submitted indicative site plan shows that the proposal would be visually dominant with respect to adjoining properties and would unduly impact on the privacy experienced by adjoining premises.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	
<p>PO10</p>	<p>No example provided</p>

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Performance Outcome	Example
<p>The amenity of the area and adjacent sensitive land uses are protected from the impacts of dust, odour, noise, light, chemicals and other environmental nuisances.</p>	
<i>Performance Outcome Assessment</i>	
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The application has not demonstrated how the impacts of environmental nuisance, including noise and light generated by the development of a local centre on the premises would be mitigated to ensure the activities do not cause a nuisance to adjoining properties.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	
<p>PO16</p> <p>Stormwater generated on-site is treated and disposed of in an acceptable manner to mitigate any impacts on soil, surface water or ground water quality. Development resulting in the degradation of soil, surface water or ground water quality is avoided.</p>	<p>E16</p> <p>All concentrated animal use areas (e.g. Sheds, pens, holding yards, stables, kennels and other animal enclosures) are provided with site drainage to ensure all run-off is directed to suitable detention basins, filtration or other treatment areas.</p>
<i>Performance Outcome Assessment</i>	
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The applicant has not demonstrated how stormwater generated on-site is treated and disposed of in an acceptable manner to mitigate any impacts on soil, surface water or ground water quality and how future development will not result in the degradation of soil, surface water or ground water quality is avoided;</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct is required.</p>	
<p>PO17</p> <p>Traffic generation, vehicle movement and on-site car parking associated with an activity:</p> <p>a. provides safe, convenient and accessible access for vehicles and pedestrians;</p>	<p>E17</p> <p>On-site car parking is provided in accordance with Schedule 7 - Car parking.</p>

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Performance Outcome	Example
<ul style="list-style-type: none"> b. provides safe and convenient on-site parking and manoeuvring to meet anticipated parking demand; c. is appropriate to the road classification and carrying capacity of the local network and able to meet the additional demands generated by the development; and d. does not result adverse impacts on the efficient and safe functioning of the road network. 	
<p>The development triggers an Integrated Transport Assessment (ITA) as identified within Planning Scheme Policy - Integrated transport assessment. An ITA is required to address the traffic volume generated by the future development and access onto an arterial road. The ITA would also identify access locations and configuration, car parking requirements, land dedication triggered by frontage road upgrades and intersection works necessitated by the development traffic. The applicant has not submitted an ITA for Council assessment and compliance with the Performance Outcome has not been demonstrated.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct is required.</p>	
<p>PO18</p> <p>Noise generating uses do not adversely affect existing or potential noise sensitive uses. Noise is to be mitigated in accordance with Planning scheme policy - Noise.</p>	<p>No example provided</p>
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The applicant has not submitted an acoustic assessment report to demonstrate how the impacts of noise generating uses from the proposed development would be mitigated to ensure the activities will not adversely affect existing or potential noise sensitive uses.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	
<p>PO24</p> <p>The development provides for the treatment and disposal of sewage and other waste water in a way that will not cause environmental harm or pose a risk to public health.</p>	<p>E24.2</p> <p>Where not in a sewerage area, the development is serviced by an appropriate on-site sewerage facility.</p>

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Performance Outcome	Example
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The applicant has not demonstrated how the development provides for the treatment and disposal of sewage and other waste water in a way that will not cause environmental harm or pose a risk to public health.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	
<p>PO28</p> <p>The layout of the development does not compromise:</p> <ul style="list-style-type: none"> a. the development of the road network in the area; b. the function or safety of the road network; c. the capacity of the road network. 	<p>E28.1</p> <p>The development provides for the extension of the road network in the area in accordance with Council's road network planning.</p> <p>E28.2</p> <p>The development does not compromise future road widening of frontage roads in accordance with the relevant standard and Council's road planning.</p>
<p>Oakey Flat Road is classified as an arterial road under the MBRC planning scheme. It is anticipated that Oakey Flat Road will require additional reserve width to a minimum 35m (currently 30m) and this does not take into account localised widening for intersection turn lanes or fill batters. This will impact upon the premises Oakey Flat Road frontage. The applicant has not demonstrated compliance with Performance Outcome PO40 a.</p> <p>The development application proposes a Contemporary Residential road located on the southern boundary of the adjoining properties to the north - being Lot 1 RP79449 & Lot 14 RP178819 - that would ultimately connect Robbs Road to the east with J Dobson Road to the west. This road alignment is not in accordance with the Council's current planning which locates the connecting road along the northern property boundary of the premises.</p> <p>The future Robbs Road extension will create an intersection with Oakey Flat Road on the developments northern boundary. Road planning has not progressed to the point where the impact upon the development including road dedication and access constraints can be determined. The applicant has not demonstrated compliance with Performance Outcome PO40 a and b.</p> <p>The development triggers an Integrated Transport Assessment (ITA) as identified within Planning Scheme Policy - Integrated transport assessment. An ITA is required to address the traffic volume generated by the future development and access onto an arterial road. The ITA would also identify access locations and configuration, land dedication triggered by frontage road upgrades and intersection works necessitated by the development traffic. The applicant</p>	

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Performance Outcome	Example
<p>has not submitted an ITA for Council assessment and compliance with the Performance Outcome b & c has not been demonstrated.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	
<p>PO30</p> <p>Upgrade works (whether trunk or non-trunk) are provided where necessary to:</p> <ul style="list-style-type: none"> a. ensure the type or volume of traffic generated by the development does not have a negative impact on the external road network; b. ensure the orderly and efficient continuation of the active transport network; c. ensure the site frontage is constructed to a suitable urban standard generally in accordance with Planning scheme policy - Integrated design. 	<p>No example provided.</p>
<p>The development triggers an Integrated Transport Assessment (ITA) as identified within Planning Scheme Policy - Integrated transport assessment. An ITA is required to address the traffic volume generated by the future development and access onto an arterial road. The ITA would also identify access locations and configuration, land dedication triggered by frontage road upgrades and intersection works necessitated by the development traffic. The applicant has not submitted an ITA for Council assessment and compliance with the Performance Outcome has not been demonstrated</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	
<p>PO73</p> <p>Development:</p> <ul style="list-style-type: none"> a. minimises the number of buildings and people working and living on a site exposed to bushfire risk; b. ensures the protection of life during the passage of a fire front; c. is located and designed to increase the chance of survival of buildings and structures during a bushfire; d. minimises bushfire risk from build up of fuels around buildings and structures; e. ensure safe and effective access for emergency services during a bushfire. 	<p>E73.2</p> <p>Buildings and structures have contained within the site:</p> <ul style="list-style-type: none"> a. a separation from classified vegetation of 20m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or fire fighting water supply of no more than 29, whichever is the greater; b. a separation from low threat vegetation of 10m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or fire fighting

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Performance Outcome	Example
	<p>water supply of no more than 29, whichever is the greater;</p> <ul style="list-style-type: none"> c. a separation of no less than 10m between a fire fighting water supply extraction point and any classified vegetation, buildings and other roofed structures; d. an area suitable for a standard fire fighting appliance to stand within 3m of a fire fighting water supply extraction point; and e. an access path suitable for use by a standard fire fighting appliance having a formed width of at least 4m, a cross-fall of no greater than 5%, and a longitudinal gradient of no greater than 25%: <ul style="list-style-type: none"> i. to, and around, each building and other roofed structure; and ii. to each fire fighting water supply extraction point
<i>Performance Outcome Assessment</i>	
<p>It is identified that portion of Lot 2 RP804516 is mapped as being within a High Potential Bushfire Intensity Area under overlay map - Bushfire Hazard.</p> <p>The indicative site layout plan submitted as part of the application shows the development footprint over the mapped Bushfire Hazard Area. The application has not demonstrated how the development of the site for a local centre would minimise the bushfire risk or how safe and effective access for emergency services could be provided on site during a bushfire.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	
<p>PO77 Development avoids locating in a High Value Area or a Value Offset Area. Where it is not practicable or reasonable for development to avoid establishing in these areas, development must ensure that:</p> <ul style="list-style-type: none"> a. the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area is maintained and not lost or degraded; b. on-site mitigation measures, mechanisms or processes are in place demonstrating the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area are maintained. For example, this can be achieved through replacement, restoration or rehabilitation planting as part of any 	<p>No example provided.</p>

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Performance Outcome	Example
proposed covenant, the development of a Vegetation Management Plan, a Fauna Management Plan, and any other on-site mitigation options identified in the Planning scheme policy - Environmental areas*.	
<i>Performance Outcome Assessment</i>	
<p>It is identified that portion of the southern boundary of Lot 3 RP804516 is mapped as being within a High Value Area under overlay map - environmental areas.</p> <p>The application has not demonstrated how development of the site would avoid locating in the mapped High Value Area or how the ecological values, inclusive of habitat trees of the site would be maintained and not lost or degraded. Furthermore, it is noted the indicative site layout plan submitted as part of the common material shows the development footprint over the mapped High Value Area.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	

Performance Outcome	Example
Centre zone code, Local centre precinct	
<p>PO1 Development in the Local centre precinct is of a size, scale, range of services commensurate with the role and function of this precinct within the centres network.</p> <p>Note - Refer to Moreton Bay centres network Table 6.2.1.1</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The applicant has not demonstrated that the site can accommodate a Local centre of a size, scale and range of services to service with an appropriate local catchment as contemplated by <i>Table 6.2.1.1 Moreton Bay centres network</i> of the Planning Scheme. Furthermore, the indicative site layout plan submitted as part of the common material has not demonstrated an appropriate mix and scale of use as contemplated for a Local centre.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	
<p>PO2 Development addresses and activates streets and public spaces by:</p> <p>a. establishing and maintaining interaction, pedestrian activity and casual surveillance through appropriate land uses and building design (e.g. the use of windows or glazing</p>	<p>E2.1 Development addresses the street frontage.</p> <p>E2.2 New buildings and extensions are built to the street alignment</p>

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Performance Outcome	Example
<p>and avoiding blank walls with the use of sleeving);</p> <p>b. ensuring buildings and individual tenancies address street frontages and other areas of pedestrian movement;</p> <p>c. new buildings adjoin or are within 3m of a primary street frontage, civic space or public open space;</p> <p>d. locating car parking areas behind or under buildings to not dominate the street environment;</p> <p>e. providing visual interest to the façade (e.g. windows or glazing, variation in colours, materials, finishes, articulation, recesses or projections);</p> <p>f. establishing or maintaining human scale.</p>	<p>E2.3 At-grade car parking:</p> <ul style="list-style-type: none"> a. does not adjoin a main street or a corner; b. where at-grade car parking adjoins a street (other than a main street) or civic space it does not take up more than 40% of the length of the street frontage. <p>E2.4 Development on corner lots:</p> <ul style="list-style-type: none"> a. addresses both street frontages; b. expresses strong visual elements, including feature building entries. <p>E2.5 Development incorporates active uses adjacent to a street frontage, civic spaces, public open space or pedestrian thoroughfare.</p> <p>E2.6 The front facade of the building:</p> <ul style="list-style-type: none"> a. is made up of a minimum of 50% windows or glazing between a height of 1m and 2m; b. the minimum area of window or glazing is to remain uncovered and free of signage. <p>E2.7 Individual tenancies do not exceed a frontage length of 20m.</p> <p>E2.8 Large format retail uses (e.g. showroom, supermarket or discount department store) are sleeved by smaller tenancies (e.g. retail and similar uses).</p>
<i>Performance Outcome Assessment</i>	
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The application has not demonstrated that a development of a Local centre can address and activate the street frontage and public spaces, establish and maintain interaction, pedestrian activity and casual surveillance through appropriate building design. The site's geographic location, adjoining Oakey Flat Road (a Council Arterial Road) would be unable to achieve a 'Main street' for a future local centre as defined by the Planning Scheme and as contemplated by Planning Scheme Policy PSP Neighbourhood design.</p>	

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Performance Outcome	Example
<p>The indicative site plan submitted with the application shows an internalised shopping centre that does not appropriately address or activate the street frontage and does not facilitate pedestrian interaction. Furthermore, the indicative site plan identifies that the development proposal would not achieve an attractive, high amenity public spaces to foster social interaction.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	
<p>PO6</p> <p>Developments incorporating a gross leasable area greater than 3,000m² include a public plaza on-site, that:</p> <ul style="list-style-type: none"> a. is integrated with adjacent development, in relation to built form, streetscape, landscaping and the street and pedestrian network; b. is directly accessible from adjacent development or tenancies and is easily and conveniently accessible to the public; c. is of a sufficient size and dimensions to cater for passive recreation activities (e.g. alfresco dining and temporary activities etc); d. includes greening (e.g. Landscaping, planter boxes, street trees etc) that contributes to the identity of the centre; e. is lit and has adequate signage for way finding, ensuring adjoining and near by residential uses are not impacted by 'overspill'; f. is designed to achieve CPTED principles e.g. visible at all times. 	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The application has not demonstrated that high quality civic and public plaza spaces can be provided on site. The indicative site layout plan submitted with the application does not identify a high quality civic and public plaza space.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	
<p>PO7</p> <p>Development contributes to an attractive and walkable street environment through the provision of streetscape features (e.g. footpaths, lighting, bins, furniture, landscaping, pedestrian</p>	<p>No example provided.</p>

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Performance Outcome	Example
crossings etc), as outlined in Planning scheme policy - Integrated design.	
<i>Performance Outcome Assessment</i>	
<p>The application has not demonstrated a future development for a Local centre would contribute to an attractive walkable street environment. The existing residential catchment is not conducive to a walkable neighbourhood by way of the established pattern of development.</p> <p>The application has not demonstrated how a future local centre would integrate with the surrounding area. The indicative site plan submitted with the application shows that the proposal does not propose any streetscape improvements to the existing street network. The submitted indicative site plan also shows an internalised shopping centre that does not contribute to an attractive and walkable street environment along Oakey Flat Road.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	
<p>PO24</p> <p>Noise generating uses do not adversely affect existing or potential noise sensitive uses.</p>	No example provided
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The applicant has not submitted an acoustic assessment report to demonstrate how the impacts of noise generating uses from the proposed development would be mitigated to ensure the activities will not adversely affect existing or potential noise sensitive uses.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	
<p>PO40</p> <p>The layout of the development does not compromise:</p> <ol style="list-style-type: none"> a. the development of the road network in the area; b. the function or safety of the road network; c. the capacity of the road network. <p>Note - The road hierarchy is mapped on Overlay map - Road hierarchy</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>Oakey Flat Road is classified as an arterial road under the MBRC planning scheme. It is anticipated that Oakey Flat Road will require additional reserve width to a minimum 35m (currently 30m) and this does not take into account localised widening for intersection turn lanes or fill batters. This will impact upon the premises Oakey Flat Road frontage. The applicant has not demonstrated compliance with Performance Outcome PO40a.</p>	

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Performance Outcome	Example
<p>The development application proposes a Contemporary Residential road located on the southern boundary of the adjoining properties to the north - being Lot 1 RP79449 & Lot 14 RP178819 - that would ultimately connect Robbs Road to the east with J Dobson Road to the west. This road alignment is not in accordance with the Council's current planning which locates the connecting road along the northern property boundary of the subject site.</p> <p>The future Robbs Road extension will create an intersection with Oakley Flat Road on the developments northern boundary. Road planning has not progressed to the point where the impact upon the development including road dedication and access constraints can be determined. The applicant has not demonstrated compliance with Performance Outcome PO40a and b.</p> <p>The development triggers an Integrated Transport Assessment (ITA) as identified within Planning Scheme Policy - Integrated transport assessment. An ITA is required to address the traffic volume generated by the future development and access onto an arterial road. The ITA would also identify access locations and configuration, land dedication triggered by frontage road upgrades and intersection works necessitated by the development traffic. The applicant has not submitted an ITA for Council assessment and compliance with the Performance Outcome b & c has not been demonstrated.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	
<p>PO42</p> <p>Upgrade works (whether trunk or non-trunk) are provided where necessary to:</p> <ul style="list-style-type: none"> a. ensure the type or volume of traffic generated by the development does not have a negative impact on the external road network; b. ensure the orderly and efficient continuation of the active transport network; c. ensure the site frontage is constructed to a suitable urban standard generally in accordance with Planning scheme policy - Integrated design. 	<p>No example provided.</p>
<p>The development triggers an Integrated Transport Assessment (ITA) as identified within Planning Scheme Policy - Integrated transport assessment. An ITA is required to address the traffic volume generated by the future development and access onto an arterial road. The ITA would also identify access locations and configuration, land dedication triggered by frontage road upgrades and intersection works necessitated by the development traffic. The applicant has not submitted an ITA for Council assessment and compliance with the Performance Outcome has not been demonstrated</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Emerging community zone code, Transition precinct (developable lot) is required.</p>	

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Performance Outcome	Example
<p>PO76 Development avoids locating in a High Value Area or a Value Offset Area. Where it is not practicable or reasonable for development to avoid establishing in these areas, development must ensure that:</p> <ul style="list-style-type: none"> a. the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area is maintained and not lost or degraded; b. on-site mitigation measures, mechanisms or processes are in place demonstrating the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area are maintained. For example, this can be achieved through replacement, restoration or rehabilitation planting as part of any proposed covenant, the development of a Vegetation Management Plan, a Fauna Management Plan, and any other on-site mitigation options identified in the Planning scheme policy - Environmental areas*. 	No example provided.
<i>Performance Outcome Assessment</i>	
<p>It is identified that a portion of the southern boundary of Lot 3 RP804516 (subject site) is mapped as being within a High Value Area under Overlay Map - Environmental areas. The application has not demonstrated how the development of the site would avoid locating in the mapped High Value Area or how the ecological values, inclusive of habitat trees of the site would be maintained and not lost or degraded. Furthermore, it is noted the indicative site layout plan submitted with the application shows the development footprint over the mapped High Value Area.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	

2.6.4 Overall Outcome Assessment

The proposal is subject to Impact Assessment and an assessment against the applicable Overall Outcomes of the Emerging community zone code, Transition precinct and Centre zone code, Local centre precinct as follows:

6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot		
Overall Outcomes	Complies Y/N	Comments
a. For interim uses development only occurs on a developable lot that is not serviced by all local government networks including water and sewer.	N/A	The development proposal is not for an interim use. The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a

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6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot		
Overall Outcomes	Complies Y/N	Comments
		future development application for a Local centre.
b. Development is to maintain a semi-rural character until such time as availability and provision of infrastructure is delivered and relevant site specific constraints are resolved.	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The development is inconsistent with Overall Outcome b. as the proposed conversion of semi-rural land to urban purposes is premature, as the subject site is located outside the PIA and the necessary infrastructure to support the conversion is not currently planned. Further it is identified that the existing infrastructure networks are not to an appropriate standard or capacity to support the conversion.</p>
<p>c. Interim uses are appropriate in this precinct where they:</p> <ul style="list-style-type: none"> i. would be compatible with the existing semi-rural character and urban uses; ii. would not prejudice or delay the development of the site and adjoining areas; iii. are low intensity in nature and characterised by low investment in buildings and infrastructure relative to the value of the site. 	N/A	The development proposal is not for an interim use. The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.
d. Residential activities consist of detached dwelling houses or caretaker's accommodation, predominantly on large lots	N/A	The development proposal is not for residential activities. The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.

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6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot		
Overall Outcomes	Complies Y/N	Comments
e. The character and scale of dwelling houses are compatible with the intended character for the precinct.	N/A	The development proposal is not for dwelling houses. The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.
f. Secondary dwellings associated with a principal dwelling, remaining subordinate and ancillary to the principal dwelling to retain the low density, low intensity, residential form of a dwelling house	N/A	The development proposal is not for secondary dwellings. The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.
g. Garages, car ports and domestic outbuildings remain subordinate and ancillary to the principal dwelling and are located and designed to reduce amenity impacts on the streetscape and adjoining properties.	N/A	The development proposal is not for garages, car ports or domestic outbuildings. The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.
h. Dwelling houses are designed to add visual interest and contribute to an attractive streetscape and public realm.	N/A	The development proposal is not for dwelling houses. The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.
i. Dwelling houses are provided with infrastructure and services at a level suitable for the area as a transition precinct.	N/A	The development proposal is not for dwelling houses. The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.
j. Dwelling houses are responsive to the lot shape, dimensions and topographic features.	N/A	The development proposal is not for dwelling houses. The application is seeking a variation request to allow

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6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot		
Overall Outcomes	Complies Y/N	Comments
		land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.
k. Non-residential uses do not result in adverse or nuisance impacts on adjoining properties or the wider environment. Any adverse or nuisance impacts are contained and internalised to the site through location, design, operation and on-site management practices.	No	<p>The site is located in a rural residential setting, and is surrounded by rural residential style allotments containing dwelling houses.</p> <p>The applicant has demonstrated how the proposed non-residential uses do not result in adverse or nuisance impacts on adjoining properties or the wider environment, and to the extent that it does, the adverse or nuisance impacts are not contained and internalised to the premises through location, design, operation and on-site management practices.</p>
<p>i. General works associated with the development achieves the following:</p> <ul style="list-style-type: none"> i. a high standard of electricity, telecommunications, roads, sewerage, water supply and street lighting services is provided to new developments to meet the current and future needs of users of the site; ii. the development manages stormwater to: <ul style="list-style-type: none"> 1. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters; 2. prevent stormwater contamination and the release of pollutants; 3. maintain or improve the structure and condition of drainage lines and riparian areas; 	No	<p>The proposed development does not demonstrate a high standard of electricity, telecommunications, roads, sewerage, water supply and street lighting services are provided to new developments to meet the current and future needs of users of the site.</p> <p>The applicant has not demonstrated through submission of an Integrated Transport Assessment how the proposed development does not result in unacceptable impacts on the capacity on the capacity and safety of the external road network;</p> <p>The applicant has not demonstrated how the site works including earthworks will be managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment</p>

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6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot		
Overall Outcomes	Complies Y/N	Comments
<p>4. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity 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>m. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke</p>	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The application has not demonstrated how the activities associated with the use do not cause a nuisance to adjoining properties by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>
<p>n. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <p>i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</p>	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The ultimate layout and design and mix of uses on the site is yet to be determined.</p> <p>Despite this, the site contains area of environmental value that have not been adequately assessed and may not be able to be avoided which would ultimately affect the design,</p>

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6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> ii. ensuring no further instability, erosion or degradation of the land, water or soil resource; iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012. iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through: <ul style="list-style-type: none"> 1. the provision of replacement, restoration, rehabilitation planting and landscaping; 2. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes; 3. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014. v. protecting native species and protecting and enhancing species habitat; vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance; vii. establishing effective separation distances, buffers 		<p>form and functionality of a future Local centre. The site containing:</p> <ul style="list-style-type: none"> • A portion of the southern boundary of Lot 3 RP804516 is mapped as being within a High Value Area under overlay map - environmental areas; and • Habitat trees. <p>The application has not demonstrated how development of the site would avoid locating in the mapped High Value Area or how the ecological values, inclusive of habitat trees of the site would be maintained and not lost or degraded.</p>

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6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot		
Overall Outcomes	Complies Y/N	Comments
<p>and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities;</p> <p>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p> <p>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</p> <p>x. ensuring effective and efficient disaster management response and recovery capabilities;</p> <p>xi. where located in an overland flow path:</p> <ol style="list-style-type: none"> 1. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety; 2. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow; 3. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment; 4. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and 		

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6.2.3.2.1 - Overall Outcomes of the Emerging Community zone code, Transition precinct, developable lot		
Overall Outcomes	Complies Y/N	Comments
potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.		
o. Development in the Transition precinct, on a developable lot includes one or more of the following:	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The ultimate layout and design and mix of uses on the site is yet to be determined. However, the land uses permitted under the Centre zone code, Local centre precinct are not identified as consistent land uses in the Emerging community zone, Transition precinct.
p. Development in the Transition precinct, on a developable lot does not include any of the following:	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The ultimate layout and design and mix of uses on the site is yet to be determined. However, the land uses permitted under the Centre zone code, Local centre precinct are identified as not being permitted in the Emerging community zone, Transition precinct.
q. Development not listed in the tables above may be considered on its merits and where it reflects and support the outcomes of the zone.	No	The proposed development does not reflect or support the outcomes of the Centre zone.

Overall Outcome 1 of the Emerging community zone code, Transition precinct states that the purpose of the Emerging community zone - Transition precinct will be achieved through the above listed overall outcomes.

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Accordingly, an assessment against the purpose and intent of the Emerging community zone code is as follows:

6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
<p>1. The purpose of the Emerging community zone code is to:</p> <ul style="list-style-type: none"> a. identify land that is suitable for urban purposes and conserve land that may be suitable for urban development in the future; b. manage the timely conversion of non-urban land to urban purposes; c. prevent or discourage development that is likely to compromise appropriate longer term land use. 	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The development proposal is inconsistent with Purpose 1.a. as the subject site is not currently identified as suitable for urban development as the detailed land use and infrastructure planning has not been completed for the Morayfield South growth area. The development proposal seeks to implement an ultimate commercial development which pre-empts the necessary structure planning which is required for the Morayfield South growth area.</p> <p>The proposed development is inconsistent with Purpose 1.b. as the proposed conversion of non-urban land to urban purposes is premature, as the subject site is located outside the PIA and necessary infrastructure to support the conversion is not currently planned and the existing infrastructure networks are not to an appropriate standard or capacity to support the conversion.</p> <p>The development proposal is inconsistent with Purpose 1.c. as it is not possible to determine the longer-term land uses or infrastructure requirements, without undertaking the planning of the growth area over the full development horizon. On this basis, the development proposal makes more difficult the land use and infrastructure planning which is necessary for the provision of</p>

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		<p>infrastructure required to support the appropriate land use outcomes for both the Morayfield South growth area and other anticipated development outside the Morayfield South growth area.</p> <p>The development proposal is therefore inconsistent with the intent and purpose of the Emerging community zone code set out in this Purpose statement.</p>
<p>2. The Emerging community zone has 2 precincts which have the following purpose;</p> <p>b The Transition precinct is to:</p> <p>i. identify and conserve land that may be suitable for urban development in the future, allowing interim uses that will not compromise the best longer term use of the land;</p> <p>ii. provide mechanisms to promote and implement an appropriate mix of dwelling types, consistent with a next generation neighbourhood across the transition precinct once this land is developed and serviced with all local government networks including water and sewer and is suitable for urban development.</p> <p>Once serviced by all local government networks, including water and sewer the Transition precinct is to provide a mix of dwelling types to support densities that are moderately higher than traditional suburban areas. Housing forms include predominantly detached dwellings on a variety of lot sizes with a greater range of attached dwellings and low to medium rise apartment buildings. These areas will have convenient access to centres, community facilities and higher frequency public transport.</p>	<p>No</p>	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The development proposal is inconsistent with Purpose 2.b.i. as the land use and infrastructure planning has not been completed for the Morayfield South growth area and it is premature for a development proposal to implement an ultimate development in the absence of detailed land use and infrastructure planning for the growth area. The development proposal is not for an interim use and in any event without detailed land use and infrastructure planning it is not possible to ascertain whether the proposed development is compromising or making more difficult the form of the land use and infrastructure planning for the growth area.</p> <p>The development proposal is premature, and is inconsistent with Purpose 2.b.ii. as the planning instruments and land use and infrastructure planning necessary to promote and implement a local have not been completed or adopted by Council. The subject site is not serviced with all local government networks to a standard or capacity which is suitable for urban development and the development proposal does not demonstrate that all local government networks can be provided to the proposed urban</p>

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		<p>community in accordance with the appropriate standards and required capacity.</p> <p>The development proposal may compromise or make more difficult the form of the land use and infrastructure planning for the subject site.</p> <p>The land use and infrastructure planning and the preparation and adoption of a planning instrument for the Morayfield South growth area has not been completed and therefore the proposed development makes more difficult the form of the land use and infrastructure planning for the Morayfield South growth area.</p> <p>The proposed development is therefore inconsistent with the intent and purpose of the Emerging community zone code, Transition precinct set out in Overall Outcome 2.b.</p>
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6.2.1.2 Purpose – Centre zone		
Overall Outcomes	Complies Y/N	Comments
<p>1. The purpose of the Centre zone code is to provide for a mix of uses and activities. These uses include, but are not limited to; business, retail, professional, administrative, community, entertainment, educational, recreational, cultural and residential activities. Centres have a variety of scales based on their location and surrounding activities</p>	<p>No</p>	<p>The development proposal is inconsistent with Purpose 1 as the indicative site layout plan submitted as part of the application has not demonstrated an appropriate mix and scale of uses and activities as contemplated for a Local centre as identified in Table 6.2.1.1 <i>Moreton Bay centres network</i> of the Planning Scheme</p> <p>The development proposal is therefore inconsistent with the intent and purpose of the Centre zone code set out in this Purpose statement.</p>
<p>2. The purpose of the centre zone code is to recognise, foster and encourage the development of vibrant, multi-functional centres that form a network within the region to:</p>	<p>No</p>	<p>The development proposal is inconsistent with Purpose 2 in the following regard:</p> <p>i. The proposed development does not recognise, foster and encourage the development of a vibrant, multi-functional centre</p>

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<ul style="list-style-type: none"> a. provide a foundation for economic growth through the interaction and co-location of a diverse mix of uses, the achievement of clustered economies, and the more efficient concentration of goods and service; b. provide a focus for government and non-government investment in major public transport, health, higher education, cultural, recreational and entertainment facilities; c. provide a focus for community and social interaction; d. manage private travel demand by encouraging multi-purpose trips of lower frequency and reduced duration; e. provide enhanced opportunities for land use and transport integration particularly in respect of active (pedestrian, bicycle) and public transport networks; f. provide an interesting and diverse mixed-use residential environment. 		<p>that forms part of the centres network.</p> <ul style="list-style-type: none"> ii. The indicative site plan submitted with the application does not identify a high quality civic and plaza spaces which would provide for community and social interaction. iii. The applicant has not demonstrated the proposal would manage private travel. The site is not in a walkable location and the surrounding area is not serviced by an active transport network. The site is outside of the Priority Infrastructure Area (PIA) under Council's Local Government Infrastructure Plan and improvements to the active transport network are not planned. iv. The proposal does not provide enhanced opportunities for land use and transport integration particularly in respect of active (pedestrian, bicycle) and public transport networks. v. The applicant has not demonstrated the development proposal would provide an interesting and diverse mixed-use residential environment.
<p>3. The Centre zone code seeks to implement the policy direction set in Part 3, Strategic Framework</p>	<p>No</p>	<p>As outlined above in section 2.6.1 <i>Strategic Framework</i> of this report, the proposed development does not comply with the policy direction set in Part 3, Strategic Framework. The development proposal is therefore inconsistent with the intent and purpose of the Centre zone code set out in this Purpose statement.</p>
<p>4c. Local centre precinct</p> <p>The purpose of the Local centre precinct is to provide a limited range of services, including convenience retail, to a cluster of local neighbourhoods. They have good local accessibility, particularly active transport and act as a focal point and meeting place for the</p>	<p>No</p>	<p>The development proposal is inconsistent with Purpose 4c in the following regard:</p> <ul style="list-style-type: none"> i. The site is not located within a local centre precinct. ii. The site is not in a walkable location and the surrounding area is not serviced by an active

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<p>local community. Local centres generally serve a catchment of 10,000- 15,000 people and are generally defined by the presence of a full-line supermarket or a fully functioning main street that caters for a catchment of the same size.</p> <p>The Local centre precincts are: Albany Creek - Old North Road; Banksia Beach, Banksia Beach Shopping Centre - Sunderland Drive; Bongaree, First Avenue Strip; Bray Park, Kensington Village Shopping Centre - Sovereign Avenue; Beachmere, Beachmere Road; Caboolture, Central Lakes - Pettigrew Street; Clontarf, Elizabeth Avenue; Kallangur, Lilly Brook Shopping Village - Brickworks Road; Kippa-Ring, Dolphins Central - Ashmole Road; Lawnton, Gympie Road; Murrumba Downs, Murrumba Downs Shopping Centre - Dohles Rocks Road West; Narangba, Young Road and Golden Wattle Drive.</p>		<p>transport network. Further, the proposal does not contribute towards creating an active transport network that is integrated with public transport infrastructure.</p> <p>iii. The indicative site layout plan submitted as part of the application has not demonstrated an appropriate mix and scale of uses for a Local centre as contemplated in Table 6.2.1.1 <i>Moreton Bay centres network</i> of the Planning Scheme; and</p> <p>iv. The indicative site plan has not demonstrated that the development will act as a focal point or meeting place for the community. Specifically, it is identified that the proposal does not include a high quality civic and plaza spaces which would act as a focal point or meeting place for the community.</p>
<p>5 The purpose of the code will be achieved through the following overall outcomes:</p> <p>a. Development is consistent with the role and function of the centre, as identified on the Moreton Bay centres network table below (refer Table 6.2.1.1).</p>	<p>No</p>	<p>The applicant has not demonstrated the need for a scale of retail and commercial activities based on the indicative plan.</p> <p>The development proposal is therefore inconsistent with the intent and purpose of the Centre zone code set out in this Purpose statement.</p>

6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
<p>a. Development is of a size, scale and range of services commensurate with the role and function of this precinct within the centres network.</p>	<p>No</p>	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		The applicant has not demonstrated that site can accommodate a Local centre of a size, scale and range of services as contemplated by <i>Table 6.2.1.1 Moreton Bay centres network</i> of the Planning Scheme. Furthermore, the indicative site layout plan submitted as part of the application has not demonstrated an appropriate mix and scale of use as contemplated for a Local centre
b. Development contributes to a mix and the co-location of compatible uses, in a compact urban form.	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The application has not provided sufficient detail to enable the Council to determine whether the development will contribute to the mix and the co-location of compatible uses, in a compact urban form. Furthermore, the indicative site layout plan submitted as part of the common material has not demonstrated an appropriate mix of land uses which may compromise the achievement of a compact urban form.</p>
c. Development is of a sufficient intensity and land use mix to support public transport, active transport, improve land efficiency and support centre facilities.	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The application has not demonstrated the site can accommodate a development with a sufficient intensity and mix of land uses to support public transport, active transport, improve land efficiency and support centre facilities. Furthermore, the indicative site layout plan submitted as part of the application has not demonstrated a development with a</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		sufficient intensity and land use mix can be achieved on site to support public transport.
d. Medium density housing, in the form of low-rise multiple dwellings ⁽⁴⁹⁾ incorporating mixed uses where possible, is incorporated within local centres.	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The indicative site layout plan submitted as part of the application has identified future medium density housing is not proposed on site.
e. Adverse impacts on the amenity of surrounding residential uses are minimised by mitigating noise, odour and air quality impacts on residents to a level consistent with the location within or adjoining a local centre	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The application has not demonstrated how unreasonable nuisance or annoyance resulting from, but not limited to; noise, and odour generated from the proposal does not adversely impact upon land users adjacent to, or within the general vicinity.
f. The safety and efficiency of pedestrian movement is prioritised in the design of car parking areas and the size, frequency and location of vehicle crossovers.	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The indicative site plan submitted as part of the application has not demonstrated that the on-site car parking area associated with the proposal provides for safe and efficient pedestrian movement.
g. The amount of on-site car parking encourages the use of public and active transport, increases land use efficiency and does not negatively impact the streetscape	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		The applicant has not demonstrated that the proposed development will encourage the use of public and active transport. The indicative site plan shows an internalised shopping centre, with a significantly large area of car parking at the front of the site, which not only dominates the streetscape but also promotes private vehicle travel.
h. Facilities, infrastructure and public realm improvements are provided to support active transport usage and contribute to improved pedestrian connectivity and walkability between key destinations.	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The application has not demonstrated that facilities, infrastructure and public realm improvements can be provided to support active transport usage and contribute to improved pedestrian connectivity and walkability between key destinations.</p> <p>The site is not in a walkable location and the surrounding area is not serviced by an active transport network. The site is outside of the Priority Infrastructure Area (PIA) under Council's Local Government Infrastructure Plan and improvements to the active transport network are not planned.</p> <p>Furthermore, the indicative site layout plan submitted as part of the application does not propose any streetscape improvements to the existing street network to promote pedestrian connectivity or walkability between destinations.</p>
i. Pedestrian connections are provided to integrate the development with the street, public spaces and the surrounding area.	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>development application for a Local centre.</p> <p>The applicant has not demonstrated how the site can provide pedestrian connections to integrate with the surrounding area. The sites street frontage and the wider area are currently not provided with a pathway network to facilitate appropriate active transport movements.</p> <p>The site is located outside of the Priority Infrastructure Area (PIA) under Council's Local Government Infrastructure Plan (LGIP) and no future Trunk Active transport routes are proposed on Oakley Flat Road. The established residential catchment would be unable to be connected to the site by way of the established pattern of development.</p>
j. Development encourages social activity through the provision of high quality civic and plaza spaces.	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The application has not demonstrated that high quality civic and plaza spaces can be provided. The indicative site layout plan submitted with the application does not identify a high quality civic and plaza space.</p>
<p>k. The design, siting and construction of buildings within a local centre:</p> <p>i. contributes to a high quality centre consistent with the desired character of the centre and surrounding area;</p> <p>ii. maintains a human scale, through appropriate building heights and form;</p> <p>iii. is centred around a main street;</p> <p>iv. provides attractive, active frontages that maximise</p>	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The site's geographic location, adjoining Oakley Flat Road (a Council Arterial Road) would compromise the ability to achieve a 'Main street' as defined by the</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
<p>pedestrian activity along road frontages and public spaces;</p> <p>v. provides for active and passive surveillance of the public spaces, road frontages and movement corridors;</p> <p>vi. does not result in internalised shopping centres with large external blank walls and tenancies only accessible from within the building;</p> <p>vii. locates tenancies at the street with car parking at the rear;</p> <p>viii. ensures expansive areas of surface car parking do not dominate road frontages or public spaces;</p> <p>ix. ensures parking, manoeuvring and servicing areas are designed, located and aesthetically treated to not be visually dominant features from the streetscape and public spaces;</p> <p>x. includes buffers or other treatments measures to respond to the interface with residential zoned land</p>		<p>Planning Scheme and as contemplated by Planning Scheme Policy PSP Neighbourhood design, for a Future Local Centre on the site.</p> <p>Similarly, the desired character of the centre and the ability to achieve attractive, active frontages as contemplated by the planning scheme and Planning Scheme Policy PSP - <i>Centre and neighbourhood hub design</i>, would be unable to be achieved due to sites location. The indicative site layout plan submitted with the application shows an internalized shopping centre with car parking presented to the street and would not achieve active frontages that facilitate pedestrian activity.</p>
<p>I. Out-of-centre development, including centre expansion (into adjoining zones and precincts) or the establishment of a new centre only occurs where:</p> <p>i. it maintains the scale and function of a local centre consistent with Table 6.2.1.1 including provision of one full line supermarket plus local speciality shops and lower order commercial uses;</p> <p>ii. expansion strengthens the existing centre as an important local activity node, or for a new centre, strengthens the centres network within the region;</p> <p>iii. clear separation from existing higher order, district and local centres within the network are maintained to reduce catchment overlap and to establish 15 minute walkable neighbourhoods (generally, local centres should be separated from other centres by</p>	No	<p>The application does not comply with overall outcome in the following regard:</p> <p>i. The Application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a development application for local centre. The application has not demonstrated that a Local centre of a scale and function as contemplated by Table 6.2.1.1 can be achieved on the site.</p> <p>ii. A proposed new Local centre in this proposed location <u>would undermine</u> the centres network within the Region. Within the catchment to which the site is located, there is an approved Material Change of Use - Preliminary Approval to vary the</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
<p>2400m and neighbourhood hubs by 1600m, measured from the centre of each centre or neighbourhood hub);</p> <ul style="list-style-type: none"> iv. for expansion, it is located on a highly accessible site, adjoining the existing centre not resulting in the fragmentation of the centre; v. for a new centre, it is located on a sub-arterial or collector road; vi. designed to include active frontages around a main street core; vii. expansion does not result in an elongated centre forming a ribbon of development along regional through roads. 		<p>effect of the Caboolture ShirePlan to permit development in accordance with the modified assessment table for the Local Centre zone (Council reference DA/30694/2015/V2K), located at 192 Oakey Flat Road Morayfield, described as lot 15 RP196983.</p> <p>This approval comprises a combined maximum of 2,500m² gross floor area of retail uses, with a maximum individual tenancy size of retail commercial uses of not more than 1,000m² gross floor area. The centre is limited to one supermarket. The site is located approximately 600m north of the site. This centre has yet to be constructed.</p> <p>It is noted that the development approval (Condition 4) provides for an increase in the gross floor area of retail uses, including a greater maximum individual tenancy size where a retail market feasibility report demonstrates that any proposed development remains consistent with the intent, size and role of a Local Centre. In April 2018, Council received a Request to Change the Development Approval for the above-mentioned development approval to allow for a larger retail development to be accommodated on the site that would include a supermarket of 3,700m², 830m² of retail shops and 1,315m² of commercial floorspace. It is noted that this development application has not yet been decided.</p> <p>It is also identified that Excelsior Park Village is located 750</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>meters to the south of the subject site. Excelsior Park Village contains limited retail tenancies including an IGA Express food store of approximately 200m² as well as Liquor land and sunflower Bakery and Café.</p> <p>The applicant has submitted an Economic Need and Impact Assessment to determine the impact on the existing and approved centre network. The applicant's assessment contends the impact on the centres network would be relatively minor.</p> <p>The Economic Impact Assessment Report finds that Excelsior Park will not be in direct competition with the proposed development, as the centre only services the top-up needs of the main trade area population.</p> <p>With respect to the approved Local Centre at 192 Oakey Flat Road Morayfield (approved but not yet constructed), the applicant contends that this Neighbourhood hub would be considered complementary to a new Local Centre as it would provide a lower order retail function than a Local centre. The EIA acknowledges that a request to change the development application has been submitted to Council; however, as the development application has not yet been decided, the EIA has assumed that a supermarket does not form part of the development.</p> <p><i>"Given the latest development application is yet to be approved, for the purposes of this report the</i></p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p><i>rezoning approval is only assumed. The zoning approval allows for a maximum retail area of 2,500 sq.m in a two level centre. Tenants that typically located (sic) on second levels of smaller Local Centres are generally not retail but rather non-retail/commercial tenants, such as surveyors, allied health professionals, fitness studio etc. Consequently, only the lower level of the proposed Local Centre assumed to be retail floorspace, or around 1,250 sq.m. This is assumed to be completed by the development year (i.e. 2020/21). A supermarket is not assumed to form part of the development."</i></p> <p>The applicant forecasts that the proposed development would account for only 50% - 55% of main trade area retail floorspace demand when opening in 2021 and 30% - 35% of demand by 2031, leaving the remaining floorspace demand to be served by the existing Excelsior Park Village and the proposed centre at 192 Oakley Flat Road.</p> <p>The EIA determines the largest impact is likely to be on the Morayfield CBA. Councils disagrees that the largest impact would likely be on the Morayfield CBA given its higher order role and function and distance from the subject site. It is the Council's opinion that the proposed development has the potential to adversely impact and undermine the viability of the existing Excelsior Park Village Local Centre and the development proposal at 192 Oakley Flat Road due to their proximity to the subject site.</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>With reference to Excelsior Park village, the submitted economic report does not adequately address the trading impacts the proposed development would have on Excelsior Park Village. The EIA suggests that the proposed Local Centre would have minimal impact on the viability of the continued operation of any retail facility. However, the EIA states that the impacts on the Excelsior Park Village from the proposed development are projected to be around \$0.5 million. Given the scale and nature of the centre a loss of \$0.5 million is not considered to be minor.</p> <p>It is considered that the proposed development has the potential to adversely impact and undermine the viability of the existing Excelsior Park Village Local Centre due to its proximity to the subject site.</p> <p>With reference to 192 Oakley Flat Road the EIA has made a number of assumptions about how the proposed centre will be developed. Having regard to the condition 4 of the existing development approval, the submitted EIA fails to recognise that the existing development approval might be changed to facilitate a local centre as envisaged by the Moreton Bay Regional Council Planning Scheme. Further, the assumption that a supermarket does not form part of the approval when Condition 4 of the development approval allows for one supermarket is an erroneous assumption. The EIS has not provided a detailed analysis of the potential trading impacts of the proposed centre</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>on the existing centres network, particularly the approved development at 192 Oakley Flat Road, Morayfield.</p> <p>It is considered that the anticipated impact on the approved development (192 Oakley Flat Road) would be such that either the development would not proceed or would fail if developed.</p> <p>As a result, the proposed development would not strengthen the existing centres in the network, but rather has the potential to compromise the centres network.</p> <p>iii. The proposal for a variation request to apply the Local centre precinct over the site (to facilitate a future local centre) cannot maintain clear separation from the existing and approved centres within the network.</p> <p>(a) The site is located approximately 600m south of an approved centre at 192 Oakley Flat Road Morayfield. The proposal does not meet the minimum separation distance of 1600m as required by the overall outcome.</p> <p>(b) The site is located approximately 600m north of Excelsior Park Village (Neighbourhood Hub) located at 1 Nairn Road, Morayfield. The proposal does not meet the minimum separation distance of 1600m as required by the overall outcome.</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>As a result of the proposed Variation request, a future local centre located on the site would result in catchment overlap with approved and existing centres within the network.</p> <p>iv. Not applicable as the proposal is not for expansion of an existing centre.</p> <p>v. The site subject to the variation request is located on a Council arterial road.</p> <p>vi. The planning scheme defines a main street as 'a street having a primary role to facilitate and foster opportunities for formal and informal social and economic exchange framed within the realm of a civic space'. The subject site has frontage to Oakey Flat Road which is identified as a Council arterial road.</p> <p>Any opportunity for direct access to Oakey Flat Road will be limited given its form and function as an arterial road.</p> <p>Given the hierarchy of Oakey Flat Road, any future development cannot achieve active frontages around a main street core as defined in the MBRC Planning Scheme and as required by Overall Outcome (I)(vi).</p> <p>vii. Not applicable as the proposal is not for expansion of an existing centre.</p>
<p>m. General works associated with the development achieves the following:</p> <p>i. new development is provided with a high standard of services</p>	No	<p>The applicant has not demonstrated through submission of an Integrated Transport Assessment that the development will provide a high standard of roads to meet and</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
<p>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);</p> <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>Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>		<p>support the current and future users.</p>
<p>n. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre, which may include land uses</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>which may cause environmental nuisance.</p> <p>The applicant has not demonstrated how the impacts of environmental nuisance, including noise and light generated by the development of a local centre on the premises would be mitigated to ensure the activities do not cause a nuisance to adjoining properties.</p>
o. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre, which may include noise generating uses. The applicant has not demonstrated the proposed development can mitigate the impacts of noise and light generated by the local centre on the adjoining residential (sensitive) uses;
p. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The ultimate layout and design and mix of uses on the site is yet to be determined however noise sensitive uses such as a child care centre are contemplated in the indicative site plan.</p> <p>The application has not demonstrated the site is appropriate to support noise sensitive uses. The application has not demonstrated how the impacts of noise and light generated by the local centre would be mitigated.</p>
q. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by: i. adopting a 'least risk, least impact' approach when designing, siting and	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The ultimate layout and

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
<p>locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</p> <p>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</p> <p>i. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</p> <p>ii. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:</p> <p>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</p> <p>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p>C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.</p> <p>v. protecting native species and protecting and enhancing species habitat;</p> <p>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</p> <p>vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on</p>		<p>design and mix of uses on the site is yet to be determined.</p> <p>Despite this, the site contains area of environmental value that have not been adequately assessed and may not be able to be avoided which would ultimately affect the design, form and functionality of a future Local centre. The site containing:</p> <ul style="list-style-type: none"> • A portion of the southern boundary of Lot 3 RP804516 is mapped as being within a High Value Area under overlay map - environmental areas <p>The application has not demonstrated how development of the site would avoid locating in the mapped High Value Area or how the ecological values, inclusive of habitat trees of the site would be maintained and not lost or degraded.</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
<p>sensitive land uses from odour, noise, dust and other nuisance generating activities;</p> <p>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</p> <p>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</p> <p>x. ensuring effective and efficient disaster management response and recovery capabilities;</p> <p>xi. where located in an overland flow path:</p> <p>A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety</p> <p>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</p> <p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		

Based on the assessment above, the proposal is inconsistent with the overall outcomes of the assessment benchmarks. 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.

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2.7 Trunk Infrastructure

In accordance with section 4 of the Moreton Bay Regional Council Planning Scheme, the subject site is not located in the identified Priority Infrastructure Area. Infrastructure charges applying to the land, where applicable, are to be applied in accordance the Council's Charges Resolution No. 7 commencing on 11 December 2017 (CR).

2.7.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge is not applicable to this Preliminary Approval (Variation Approval) application.

2.8 Recording of particular approvals on the MBRC Planning Scheme

In accordance with section 89 of the *Planning Act 2016*, a variation approval given under section 61 of the *Planning Act* is required to be noted on Schedule 4 of the MBRC Planning Scheme (refer report recommendation).

2.9 Referrals

2.9.1 Council Referrals

Development Engineering
Traffic, Access and Parking

Performance Outcome PO 40 of the Centre zone code requires the development layout to not compromise:

- a. The development of the road network in the area;
- b. The function and safety of the road network;
- c. The capacity of the road network

Oakey Flat Road is classified as an arterial road under the MBRC planning scheme. It is anticipated that Oakey Flat Road will require additional reserve width to a minimum 35m (currently 30m) and this does not take into account localised widening for intersection turn lanes or fill batters. This will impact upon the premises Oakey Flat Road frontage. The applicant has not demonstrated compliance with Performance Outcome PO40 a.

The development application proposes a Contemporary Residential road located on the southern boundary of the adjoining properties to the north - being Lot 1 RP79449 & Lot 14 RP178819 - that would ultimately connect Robbs Road to the east with J Dobson Road to the west. This road alignment is not in accordance with the Council's current planning which locates the connecting road along the northern property boundary of the premises. The applicant has not demonstrated compliance with Performance Outcome PO40 a and c.

The future Robbs Road extension will create an intersection with Oakey Flat Road on the developments northern boundary. Road planning has not progressed to the point where the impact upon the development including road dedication and access constraints can be determined.

Performance Outcome PO41 of the Centre zone code requires the layout of the development to not compromise the function, safety and capacity of the road network. The development proposes a possible potential development of 5000-7000 m² retail GFA and 2000-5000 m² commercial GFA (as contemplated for a Local centre). Access is proposed off Oakey Flat Road (Arterial). An Integrated Transport Assessment in accordance with PSP - Integrated Design - Integrated Transport Assessment has not been submitted to support the application to demonstrate that future Local centre in this location would not compromise the function, safety and capacity of the road network.

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2.9.2 Referral Agencies

2.9.2.1 Concurrence Agencies - Department of Infrastructure, Local Government and Planning
There were no Concurrence Agencies involved in assessing this application.

2.9.2.2 Advice Agencies
There were no Advice Agencies involved in assessing this application.

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

2.10 Public Consultation

2.10.1 Public Notification Requirements under the Development Assessment Rules

- (a) Public Notification was served on all adjoining landowners on 6 November 2017.
- (b) The development application was advertised in the Courier Mail on 7 November 2017.
- (c) A notice in the prescribed form was posted on the relevant land on 7 November 2017 and maintained for a period of 30 business days until 19 December 2017.

2.10.2 Submissions Received

The application was publicly advertised and a total of 21 submissions were received, consisting of 20 properly made submissions and 1 not properly made submission. Of the 20 properly made submissions received, 1 submission was in support and 20 submissions were opposed.

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

Assessment of Submissions
<p>Issue - Proposed Location / Compliance with Moreton Bay Regional Council Planning Scheme</p> <ul style="list-style-type: none"> • The proposed shopping centre is too close to the existing Excelsior Park Village centre and is not needed. • The proposed development will not integrate into its residential catchment area which is dominated by acreage properties • The location of the land does not encourage or facilitate walking, cycling or public transport accessibility. • There is no community benefit, or no community benefit of sufficient substance, to warrant approval of the development application given the extensive conflicts with the planning scheme. • There is no planning need to support the departure from the planning scheme. • There are no relevant matters to justify the proposed development or the variations in the development application despite too many conflicts with the planning scheme. • The development application fails to: <ul style="list-style-type: none"> - Properly address the Council's strategic intent for the Morayfield south area; - Properly acknowledge and account for decisions made by the Council; - Properly address the conflict with the MBRC Planning Scheme; and - Have regard to good planning practice relating to the establishment of an appropriate network and hierarchy of centres under the MBRC Planning Scheme.
<p>Discussion</p> <p><i>Emerging Community Zone Code - Transition Precinct & Centre Zone Code - Local Centre Precinct</i></p>

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Assessment of Submissions

The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. In accordance s61 of the *Planning Act 2016*, Council must consider the consistencies with the local planning scheme and the effects the variations would have on submission rights for later development applications and any matter prescribed by regulation.

The proposed variation request is proposed to facilitate 'out-of-centre' development to allow a local centre uses within the Emerging community zone. Accordingly, regard must be given to the assessment criteria of both the Emerging Community zone code, Transition precinct as well as the Centre zone code, local centre precinct in determining the request.

The purpose of the Emerging community zone, Transition precinct is to:

- (a) identify land that is suitable for urban purposes and conserve land that may be suitable for urban development in the future;
- (b) manage the timely conversion of non-urban land to urban purposes;
- (c) prevent or discourage development that is likely to compromise appropriate longer term land use;
- (d) provide mechanisms to promote and implement an appropriate mix of dwelling types, consistent with a Next Generation Neighbourhood across the Transition precinct once this land is developed and serviced with all local government networks including water and sewer and is suitable for urban development.

for each growth area included in the Emerging community zone, whole of catchment infrastructure solutions are required for the five networks (Water, Sewerage, Transport, Stormwater and Community Infrastructure). Emerging community zone areas are located outside of the PIA. The development of these areas at this time is inconsistent with the planning assumptions used to support the Local government infrastructure plan (LGIP). Limited trunk infrastructure planning has been prepared for these areas and no trunk infrastructure has been identified within the LGIP infrastructure schedules that is designed to support development of the growth areas included in Emerging community zone outside the PIA.

An assessment against Purpose of the Emerging community zone code, Transition precinct is as follows:

The proposed development is inconsistent with Purpose of the Emerging community zone code, Transition precinct as whole of catchment infrastructure solutions are required for the five networks (Water, Sewerage, Transport, Stormwater and Community Infrastructure). Emerging community zone areas are located outside of the PIA. The development of these areas at this time is inconsistent with the planning assumptions used to support the Local government infrastructure plan (LGIP). Limited trunk infrastructure planning has been prepared for these areas and no trunk infrastructure has been identified within the LGIP infrastructure schedules that is designed to support development of the growth areas included in Emerging community zone outside the PIA

It is not possible to determine the longer-term land uses or infrastructure requirements, without undertaking the planning of the growth area over the full development horizon. On this basis, the development proposal makes more difficult the land use and infrastructure planning which is necessary for the provision of infrastructure required to support the appropriate land use outcomes for both the Morayfield South growth area and other anticipated development outside the Morayfield South growth area.

The development proposal is therefore inconsistent with the intent and purpose of the Emerging community zone code set out in this Purpose statement.

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Assessment of Submissions

Overall outcome (I) of the Centre zone code, Local centre precinct relates to 'out-of-centre' development and requires that:

- I. Out-of-centre development, including centre expansion (into adjoining zones and precincts) or the establishment of a new centre only occurs where:*
 - ii. it maintains the scale and function of a local centre consistent with Table 6.2.1.1 including provision of one full line supermarket plus local speciality shops and lower order commercial uses;*
 - iii. expansion strengthens the existing centre as an important local activity node, or for a new centre, strengthens the centres network within the region;*
 - iv. clear separation from existing higher order, district and local centres within the network are maintained to reduce catchment overlap and to establish 15 minute walkable neighbourhoods (generally, local centres should be separated from other centres by 2400m and neighbourhood hubs by 1600m, measured from the centre of each centre or neighbourhood hub);*
 - v. for expansion, it is located on a highly accessible site, adjoining the existing centre not resulting in the fragmentation of the centre;*
 - vi. for a new centre, it is located on a sub-arterial or collector road;*
 - vii. designed to include active frontages around a main street core;*
 - viii. expansion does not result in an elongated centre forming a ribbon of development along regional through roads.*

An assessment against Overall Outcome I of the centre zone code, Local centre precinct is as follows:

- i. The application has not demonstrated that a Local centre of a scale and function as contemplated by Table 6.2.1.1 can be achieved on the site. The indicative site layout plan submitted as part of the common material has not demonstrated an appropriate mix and scale of use as contemplated for a Local centre as contemplated in Table 6.2.1.1 Moreton Bay centres network of the Planning Scheme.*
- ii. A proposed new Local centre in this proposed location would undermine the centres network within the Region. Within the catchment to which the site is located, there is an approved Material Change of Use - Preliminary Approval to vary the effect of the Caboolture ShirePlan to permit development in accordance with the modified assessment table for the Local Centre zone (Council reference DA/30694/2015/V2K), located at 192 Oakley Flat Road Morayfield, described as lot 15 RP196983. This approval comprises a combined maximum of 2,500m² gross floor area of retail uses, with a maximum individual tenancy size of retail commercial uses of not more than 1,000m² gross floor area. The centre is limited to one supermarket. The site is located approximately 600m north of the subject site. This development has yet to be constructed.*

It is noted that the existing development approval (Condition 4) provides for an increase in the gross floor area of retail uses, including a greater maximum individual tenancy size where a retail market feasibility report demonstrates that any proposed development remains consistent with the intent, size and role of a Local Centre. In April 2018, Council received a Request to Change the Development Approval for the above-mentioned development approval to allow for a larger retail development to be accommodated on the site that would include a supermarket of 3,700m², 830m² of retail shops and 1,315m² of commercial floorspace. It is noted that this development application has not yet been decided.

It is also identified that Excelsior Park Village is located 750 meters to the south of the subject site. Excelsior Park Village contains limited retail tenancies including an IGA Express food store of approximately 200m² as well as Liquor land and sunflower Bakery and Café.

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Assessment of Submissions

The applicant has submitted an Economic Impact Assessment to determine the impact on the existing and approved centre network. The applicant's assessment contends the impact on the centres network would be relatively minor.

The Economic Impact Assessment Report finds that Excelsior Park will not be in direct competition with the proposed development, as the centre only services the top-up needs of the main trade area population.

With respect to the approved Local Centre at 192 Oakey Flat Road Morayfield (approved but not yet constructed), the applicant contends that this centre would be considered complementary to a new Local Centre as it would provide a lower order retail function than a Local centre. The EIA acknowledges that a request to change the development application has been submitted to Council; however, as the development application has not yet been decided, the EIA has assumed that a supermarket does not form part of the development.

"Given the latest development application is yet to be approved, for the purposes of this report the rezoning approval is only assumed. The zoning approval allows for a maximum retail area of 2,500 sq.m in a two level centre. Tenants that typically located (sic) on second levels of smaller Local Centres are generally not retail but rather non-retail/commercial tenants, such as surveyors, allied health professionals, fitness studio etc. Consequently, only the lower level of the proposed Local Centre assumed to be retail floorspace, or around 1,250 sq.m. This is assumed to be completed by the development year (i.e. 2020/21). A supermarket is not assumed to form part of the development."

The EIA states that the population within the Oakey Flat Road main trade area is projected to increase by 400-600 persons annually over the forecast period, resulting in an increase in population to 13,800 by 2013. Based on the population projections, the applicant forecasts that the proposed development would account for only 50% - 55% of the main trade area retail floorspace demand when opening in 2021 and 30% - 35% of demand by 2031, leaving the remaining floorspace demand to be served by the existing Excelsior Park Village and the proposed centre at 192 Oakey Flat Road. It should be noted that the required planning instruments and land use and infrastructure planning necessary to promote and implement development in the Morayfield south growth area have not been completed or adopted by Council. Therefore, the assumptions identified in the EIA cannot be relied upon.

Furthermore, the EIA determines that the proposed local centre would have the largest impact on the Morayfield CBA. Councils disagrees that the largest impact would likely be on the Morayfield CBA given its higher order role and function and distance from the subject site. It is the Council's opinion that the proposed development has the potential to adversely impact and undermine the viability of the existing Excelsior Park Village Local Centre and the approved development proposal at 192 Oakey Flat Road due to their proximity to the subject site.

With reference to Excelsior Park village, the submitted economic report does not adequately address the trading impacts the proposed development would have on Excelsior Park Village. The EIA suggests that the proposed Local Centre would have minimal impact on the viability of the continued operation of any retail facility. However, the EIA states that the impacts on the Excelsior Park Village from the proposed development are projected to be around \$0.5 million. Given the scale and nature of the Excelsior Park Village centre a loss of \$0.5 million is not considered to be minor.

Having regard to the above, it is considered that the proposed development has the potential to adversely impact and undermine the viability of the existing Excelsior Park Village Local Centre due to its proximity to the subject site.

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Assessment of Submissions

With reference to 192 Oakey Flat Road (existing approval) the EIA has made a number of assumptions about how the proposed centre will be developed. Having regard to Condition 4 of the existing development approval, the submitted EIA fails to recognise that the existing development approval might be changed to facilitate a local centre as envisaged by the Moreton Bay Regional Council Planning Scheme. Further, the assumption that a supermarket does not form part of the approval when Condition 4 of the development approval allows for one supermarket is an erroneous assumption. The submitted EIS has not provided a detailed analysis of the potential trading impacts of the proposed centre on the existing centres network, particularly the approved development at 192 Oakey Flat Road, Morayfield.

It is considered that the anticipated impact on the approved development (192 Oakey Flat Road) would be such that either the development would not proceed or would fail if developed.

As a result, the proposed development would not strengthen the existing centres in the network, but rather has the potential to compromise the centres network.

- iii. The proposal for a variation request to apply the Local centre precinct over the site (to facilitate a future local centre) cannot maintain clear separation from the existing and approved centres within the network.
 - (a) The site is located approximately 600m south of an approved Local Centre located at 192 Oakey Flat Road Morayfield. The proposal does not meet the minimum separation distance of 1600m as required by the overall outcome.
 - (b) The site is located approximately 600m north of Excelsior Park Village (Neighbourhood Hub) located at 1 Nairn Road, Morayfield. The proposal does not meet the minimum separation distance of 1600m as required by the overall outcome.

As a result of the proposed Variation request, a future local centre located on the site would result in catchment overlap with approved and existing centres within the network.

- iv. Not applicable as the proposal is not for expansion of an existing centre.
- v. The site subject to the variation request is located on a Council arterial road.
- vi. The planning scheme defines a main street as *'a street having a primary role to facilitate and foster opportunities for formal and informal social and economic exchange framed within the realm of a civic space'*. The subject site is bounded by a Council arterial (Oakey Flat Road). Any opportunity for direct access to Oakey Flat Road will be limited given its form and function as an arterial road. Given the hierarchy of Oakey Flat Road, any future development cannot achieve active frontages around a main street core as defined in the MBRC Planning Scheme and as required by Overall Outcome (I)(vi).
- vii. Not applicable as the proposal is not for expansion of an existing centre

Strategic Framework

The variation request is in conflict with a number of Specific Outcome in the Strategic Framework. These are outlined below:

3.13.3.4 Specific Outcome - Settlement Pattern and Urban Form

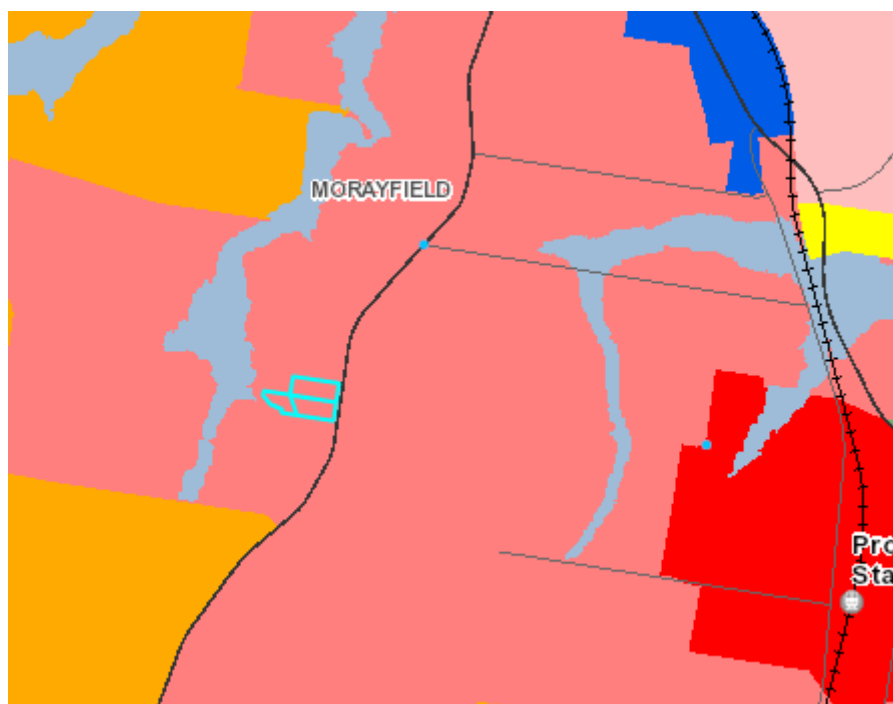
- 11. Next generation and urban neighbourhoods at Morayfield, Burpengary, north of Caboolture and Caboolture West will be developed as well planned and attractive new residential neighbourhoods providing a diverse range of residential opportunities at densities that support the provision of community facilities and services and viable local centres. The local

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centres will generally be located on central intersections with good accessibility and visibility, in locations that support active transport and a network of well connected and attractive streets and open spaces within the neighbourhoods. An indicative location for a new local centre in Morayfield south is shown on map 3.13. A new local centre or neighbourhood hub is to establish in this location. Any additional local centres or neighbourhood hubs in this area must maintain an appropriate separation distance to ensure catchment overlap does not occur

The site to which the variation request relates is outlined below.



- Activity Centre
- Urban Neighbourhood
- Next Generation Neighbourhood
- Suburban Neighbourhood
- Special Area
- Rural Residential
- Indicative new local centre

This subject site is located in the Next Generation Neighbourhood referenced in the Strategic Framework. The locational requirement of centres / neighbourhood hubs is further described in the MBRC Place Model of the Strategic Framework. Specifically:

3.14.9.4 Specific Outcome - Settlement Pattern and Urban Form (Next Generation Neighbourhood Place Type)

6. At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient locations for local centres and neighbourhood hubs are on main through streets or on central intersections and within a 15 minute walking distance and responsive to active transport;

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7. *Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:*
- a. *it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities;*
 - b. *it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node;*
 - c. *the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses;*
 - d. *a new local centre or neighbourhood hub is to service an unserved catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood;*
 - e. *they are appropriately designed to have high quality urban design outcomes.*

As identified in the above image, Strategic Framework Map 3.13.2 identifies two sites for new local centres or neighbourhood hubs in the Morayfield South growth area. These are located at the intersection of Oakey Flat Road and Clark Road, and on Robbs Road on the fringe of the proposed Urban Neighbourhood Precinct adjacent to the proposed new train station at the end of Blewers Road. It is noted that the existing development approval at 192 Oakey Flat Road (600 metres north of the subject site) is located at the intersection of Oakey Flat Road and Clark Road, consistent with the indicative location identified on Strategic Framework Map 3.13.2.

Furthermore, the existing development approval for a Local Centre at 192 Oakey Flat Road, establishes a 15 minute walkable neighbourhood to service the expanding residential population of Morayfield South which includes the site subject to the variation request.

The application submitted to Council has not demonstrated that the subject site is the appropriate location to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.

This is a ground for refusal of the application.

Issue - Economic Impacts/ Need

- The development application will have unacceptable economic impacts on the approved local centre at 192 Oakey Flat Road, Morayfield.
- The community have access to the existing shopping opportunities in Morayfield
- Do not want or need another shopping centre.
- Shops will not offer more choice - same set of major retailers.
- I do not believe it is socially beneficial to the Moreton Bay Regional and Morayfield South area to establish more fast food outlets.

Discussion

The applicant has submitted an Economic Impact Assessment (EIA) to determine the impact on the existing and approved centre network. The submitted Economic Impact Assessment has been prepared generally in accordance with Planning Scheme Policy - Economic Impact Assessment.

The EIA states that the population within the Oakey Flat Road main trade area is projected to increase by 400-600 persons annually over the forecast period, resulting in an increase in population to 13,800 by 2031. Based on the population projections, the applicant forecasts that the proposed development would account for only 50% - 55% of the main trade area retail floorspace demand when opening in 2021 and 30% - 35% of demand by 2031, leaving the remaining floorspace demand to be served by the existing Excelsior Park Village and the proposed centre at 192 Oakey Flat Road. It should be noted that the required planning instruments and land use and infrastructure planning necessary to promote and implement development in the Morayfield south growth area have not been completed or adopted by Council. Therefore, the assumptions identified in the EIA cannot be relied upon.

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Assessment of Submissions

The applicant's EIA contends the impact on the centres network would be relatively minor. The EIA finds that Excelsior Park Village will not be in direct competition with the proposed development, as the Excelsior Park Village centre only services the top-up needs of the main trade area population.

With respect to the approved Centre at 192 Oakey Flat Road Morayfield (approved but not yet constructed), the applicant contends that this centre would be considered complementary to a new Local Centre as it would provide a lower order retail function than the proposed Local centre. The EIA acknowledges that a request to change the development approval has been submitted to Council. However, as the development application has not yet been decided, the EIA has assumed that a supermarket does not form part of the development.

“Given the latest development application is yet to be approved, for the purposes of this report the rezoning approval is only assumed. The zoning approval allows for a maximum retail area of 2,500 sq.m in a two level centre. Tenants that typically located (sic) on second levels of smaller Local Centres are generally not retail but rather non-retail/commercial tenants, such as surveyors, allied health professionals, fitness studio etc. Consequently, only the lower level of the proposed Local Centre assumed to be retail floorspace, or around 1,250 sq.m. This is assumed to be completed by the development year (i.e. 2020/21). A supermarket is not assumed to form part of the development.”

The applicant forecasts that the proposed development would account for only 50% - 55% of main trade area retail floorspace demand when opening in 2021 and 30% - 35% of demand by 2031, leaving the remaining floorspace demand to be served by the existing Excelsior Park Village and the proposed centre at 192 Oakey Flat Road.

The EIA determines the largest impact is likely to be on the Morayfield CBA. Councils disagrees that the largest impact would likely be on the Morayfield CBA given its higher order role and function and distance from the subject site. It is the Council's opinion that the proposed development has the potential to adversely impact and undermine the viability of the existing Excelsior Park Village and the development proposal at 192 Oakey Flat Road due to their proximity to the subject site.

With reference to Excelsior Park village, the submitted economic report does not adequately address the trading impacts the proposed development would have on Excelsior Park Village. The EIA suggests that the proposed Local Centre would have minimal impact on the viability of the continued operation of any retail facility. However, the EIA also states that the impacts on the Excelsior Park Village from the proposed development are projected to be around \$0.5 million. Given the scale and nature of the Excelsior Park Village centre, a loss of \$0.5 million is not considered to be minor. It is considered that the proposed development has the potential to adversely impact and undermine the viability of the existing Excelsior Park Village Centre due to its proximity to the subject site.

With reference to 192 Oakey Flat Road the EIA has made a number of assumptions about how the proposed centre will be developed. Having regard to the condition 4 of the existing development approval, the submitted EIA fails to recognise that the existing development approval might be changed to facilitate a local centre as envisaged by the Moreton Bay Regional Council Planning Scheme. Further, the assumption that a supermarket does not form part of the approval when Condition 4 of the development approval allows for one supermarket is an erroneous assumption. The EIS has not provided a detailed analysis of the potential trading impacts of the proposed centre on the existing centres network, particularly the approved development at 192 Oakey Flat Road, Morayfield.

It is considered that the anticipated impacts on the approved development (192 Oakey Flat Road) would be such that either the development would not proceed or would fail if developed.

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Assessment of Submissions

As result of the impacts to Excelsior Park village and the approved local centre at 192 Oakley Flat Road, Morayfield, this is sufficient grounds for refusal of the application.

A review of the EIA, has determined that there is insufficient information provided to adequately assess the need for the proposed Local Centre. Consequently, the EIA in its current form cannot be relied upon by Council.

In addition, the subject site is not currently identified as suitable for urban development as detailed land use and infrastructure planning has not been completed for the Morayfield South growth area. The development proposal seeks to implement an ultimate commercial development which pre-empts structure planning to be carried out by the Council to identify land use and infrastructure planning for the Morayfield South growth area.

The subject site is outside the PIA and necessary infrastructure to support its development for urban uses is not currently planned for. Existing infrastructure networks available to the subject site are not to an appropriate standard or capacity to support its development for urban uses. It is not possible to determine the longer-term land uses or infrastructure requirements, without undertaking the planning of the growth area over the full development horizon. On this basis, the development proposal makes more difficult the land use and infrastructure planning which is necessary for the provision of infrastructure required to support the appropriate land use outcomes for both the Morayfield South growth area and other anticipated development outside the Morayfield South growth area.

The application is seeking a variation request to apply the Centre zone, Local centre precinct over the site. The mix of land uses and the layout of a future development would be determined at the time of making subsequent development application for a development permit.

This is a ground for refusal of the application.

Issue - Development Application

- The approval of the development application, based on the level of detail provided, would deprived submission rights to future application, particularly in relation to detailed design matters which have not been properly considered.
- Insufficient information has been submitted to allow the Assessment Manager to properly assess the Development Application.

Discussion

It is acknowledged that the planning scheme provisions allow for an application (impact assessment) to be made under the Emerging Community zone - Transition Precinct. This application however seeks a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct. In accordance s61 of the *Planning Act 2016*, Council must consider the application on its merit and consider consistencies with the local planning scheme and the effects the variations would have on submission rights for later development applications and any matter prescribed by regulation.

The assessment process has been undertaken in accordance with the legislative requirements of the *Planning Act 2016* and the application was also publicly notified for 30 business days. It is acknowledged that as the application is for a variation request and the application seeks to make subsequent development application for Local centre uses Code Assessable. An indicative site layout plan and design intent statement have been submitted as part of the application however the application is not seeking approval of this plan. As a result of the variation request, submissions on the detailed layout, design, mix of uses and Gross Floor area of the development would not be able to be made on subsequent development applications requiring code assessment.

It is therefore considered that the development application in its current form does not provide the amount and detail of information sufficient for submitters:

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<p>Assessment of Submissions</p> <p>(a) to properly consider the effect the variations would have on submitter rights for the later development applications arising from any approval of the development application; and</p> <p>(b) to be satisfied it would not be necessary for rights to extend further to later development applications arising from any approval of the development application.</p> <p>This is a ground for refusal of the application.</p>
<p>Issue - Stormwater</p> <ul style="list-style-type: none"> The Moreton Bay Region already has some of the worst water quality in its creeks, rivers and catchment areas in Queensland ultimately affecting the water quality of Moreton Bay. Some experts believe this poor water quality is due to the over development of our area. The destruction of almost 100% of the vegetation on this site and replacing it with a surface that is impervious to water penetration will only add to the run off and carrying with it all the pollutants that a commercial/retail and high density residential site will produce. The delicate wetlands ecosystems of the area that are not far from the rear of this property would be directly affected by run off pollution from this site, flowing onto other areas of Morayfield and Burpengary and eventually contributing to the pollution of Moreton Bay. The close proximity of a vital water way to a service station and the petrochemical pollutants that will be washed off the stations drive way and parking into our water ways has not been adequately addressed.
<p>Discussion</p> <p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. Whilst the application includes an indicated site plan for a future centre, approval of this plan is not sought as part of the application.</p> <p>In accordance s61 of the <i>Planning Act 2016</i>, Council must consider the consistencies with the local planning scheme. With respect to stormwater management the applicant has not submitted a preliminary stormwater report in support of the development application. As such, the applicant has not demonstrated whether the proposed development adequately manages stormwater. Although it is acknowledged that detailed design of the centre would be assessed through subsequent development permit applications, the application has failed to address the design requirements of the Overall outcomes of the Centre zone code, Local centre precinct.</p> <p>This is a ground for refusal of the application.</p>
<p>Issue - Traffic</p> <ul style="list-style-type: none"> The road infrastructure for the area is already at saturation point. Bottlenecks already occur daily at the Oakley Flat Road - Morayfield Road intersection plus the Lindsay and Morayfield Road intersections, the surrounding roads are then used as rat runs as commuters try to find access out of the area. This problem is not only an issue for Morayfield but applies to a lot of MBRC. Infill developments of this type will only increase the saturation as it will deviate traffic away from the purpose built road infrastructure closer to the Regional Activity Centre which was purpose planned and built for these types of developments. The proposed plans and the Morayfield South road infrastructure do not allow for the amount of traffic that a development of this density would generate. It is unreasonable for the rate payers of MBRC to have to bear the additional road infrastructure costs and local road repairs cost that a development of this density would require.
<p>Discussion</p> <p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p>

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Assessment of Submissions

Whilst the application includes an indicated site plan for a future centre, approval of this plan is not sought as part of the application.

In accordance s61 of the *Planning Act 2016*, Council must consider the consistencies with the local planning scheme. The proposed development is not located within the Local Government Infrastructure Plan (LGIP) priority infrastructure area. Council needs to understand the traffic impacts on surrounding infrastructure, as the proposal is inconsistent with the current LGIP planning. Furthermore, Oakey Flat Road is identified as an arterial road with limited access opportunities. The applicant has not submitted an Integrated Transport Assessment in support of the variation request. As such, the applicant has not addressed the traffic and transport impacts associated with the development application. The application has failed to address the design requirements of the Overall outcomes of the Centre zone code, Local centre precinct.

This is a ground for refusal of the application.

2.10.3 Notice of Compliance

The Notice of Compliance was received by Council on 31 October 2018. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.11 Other Matters

2.11.1 Economic Need and Impact Assessment

The applicant has submitted an Economic Impact Assessment (EIA) to determine the impact on the existing and approved centre network. The submitted Economic Impact Assessment has been prepared generally in accordance with Planning Scheme Policy - Economic Impact Assessment.

The EIA states that the population within the Oakey Flat Road main trade area is projected to increase by 400-600 persons annually over the forecast period, resulting in an increase in population to 13,800 by 2013, which has been used to justify the need for a local centre over the premises. It should be noted that the required planning instruments and land use and infrastructure planning necessary to promote and implement a local have not been completed or adopted by Council.

The applicant's EIA contends the impact on the centres network would be relatively minor. The EIA finds that Excelsior Park Village will not be in direct competition with the proposed development, as the Excelsior Park Village centre only services the top-up needs of the main trade area population.

With respect to the approved Centre at 192 Oakey Flat Road Morayfield (approved but not yet constructed), the applicant contends that this centre would be considered complementary to a new Local Centre as it would provide a lower order retail function than the proposed Local centre. The EIA acknowledges that a request to change the development approval has been submitted to Council. However, as the development application has not yet been decided, the EIA has assumed that a supermarket does not form part of the development.

"Given the latest development application is yet to be approved, for the purposes of this report the rezoning approval is only assumed. The zoning approval allows for a maximum retail area of 2,500 sq.m in a two level centre. Tenants that typically located (sic) on second levels of smaller Local Centres are generally not retail but rather non-retail/commercial tenants, such as surveyors, allied health professionals, fitness studio etc. Consequently, only the lower level of the proposed Local Centre assumed to be retail floorspace, or around 1,250 sq.m. This is assumed to be completed by the development year (i.e. 2020/21). A supermarket is not assumed to form part of the development."

ITEM 2.2 DEVELOPMENT APPLICATION DA/36729/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 285 & 293 OAKEY FLAT ROAD AND 87 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A17833207 (Cont.)

The applicant forecasts that the proposed development would account for only 50% - 55% of main trade area retail floorspace demand when opening in 2021 and 30% - 35% of demand by 2031, leaving the remaining floorspace demand to be served by the existing Excelsior Park Village and the proposed centre at 192 Oakey Flat Road.

The EIA determines the largest impact is likely to be on the Morayfield CBA. Councils disagree that the largest impact would likely be on the Morayfield CBA given its higher order role and function and distance from the subject site. It is the Council's opinion that the proposed development has the potential to adversely impact and undermine the viability of the existing Excelsior Park Village and the development proposal at 192 Oakey Flat Road due to their proximity to the subject site.

With reference to Excelsior Park village, the submitted economic report does not adequately address the trading impacts the proposed development would have on Excelsior Park Village. The EIA suggests that the proposed Local Centre would have minimal impact on the viability of the continued operation of any retail facility. However, the EIA also states that the impacts on the Excelsior Park Village from the proposed development are projected to be around \$0.5 million. Given the scale and nature of the Excelsior Park Village centre, a loss of \$0.5 million is not considered to be minor. It is considered that the proposed development has the potential to adversely impact and undermine the viability of the existing Excelsior Park Village Centre due to its proximity to the subject site.

With reference to 192 Oakey Flat Road the EIA has made a number of assumptions about how the proposed centre will be developed. Having regard to the condition 4 of the existing development approval, the submitted EIA fails to recognise that the existing development approval might be changed to facilitate a local centre as envisaged by the Moreton Bay Regional Council Planning Scheme. Further, the assumption that a supermarket does not form part of the approval when Condition 4 of the development approval allows for one supermarket is an erroneous assumption. The EIS has not provided a detailed analysis of the potential trading impacts of the proposed centre on the existing centres network, particularly the approved development at 192 Oakey Flat Road, Morayfield.

It is considered that the anticipated impacts on the approved development (192 Oakey Flat Road) would be such that either the development would not proceed or would fail if developed.

Accordingly, should the application proceed, the centres network would be compromised.

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 inconsistent with the existing Moreton Bay Region planning provisions and relevant policies.

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

ITEM 2.2 DEVELOPMENT APPLICATION DA/36729/2018/V2L - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 285 & 293 OAKLEY FLAT ROAD AND 87 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A17833207 (Cont.)

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 Implications

The proposed development would have the potential to compromise the network of centres in the locality.

3.8 Environmental Implications

There are no environmental implications arising from the refusal of this development application.

3.9 Social Implications

There are no social implications arising from the refusal of this development application.

3.10 Consultation / Communication

Refer to clause 2.7.

ATTENDANCE

Ms Kate Isles and Blake Magnar left the meeting at 9.38am after consideration on Item 2.2.

3 CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

ITEM 4.1

TENDER - WEIGHBRIDGE SOFTWARE SOLUTION (MBRC007685) - REGIONAL

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE

Reference: A17748985 : 2 November 2018 - Refer **Confidential** Supporting Information
A17903223

Responsible Officer: AH, Manager Waste Services (ECM Waste Services)

Executive Summary

Tenders were invited for the installation and commissioning of a new weighbridge software system to replace the existing weighbridge software system for Council's waste management facilities. The public tender closed on 25 September 2018 with a total of five tenders received, all of which were conforming.

It is recommended that Council award the tender for *Weighbridge Software Solution* (MBRC007685) to Mandalay Technologies for the sum of \$241,599.60 (exclusive of GST) as this tender was evaluated as representing the best overall value to Council. The tender is for a period of three years, with the option of a further one-year extension, subject to satisfactory performance.

COMMITTEE RECOMMENDATION

Moved by Cr Denise Sims

Seconded by Cr Julie Greer

CARRIED 13/0

1. That the tender for the *Weighbridge Software Solution (MBRC007685)* be awarded to Mandalay Technologies for a period of three years for the sum of \$241,599.60 (exclusive of GST) with the option to extend the agreement period by one x one-year period, subject to satisfactory performance, with the estimated sum for the extension period of approximately \$60,000 (exclusive of GST).
 - a) That the Council enters into an agreement with Mandalay Technologies as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Mandalay Technologies for the Weighbridge Software Solution and any required variations of the agreement on Council's behalf, with the option to extend the agreement by one x one-year period.
2. That, subject to satisfactory performance, the Council authorises the Chief Executive Officer, to extend the contract period by one x one-year period.

ITEM 4.1 TENDER - WEIGHBRIDGE SOFTWARE SOLUTION (MBRC007685) - REGIONAL - A17748985 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the *Weighbridge Software Solution (MBRC007685)* be awarded to Mandalay Technologies for a period of three years for the sum of \$241,599.60 (exclusive of GST) with the option to extend the agreement period by one x one-year period, subject to satisfactory performance, with the estimated sum for the extension period of approximately \$60,000 (exclusive of GST).
 - a) That the Council enters into an agreement with Mandalay Technologies as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Mandalay Technologies for the Weighbridge Software Solution and any required variations of the agreement on Council's behalf, with the option to extend the agreement by one x one-year period.
2. That, subject to satisfactory performance, the Council authorises the Chief Executive Officer, to extend the contract period by one x one-year period.

REPORT DETAIL

1. Background

In preparation for the commencement of the waste levy on 1 July 2019, Council is required to upgrade its weighbridge software to ensure compliance with the updated *Waste Reduction and Recycling (Waste Levy) Amendment Regulation 2018*. The upgraded weighbridge software will assist Council to regulate and record the transfer of waste into and out of Council's waste management facilities and will be the primary source of information for the monthly waste levy payment calculations.

The *Waste Reduction and Recycling (Waste Levy) and Other Legislation Amendment Bill 2018* will introduce a \$75/tonne levy on all waste disposed into landfill along with a \$150/tonne and \$100/tonne levy for Category 1 and 2 waste types respectively. Council will be required to report the amount of waste disposed into landfill to the State Government and pay the waste levy charge per month. The weighbridge software upgrade will improve the integrity of the data being captured and recorded at the waste facilities and allow for extensive reporting capabilities that will be compliant with the State Government monthly reporting requirements.

2. Explanation of Item

Tenders were invited for a new weighbridge software solution to replace the existing weighbridge software system at Council's four major waste facilities, eight non-weighbridge minor transfer stations and the implementation of point-of-sale (POS) software suitable for Council's two treasure markets. The contract which includes the supply of software, hardware, system installation, staff training and software licensing is for a period of 3 years.

Public tenders closed on 25 September 2018 with five conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

To expedite the software upgrade and staff training to be 'levy ready' by 1 July 2019, Council requested responding tenderers for a re-scoped pricing submission which excluded the hardware upgrade component and excluded the software installation at the eight minor transfer stations and two treasure markets. The re-scoped submissions included the software upgrade at the four major waste facilities only. The installation and staff training will commence concurrently across the four waste facilities with the rollout expected to be completed by March 2019.

ITEM 4.1 TENDER - WEIGHBRIDGE SOFTWARE SOLUTION (MBRC007685) - REGIONAL - A17748985 (Cont.)

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

Rank	Tenderer	Evaluation Score
1	Mandalay Technologies	100.00
2	Newcastle Weighing Services	64.97
3	Tipsite Systems	62.57
4	Aussie Weighbridge Solutions	57.22
5	Meridian Systems	49.20

Mandalay Technologies received the highest ranking from the selection panel based on the selection criteria. Its submission was comprehensive and demonstrated a clear understanding of the scope of works and the capacity to complete the works. Mandalay Technologies' submission met Council's requirements, and capabilities align closely with the reporting requirements of the new waste levy legislation. Mandalay Technologies' submission was evaluated as representing the best overall value to Council.

Newcastle Weighing Services received the second highest ranking from the selection panel based on the selection criteria. Newcastle Weighing Services' submission was comprehensive, well presented and competitively priced. Newcastle Weighing Services' submission did not respond in detail to the specification criteria and did not meet Council's IT requirements.

Tipsite Systems received the third highest ranking from the selection panel based on the selection criteria. Tipsite Systems' submission was comprehensive, well presented and competitively priced. Tipsite Systems' submission contained some functional gaps, did not meet Council's IT requirements and it was considered unclear how the system proposed would meet Queensland waste levy requirements.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Creating Opportunities: Digital literacy and commerce - a digital region.

3.3 Policy Implications

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

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

3.4 Risk Management Implications

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

A financial health check review of Mandalay Technologies has been undertaken and they have been assessed as *capable of servicing the contract*.

Implementation risks:

- The tendered methodology was assessed to ensure associated risks with the work are limited.
- The proposed solution has been deployed successfully and is used by several large local governments across Australia.

ITEM 4.1 TENDER - WEIGHBRIDGE SOFTWARE SOLUTION (MBRC007685) - REGIONAL - A17748985 (Cont.)

System risks:

- A warranty is provided with all hardware components.
- A Service Level Agreement of 99% system availability is provided for software components.
- Support staff are based in Brisbane.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

\$20,000 has been allocated for new IT software in the 2018/19 year. The contract price is fixed and covers a period of 3 years.

Year 1 Price (Purchase / Installation / Training)	\$ 132,699.60
Year 2 Price (Software Subscription)	\$ 54,450.00
Year 3 Price (Software Subscription)	\$ 54,450.00

Total Project Cost	\$ 241,599.60
	=====

Estimated ongoing software subscription costs (end of contract) \$60,000 per F/Y.

This project will be debited to project number 30337 (IT budget). The budget amount for this project is insufficient. Additional funds will be required to fund the shortfall in the 2018-19 financial year, with funds for 2019/20 and 2020/21 to be funded in successive financial year budgets. The shortfall of \$112,699.60 in 2018/19 will be managed within the 2018-19 Capital projects budget.

3.7 Economic Benefit

Council will be liable for Waste Levy payments commencing 1 July 2019 with payments recurring monthly. The upgraded weighbridge software will allow improved data accuracy and reporting to minimise Council's monthly Waste Levy liability and non-compliance risks.

3.8 Environmental Implications

Improved waste data will allow Council to better analyse its waste intake and implement waste reduction strategies outlined in the Waste Reduction and Recycling Plan 2016-2026.

3.9 Social Implications

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

3.10 Consultation / Communication

Consultation was held with Procurement Services throughout the tendering and evaluation assessments to ensure compliance with Council's Procurement Policy and tender evaluation process. The project stakeholders and the Manager Financial and Project Services have been consulted.

**ITEM 4.2
TENDER - SUPPLY AND DELIVERY OF ONE COMBO JET RODDING VACUUM
TRUCK (MBRC008052) - REGIONAL**

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A17895568 : 28 November 2018 - Refer **Confidential Supporting Information**
A17885524
Responsible Officer: BS, Technical Officer Fleet Support (ECM Asset Maintenance)

Executive Summary

Tenders were called for the supply and delivery of one combo jet rodding vacuum truck. The request for tenders closed on 13 November 2018, with five conforming and one non-conforming submissions received.

It is recommended that the tender for the supply and delivery of one combo jet rodding vacuum truck be awarded to Bucher Municipal for the total sum of \$727,768.71 (excl. GST), as this offer represents the best overall value to Council.

COMMITTEE RECOMMENDATION

Moved by Cr Julie Greer

Seconded by Cr Mick Gillam

CARRIED 13/0

That the tender for the supply and delivery of one combo jet rodding vacuum truck be awarded to Bucher Municipal for the total sum of \$727,768.71 (excl. GST).

- a) That the Council enters into an agreement with Bucher Municipal as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Bucher Municipal for the supply and delivery of one combo jet rodding vacuum truck and any required variations of the agreement on Council's behalf.

ITEM 4.2 TENDER - SUPPLY AND DELIVERY OF ONE COMBO JET RODDING VACUUM TRUCK (MBRC008052) - REGIONAL - A17895568 (Cont.)

OFFICER'S RECOMMENDATION

That the tender for the supply and delivery of one combo jet rodding vacuum truck be awarded to Bucher Municipal for the total sum of \$727,768.71 (excl. GST).

- a) That the Council enters into an agreement with Bucher Municipal as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Bucher Municipal for the supply and delivery of one combo jet rodding vacuum truck and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

Tenders were called for the supply and delivery of one combo jet rodding vacuum truck. Tenders closed on 13 November 2018, with five conforming and one non-conforming submissions received.

The jet rodding vacuum truck will be utilised within the Asset Maintenance department undertaking cleaning and maintenance of the stormwater network across the region. Currently these works are externally delivered, however, as a result of the increased requirement from CCTV camera inspections of the stormwater network, this is no longer considered an economical option for Council. Council currently owns and operates two dedicated fit for purpose CCTV camera inspection vehicles and the addition of the recommended jet rodding vacuum truck will enable efficient and effective maintenance of the stormwater network.

2. Explanation of Item

Council received five conforming and one non-conforming tender responses. The tenders were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

The conforming tenders and final weighting scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Bucher Municipal	100.00
2	DCS Manufacturing Pty Ltd	92.03
3	Bell Environmental	91.67
4	Spoutvac Industries Pty Ltd	90.49
5	KOR Equipment Solutions Pty Ltd	86.18
6	PR & MJ Sprague Pty Ltd	Non-conforming

Bucher Municipal submitted an offer for a Scania R400 chassis fitted with Bucher Municipal/JHL vacuum and jet rodding body. This chassis and body meet all the requirements outlined in the tender specification, has sufficient power and payload capacity and includes 12months/2500hr warranty on the cab chassis and body and 36 months warranty on truck driveline. Bucher Municipal have included in their offer unlimited operator training for the life of the asset and will undertake quarterly inspections of the vacuum and jet rodding body for a 2-year period. The Bucher Municipal submission was the lowest priced offer and received the highest evaluation score.

ITEM 4.2 TENDER - SUPPLY AND DELIVERY OF ONE COMBO JET RODDING VACUUM TRUCK (MBRC008052) - REGIONAL - A17895568 (Cont.)

DCS Manufacturing Pty Ltd submitted an offer for a Hino FM2632 chassis and DCS vacuum and jet rodding body. The chassis and body meet all the requirements outlined in the tender specification, has sufficient power and payload capacity and includes 12 months warranty on the vacuum and jet rodding body and 36 months warranty on truck chassis.

Bell Environmental submitted an offer for an Isuzu FXY240/350 chassis and Bell Environmental vacuum and jet rodding body. This chassis and body meet all the requirements outlined in the tender specification, has sufficient power and payload capacity. The offer from Bell Environmental includes 12 months warranty on the vacuum and jet rodding body and 36 months warranty on truck chassis. This offer includes an inspection program for the body for a 12-month period.

PR & MJ Sprague Pty Ltd submitted an offer for wet hire of a jet rodding vacuum truck only. This submission did not meet the requirements outlined in the tender specification and was therefore deemed non-conforming.

3. Strategic Implications

3.1 Legislative/Legal Implications

Due to the value of the purchase being greater than \$200,000, a competitive tender process was undertaken through a Local Buy Vendor Panel arrangement. The tender was called in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

No risk management implications arising as a direct result of this report.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

The recommended tendered amount for one Scania R400 chassis and Bucher Municipal/JHL vacuum and jet rodding body is \$727,768.71 (excl. GST) which is within budget allocation.

3.7 Economic Benefit

The purchase of the jet rodding vacuum truck will ensure programs are delivered in line with planned outcomes.

3.8 Environmental Implications

The recommended truck engine meets current environmental and Australian standards.

3.9 Social Implications

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

3.10 Consultation / Communication

Consultation for the supply and delivery of one jet rodding vacuum truck was undertaken with the Procurement section and Asset Maintenance department.

ITEM 4.3

REDCLIFFE - REDCLIFFE LIBRARY - AMENITIES UPGRADE - DIVISION 6

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A17884982 : 26 November 2018 - Refer **Confidential Supporting Information A17873280**
Responsible Officer: SC, Project Manager (ECM Project Management & Construction)

Executive Summary

Tenders were invited for the 'Redcliffe - Redcliffe Library - Amenities Upgrade (MBRC008814)' project. The request for tenders closed on 28 November 2018 with six tenders received, five of which were conforming.

It is recommended that Council award the contract to Main Constructions Pty Ltd for the sum of \$273,919 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

COMMITTEE RECOMMENDATION

Moved by Cr Koliana Winchester

Seconded by Cr James Houghton

CARRIED 13/0

That the tender for 'Redcliffe - Redcliffe Library - Amenities Upgrade (MBRC008814)' project be awarded to Main Constructions Pty Ltd for the sum of \$273,919 (excluding GST).

- a) That the Council enters into an agreement with Main Constructions Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Main Constructions Pty Ltd for the 'Redcliffe - Redcliffe Library - Amenities Upgrade (MBRC008814)' project and any required variations of the agreement on Council's behalf.

ITEM 4.3 REDCLIFFE - REDCLIFFE LIBRARY - AMENITIES UPGRADE - DIVISION 6 - A17884982 (Cont.)

OFFICER'S RECOMMENDATION

That the tender for 'Redcliffe - Redcliffe Library - Amenities Upgrade (MBRC008814)' project be awarded to Main Constructions Pty Ltd for the sum of \$273,919 (excluding GST).

- a) That the Council enters into an agreement with Main Constructions Pty Ltd as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Main Constructions Pty Ltd for the 'Redcliffe - Redcliffe Library - Amenities Upgrade (MBRC008814)' project and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The project is located at the Redcliffe Library, 476 Oxley Avenue, Redcliffe. The project scope includes the upgrade of public and staff amenities including contemporary and compliant design, fittings, fixtures and colours. As a cultural hub in Redcliffe, the venue is well utilised by library customers, community groups and the arts community. The objective of the project is to provide new, modern, compliant and pleasant bathroom facilities that will complement the improved library layout, new and innovative spaces, furniture and cabinetry which will be delivered as part of the (2020/21) refurbishment project. The project also includes the installation of an automatic sliding door to the amenities to align with Council's access and inclusion strategy.

The project design commenced in July 2018. Construction has been programmed with the library to commence in late January 2019 and conclude March/April 2019.

2. Explanation of Item

Tenders for the 'Redcliffe - Redcliffe Library - Amenities Upgrade (MBRC008814)' project closed on 28 November 2018 with six tenders received, five of which were conforming. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

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

RANK	TENDERER	EVALUATION SCORE
1	Main Constructions Pty Ltd	100.00
2	Leaf Building Group	95.93
3	Verve Constructions (QLD) Pty Ltd	85.95
4	Myriad Constructions Pty Ltd T/A Myriad Constructions	84.65
5	Kimini Constructions	65.97
6	Aspec Pty Ltd T/A Zero Asbestos	Non-conforming

ITEM 4.3 REDCLIFFE - REDCLIFFE LIBRARY - AMENITIES UPGRADE - DIVISION 6 - A17884982 (Cont.)

Main Constructions Pty Ltd submitted a comprehensive and well-presented tender. A tender clarification meeting was held on 3 December 2018, at which the contractor demonstrated its relevant experience, methodology, understanding of the project and capability in delivering the project. The contractor has recently undertaken construction work for the Moreton Bay Regional Council Redcliffe Cultural Centre refurbishment and the Moreton Bay Regional Council SES accommodation at Murrumba Downs.

Leaf Building Group Pty Ltd submitted a comprehensive and well-presented tender, demonstrating relevant similar project experience, however, there were no additional benefits for the higher price.

Verve Constructions (QLD) Pty Ltd submitted a well-presented tender, demonstrating relevant similar project experience, however, there were no additional benefits for the higher price.

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

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - places to discover, learn, play and imagine.

3.3 Policy Implications

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

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

3.4 Risk Management Implications

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

Financial Risks

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

Construction Risks

- a. The recommended contractor will provide a program of works, traffic management plan, safety management plan and environmental plan as part of the contract to identify and detail how it will manage and mitigate project construction risks.
- b. The recommended contractor has demonstrated its understanding of the project site and the need to manage the impact of the works and the safety of the building's users and visitors.
- c. The recommended contractor has indicated that its program of works takes into consideration the provision of appropriate resources to be able to complete the project works efficiently.
- d. The recommended contractor has acknowledged that its tender has provided for the library to remain operational during the construction program. The tender documentation required all tenderers to consider the methodology to deal with construction activities that may require some night works so as not to impede daily library operations. The contractor has allowed for these activities.

3.5 Delegated Authority Implications

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

ITEM 4.3 REDCLIFFE - REDCLIFFE LIBRARY - AMENITIES UPGRADE - DIVISION 6 - A17884982 (Cont.)

3.6 Financial Implications

Council has allocated a total of \$284,000 in the 2018-19 Capital Projects Program for the design and construction of this project, budget number 102123. All financials below are excluding GST.

Design (2018-19)	\$ 33,523.00
Tender Price (Construction)	\$273,919.00
Contingency (10%)	\$ 27,391.90
QLeave (0.475%)	1,302.00

Total Project Cost	\$336,135.90
	=====

Estimated ongoing operational/maintenance costs are \$3,500 per financial year.

The budget amount for this project is insufficient. Additional funds will be sought from savings to the 2018-19 Capital Projects Program.

3.7 Economic Benefit

The project will provide the opportunity for employment of local contractors and tradespersons during the project's construction.

3.8 Environmental Implications

The recommended contractor is required to submit an environmental management plan and comply with relevant regulatory requirements. The contractor will be required to manage noise and dust associated with the works.

3.9 Social Implications

The project will provide refurbished public and staff amenities which will improve the staff/resident/visitor experience at the facility.

3.10 Consultation / Communication

A detailed communication plan has been prepared. Project signage will be displayed prior and throughout the works including project notices distributed prior to the commencement of works. Regular communications with library staff will be undertaken by Council's project manager and the contractor. Fortnightly project updates via email will be provided to the Divisional Councillor.

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

**ITEM 4.4
TENDER - ASPHALT ENRICHMENT AND REJUVENATION PROGRAM 2018/19 -
REGIONAL**

Meeting / Session: 4 ASSET CONSTRUCTION and MAINTENANCE
Reference: A17736687 25 October 2018 - Refer Supporting Information A17890672 &
Confidential Supporting Information A17674547, A17674559 & A17674562
Responsible Officer: CC, Technical Officer (ECM Asset Maintenance)

Executive Summary

Tenders were called for the 'Asphalt Enrichment and Rejuvenation Program 2018/2019 - Regional (VP121506)' through Vender Panel using the Local Buy Arrangement 'Civil Works: Roads, Bridges and Road Resurfacing BUS242-1013. The tender contained three separable portions based on Divisions across the region. The request for tenders closed on 4 October 2018, with submissions received from four companies for one or more of the separable portions.

It is recommended that the tender for the Asphalt Enrichment and Rejuvenation Program - Regional (VP121506) be awarded as follows, as these offers represent the best overall value to Council.

Separable Portion 1 - That the tender for the Asphalt Enrichment and Rejuvenation Program in Divisions 1, 2, 3 and 12 be awarded to Downer EDI Works Pty Ltd for the sum of \$170,846.10 (excl. GST).

Separable Portion 2 - That the tender for the Asphalt Enrichment and Rejuvenation Program in Divisions 4, 5, 6 and 7 be awarded to Downer EDI Works Pty Ltd for the sum of \$218,963.60 (excl. GST)

Separable Portion 3 - That the tender for the Asphalt Enrichment and Rejuvenation Program in Divisions 8, 9, 10 and 11 be awarded to Colas Qld Pty Ltd for the sum of \$203,274.25 (excl. GST).

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel

Seconded by Cr Denise Sims

CARRIED 13/0

1. That the tender for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 1, (Divisions 1, 2, 3 and 12) be awarded to Downer EDI Works Pty Ltd for the sum of \$170,846.10 (excl. GST).
 - a) That the Council enters into an agreement with Downer EDI Works Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 1, (Divisions 1, 2, 3 and 12), as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Downer EDI Works Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 1, (Divisions 1, 2, 3 and 12) and any required variations of the agreement on Council's behalf.
2. That the tender for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 2, (Divisions 4, 5, 6 and 7) be awarded to Downer EDI Works Pty Ltd for the sum of \$218,963.60 (excl. GST).
 - a) That the Council enters into an agreement with Downer EDI Works Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 2, (Divisions 4, 5, 6 and 7), as described in this report.

ITEM 4.4 TENDER - ASPHALT ENRICHMENT AND REJUVENATION PROGRAM 2018/19 - REGIONAL - A17884982 (Cont.)

- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Downer EDI Works Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 2, (Divisions 4, 5, 6 and 7) and any required variations of the agreement on Council's behalf.
- 3. That the tender for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 3, (Divisions 8,9, 10 and 11) be awarded to Colas Qld Pty Ltd for the sum of \$203,274.25 (excl. GST).
 - a) That the Council enters into an agreement with Colas Qld Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 3, (Divisions 8 ,9, 10 and 11), as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Colas Qld Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 3, (Divisions 8 ,9, 10 and 11) and any required variations of the agreement on Council's behalf.

ITEM 4.4 TENDER - ASPHALT ENRICHMENT AND REJUVENATION PROGRAM 2018/19 - REGIONAL - A17884982 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 1, (Divisions 1, 2, 3 and 12) be awarded to Downer EDI Works Pty Ltd for the sum of \$170,846.10 (excl. GST).
 - a) That the Council enters into an agreement with Downer EDI Works Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 1, (Divisions 1, 2, 3 and 12), as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Downer EDI Works Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 1, (Divisions 1, 2, 3 and 12) and any required variations of the agreement on Council's behalf.
2. That the tender for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 2, (Divisions 4, 5, 6 and 7) be awarded to Downer EDI Works Pty Ltd for the sum of \$218,963.60 (excl. GST).
 - a) That the Council enters into an agreement with Downer EDI Works Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 2, (Divisions 4, 5, 6 and 7), as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Downer EDI Works Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 2, (Divisions 4, 5, 6 and 7) and any required variations of the agreement on Council's behalf.
3. That the tender for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 3, (Divisions 8 ,9, 10 and 11) be awarded to Colas Qld Pty Ltd for the sum of \$203,274.25 (excl. GST).
 - a) That the Council enters into an agreement with Colas Qld Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 3, (Divisions 8 ,9, 10 and 11), as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Colas Qld Pty Ltd for the 'Asphalt Enrichment and Rejuvenation Program - Regional' - Separable Portion 3, (Divisions 8 ,9, 10 and 11) and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The 'Asphalt Enrichment and Rejuvenation Program 2018/2019 - Regional (VP121506)' tender involves the application of preservation treatment to existing asphalt road surfaces across the region. This treatment protects against bitumen oxidation and prolongs aggregate retention within the existing bituminous surface and is recommended to be undertaken halfway through the asset's economical life.

ITEM 4.4 TENDER - ASPHALT ENRICHMENT AND REJUVENATION PROGRAM 2018/19 - REGIONAL - A17884982 (Cont.)

2. Explanation of Item

Tenders were called for the 'Asphalt Enrichment and Rejuvenation Program 2018/2019 - Regional (VP121506)'. Tenders closed on 4 October 2018, with submissions received from four companies for one or more of the separable portions. The tender is a schedule of rates contract and offers were assessed by a selection panel in accordance with Council's Procurement Policy and the selection criteria set out in the tender documentation.

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

Separable Portion 1 - Asphalt Enrichment and Rejuvenation - Divisions 1, 2, 3 and 12

Rank	Tenderer	Evaluation Score
1	Colas Qld Pty Ltd	96.97
2	Downer EDI Works Pty Ltd	95.05
3	Allen's Asphalt Pty Ltd	85.09
4	Fulton Hogan Industries Pty Ltd	69.77

Separable Portion 2 - Asphalt Enrichment and Rejuvenation - Divisions 4, 5, 6 and 7

Rank	Tenderer	Evaluation Score
1	Colas Qld Pty Ltd	96.45
2	Downer EDI Works Pty Ltd	95.05
3	Allen's Asphalt Pty Ltd	85.50
4	Fulton Hogan Industries Pty Ltd	69.38

Separable Portion 3 - Asphalt Enrichment and Rejuvenation - Divisions 8, 9, 10 and 11

Rank	Tenderer	Evaluation Score
1	Colas Qld Pty Ltd	97.39
2	Downer EDI Works Pty Ltd	95.05
3	Allen's Asphalt Pty Ltd	85.19
4	Fulton Hogan Industries Pty Ltd	70.39

Downer EDI Works Pty Ltd - The tender submissions received from Downer EDI Works Pty Ltd were acceptable and outlined their experience and capability required to undertake these works. Downer EDI has performed similar works for Council in previous years to a satisfactory standard. Downer EDI Works Pty Ltd did not receive the highest evaluation score for any of the three separable portions due to the level of detail contained in its tender documentation, however, its offers were the lowest priced.

Colas Qld Pty Ltd - This company provided a quality submission, clearly setting out its ability to deliver the program, and demonstrated the required level of knowledge, experience and resources required to undertake these works. Colas Qld Pty Ltd has performed similar works for Council in previous years to a satisfactory standard. The offer from Colas Qld Pty Ltd was the second lowest price received for all three separable portions, however, received the highest evaluation score due to its comprehensive tender submission.

ITEM 4.4 TENDER - ASPHALT ENRICHMENT AND REJUVENATION PROGRAM 2018/19 - REGIONAL - A17884982 (Cont.)

The offers received from **Allen's Asphalt Pty Ltd** and **Fulton Hogan Industries Pty Ltd** were comprehensive, demonstrating the required level of knowledge and experience to undertake contract works, however, their tendered price was not deemed value for money.

3. Strategic Implications

3.1 Legislative/Legal Implications

Due to the value of the work being greater than \$200,000, a tender process was undertaken with Vendor Panel's Local Buy arrangement selecting four companies from Civil Construction - Tier 1 Contractors (TMR Pre-Qualified).

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Diverse transport options - an integrated regional transport network.

3.3 Policy Implications

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

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

3.4 Risk Management Implications

Awarding the three separable portions amongst two contractors will enable Council to deliver the program in a timely manner, as well as monitoring the company's proprietary products and delivery processes as Council looks to continue and develop its asphalt enrichment and rejuvenation program into the future. While Downer EDI Works Pty Ltd submitted the lowest priced offer for all three separable portions, the recommended distribution of works is to award Separable Portions 1 and 2 to Downer EDI Works Pty Ltd and Separable Portion 3 to Colas Qld Pty Ltd on the basis of minimising risk to Council.

A third-party review of financial status has been undertaken on the two successful tenderers, with Downer EDI Works Pty Ltd receiving a rating of '*sound*' and Colas QLD Pty Ltd receiving a rating of '*very strong*' which has confirmed that both companies have the capability and financial capacity to carry out these tendered works.

Potential impacts on local traffic, bus routes and waste collection services have been identified as major risks for these projects. The mitigation strategies to minimise these risks are detailed below:

Impact on local traffic – The contractors will develop and present approved site-specific traffic management plans and approved traffic guidance schemes for each of the locations to be completed under the contract. Traffic speeds will be reduced within the extent of the works to ensure safe passage for road users and construction activities.

Impact on bus services – The contractors' traffic management methods will permit buses to maintain their normal routes. In addition to notifying affected residents, the contractors will notify relevant bus companies of the resurfacing works and the effect the works may have on services. Some projects may be undertaken at night to avoid peak traffic times and minimise disruption during school pick up times and business operating hours.

Impact on waste collection services - The successful contractors will be provided bin collection days for each of the roads listed on the rejuvenation program. The contractors' programs will be developed taking into account the bin collection days.

3.5 Delegated Authority Implications

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

ITEM 4.4 TENDER - ASPHALT ENRICHMENT AND REJUVENATION PROGRAM 2018/19 - REGIONAL - A17884982 (Cont.)

3.6 Financial Implications

Council has allocated \$750,000 (excl. GST) in the 2018/19 Capital Projects program for road rejuvenation works across the region. The total value of the tenders received is:

Total of recommended tenders	\$ 593,083.95
Contingency (10%)	\$ 59,308.40
QLeave	\$ 2,817.00

Total cost	\$ 655,209.35
	=====

Works will commence in late January 2019 and be completed by the end of April 2019.

3.7 Economic Benefit

The road rejuvenation works will address pavement surface quality, extend the life of the pavements and reduce recurrent maintenance costs on the scheduled roads.

3.8 Environmental Implications

The tender assessment included a review of the preferred contractors' environmental policies and procedures regarding environmental protection. The contractors have suitable environmental policies and procedures in place to undertake the works.

3.9 Social Implications

The works will improve vehicle safety and the roads' structural integrity.

3.10 Consultation / Communication

Consultation with residents will be undertaken utilising Councillor's Project Notices. Direct communication with Translink and all emergency services, advising of the timing of the upcoming road works, will be undertaken once the contract has been awarded and a finalised program of works has been provided by the successful contractors.

Pre-emptive Variable Message Signage will be utilised and displayed prior to and throughout several larger select projects, to notify road users. Contractors are to provide written advice to all affected residents two days prior to projects being undertaken.

ITEM 4.5

KIPPA-RING - TALOBILLA PARK - BASEBALL FIELDS RENEWAL - DIVISION 5

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A17922054 : 5 December 2018 - Refer **Confidential** Supporting Information
A17843038
Responsible Officer: SL, Project Engineer (ECM Project Management & Construction)

Executive Summary

Tenders were invited for the 'Kippa-Ring - Talobilla Park - Baseball Fields Renewal (MBRC005998)'. The request for tenders closed on 12 November 2018, with a total of two conforming tenders received.

It is recommended that Council award the contract to Hart Valley Investments Pty Ltd T/A Hanceys Turf for the sum of \$178,386.00 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

COMMITTEE RECOMMENDATION

Moved by Cr James Houghton

Seconded by Cr Kolianna Winchester

CARRIED 13/0

That the tender for 'Kippa-Ring - Talobilla Park - Baseball Fields Renewal (MBRC005998)' be awarded to Hart Valley Investments Pty Ltd T/A Hanceys Turf for the amount of \$178,386.00 (excluding GST).

- a) That the Council enters into an agreement with Hart Valley Investments Pty Ltd T/A Hanceys Turf as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Hart Valley Investments Pty Ltd T/A Hanceys Turf for the 'Kippa-Ring - Talobilla Park - Baseball Fields Renewal (MBRC005998)' and any required variations of the agreement on Council's behalf.

ITEM 4.5 KIPPA-RING - TALOBILLA PARK - BASEBALL FIELDS RENEWAL - DIVISION 5 - A17922054 (Cont.)

OFFICER'S RECOMMENDATION

That the tender for 'Kippa-Ring - Talobilla Park - Baseball Fields Renewal (MBRC005998)' be awarded to Hart Valley Investments Pty Ltd T/A Hanceys Turf for the amount of \$178,386.00 (excluding GST).

- a) That the Council enters into an agreement with Hart Valley Investments Pty Ltd T/A Hanceys Turf as described in this report.
- b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Hart Valley Investments Pty Ltd T/A Hanceys Turf for the 'Kippa-Ring - Talobilla Park - Baseball Fields Renewal (MBRC005998)' and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The project is located at Talobilla Park, Klingner Road, Kippa-Ring. The project scope includes renewal of sports turf surfaces on Fields 1 and 3, formalised drainage swale between the fields, localised subsidence rectification to field to prevent water ponding and installation and connection of irrigation to all fields (1 to 4). The project will commence in April 2019 and conclude in September 2019, to align with the seasonal club requirements. The period includes an eight-week turf establishment period from July 2019 through to September 2019.

The component of the project scope which involves the installation and connection of irrigation to all fields has already been awarded for the sum of \$128,000 (excluding GST).



Figure 1: Location of works - irrigation upgrade Talobilla Park

ITEM 4.5 KIPPA-RING - TALOBILLA PARK - BASEBALL FIELDS RENEWAL - DIVISION 5 - A17922054 (Cont.)



Figure 2: Location of turf resurfacing works Talobilla Park

2. Explanation of Item

Tenders were invited for the 'Kippa-Ring - Talobilla Park - Baseball Fields Renewal'. The tender closed on 12 November 2018, with a total of two conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents. All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Hart Valley Investments Pty Ltd T/A Hanceys Turf	100.00
2	The Boikams Discretionary Trust T/A Supagreen Lawn Programmes Pty Ltd	86.82

Hart Valley Investments Pty Ltd T/A Hanceys Turf ('Hart') submitted a comprehensive tender. Hart confirmed its capability and methodology to complete the project and has completed several sports field renovation projects for Brisbane City Council including Dittmer Park AFL and Bowman Park cricket fields.

The Boikams Discretionary Trust T/A Supagreen Lawn Programmes Pty Ltd submitted a comprehensive tender. Its submission confirmed its capability to complete the project, however, there were no additional benefits for the higher price.

3. Strategic Implications

3.1 Legislative/Legal Implications

A competitive tender process was undertaken in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

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

ITEM 4.5 KIPPA-RING - TALOBILLA PARK - BASEBALL FIELDS RENEWAL - DIVISION 5 - A17922054 (Cont.)

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

3.4 Risk Management Implications

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

Construction Risks:

- a. The recommended contractor has demonstrated its understanding of constructability challenges and its technical capability to complete the works to a high quality.
- b. The recommended contractor will provide a detailed program of works, environmental management and safety plans. Work areas will be isolated to protect site personnel, the public, and to meet workplace health and safety requirements.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$400,000 in the 2018-19 Capital Projects Program, project number 101965. All financials below are excluding GST.

Design (2018-19)	\$ 18,248.00
Irrigation tender	\$ 128,030.00
Tender Price (Turf Renewal Construction)	\$ 178,386.00
Contingency (20% former landfill site)	\$ 35,677.20
QLeave (0.475%)	\$ 1,018.33
Consultant Construction Support	\$ 3,000.00

Total Project Cost	\$ 364,359.53
	=====

Estimated ongoing operational/maintenance costs are \$36,000 per F/Y.

The budget amount for this project is sufficient.

3.7 Economic Benefit

Resurfacing the fields and creating a homogeneous turf profile will reduce recurrent maintenance costs.

3.8 Environmental Implications

An Environmental Management Plan will be provided to Council by the successful tenderer, detailing the management of environmental matters affecting the project during construction.

3.9 Social Implications

The improved playing surface will increase usage and serviceability of the playing surface ensuring the fields are available for scheduled fixtures.

3.10 Consultation / Communication

A detailed communication plan has been prepared and involves project signage. Signage (corflute) will be placed four weeks prior to commencement of the works. The Divisional Councillor has been consulted and is supportive of the project and will be provided with monthly progress updates of key project milestones.

Stakeholder consultation has occurred with the baseball club during the planning and design phase conducted by the Sport and Recreation department.

ITEM 4.6
LOCAL DISASTER MANAGEMENT PLAN 2018 - REGIONAL

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A17922644 : 4 December 2018 - **Refer Supporting Information A17891677**
Responsible Officer: CP, Coordinator Disaster Management (ECM Directorate)

Executive Summary

This report seeks Council's approval of the Moreton Bay Regional Council (MBRC) Local Disaster Management Plan (the 'Plan' - version 4.1). The Plan was signed by the Chair of the Local Disaster Management Group (LDMG) and the Moreton District Disaster Coordinator (DDC) on 29 November 2018. The Plan has been prepared in accordance with the requirements of the *Disaster Management Act 2003*.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Matt Constance

CARRIED 13/0

That the Moreton Bay Regional Council Local Disaster Management Plan (amendment version 4.1 dated November 2018) be adopted as Council's approved plan for disaster management in the Moreton Bay Regional Council area.

ITEM 4.6 LOCAL DISASTER MANAGEMENT PLAN 2018 - REGIONAL - A17922644 (Cont.)

OFFICER'S RECOMMENDATION

That the Moreton Bay Regional Council Local Disaster Management Plan (amendment version 4.1 dated November 2018) be adopted as Council's approved plan for disaster management in the Moreton Bay Regional Council area.

REPORT DETAIL

1. Background

The authority to develop and maintain a Local Disaster Management Plan for the Moreton Bay Regional Council area is legislated under the provisions of Section 57(1) of the *Disaster Management Act 2003* (the Act). The current Plan (version 4.0) was approved by Moreton Bay Regional Council on 12 September 2017.

2. Explanation of Item

Section 59(1) of the Act states 'a local government may review, or renew, its local disaster management plan when the local government considers it appropriate'. Section 59(2) states 'However, the local government must review the effectiveness of the plan at least once a year'.

The most recent annual review of the Plan has been finalised with several amendments being made. Key changes reflected in the Plan (amendment version 4.1 dated November 2018) include:

- Updated to align with the 2018 State Disaster Management Plan reflecting changes to Roles and Responsibilities as a result of last year's Machinery of Government (MoG) changes.
- Updated to reflect the disaster district name change from 'Redcliffe' to 'Moreton' disaster district.
- Updated diagram showing Queensland's Disaster Management Arrangements (QDMA) to replicate that found in the State Disaster Management Plan.
- Acknowledgment of the publication of the Emergency Management Sector Adaptation Plan (EM-SAP) to support future disaster preparedness and resilience in Moreton Bay Region.
- Updated LDMG membership due to position changes or removal.
- Updated to reflect the new joint arrangements for LDMG and DDMG meetings.
- Some photography removed and other minor amendments to allow for better formatting.
- Various website links have been updated, providing ready access to further information.

3. Strategic Implications

3.1 Legislative/Legal Implications

The authority to develop and maintain the Plan for the Moreton Bay Region is legislated under the provisions of Section 57(1) of the Act. Section 57(2) states the Plan must include provision for the following:

- a) the State group's strategic policy framework for disaster management for the State, and the local government's policies for disaster management;
- b) the roles and responsibilities of entities involved in disaster operations and disaster management in the area;
- c) the coordination of disaster operations and activities relating to disaster management performed by the entities mentioned in paragraph (b);
- d) events that are likely to happen in the area;
- e) strategies and priorities for disaster management for the area;
- f) the matters stated in the disaster management guidelines as matters to be included in the plan;
- g) other matters about disaster management in the area the local government considers appropriate.

Section 59(1) of the Act states 'a local government may review, or renew, its local disaster management plan when the local government considers it appropriate. Section 59(2) states 'However, the local government must review the effectiveness of the plan at least once a year'.

ITEM 4.6 LOCAL DISASTER MANAGEMENT PLAN 2018 - REGIONAL - A17922644 (Cont.)

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

Whilst no changes have been made within version 4.1 of the new LDMP, Queensland Fire and Emergency Services (QFES) has introduced a new risk assessment process for Queensland entitled the 'Queensland Emergency Risk Management Framework'. Council's existing high risks identified in its Natural Disaster Risk Assessment will be reviewed in the context of this new framework in 2019 and will inform the next version (version 5.0) of the LDMP.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

This Plan seeks to support individuals, communities, businesses, industries, non-government organisations and government agencies to be aware of and prepared for disasters. Good planning is critical in assisting to minimise the consequences of a disaster event on the community and ensuring effective and timely operational response and recovery occurs. The Plan is one mechanism to build on existing community and individual awareness of risk and participation in disaster management activities to enhance resilience.

3.10 Consultation / Communication

Consultation has occurred with the following persons/agencies:

- The Chair and Deputy Chair of the LDMG (Cr Flannery and Cr Constance)
- The Moreton District Disaster Coordinator and Executive Officer
- Queensland Fire and Emergency Services and Queensland Police Service personnel
- Council officers

ITEM 4.7

BURPENGARY - STATION ROAD - ROAD REHABILITATION 2 - DIVISION 2

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A17885436 : 15 November 2018 - Refer **Confidential Supporting Information A17885438**
Responsible Officer: DM, Senior Project Manager (ECM Project Management & Construction)

Executive Summary

Tenders were invited for the 'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)' project. The request for tenders closed on 1 November 2018 with four conforming tenders received.

The tender was split into two portions, being the main and separable portion 1. The main tender component was for a pavement rehabilitation of 378 metres (length). Separable portion 1 extended the pavement rehabilitation by 150 metres (length). The total length of pavement proposed to be rehabilitated, represented by both the main and separable portion 1, is 528 metres.

It is recommended that Council award the main contract, Chainage 552 to Chainage 930 (378m) to Naric Pty Ltd T/A Naric Civil for the sum of \$1,039,665.35 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

It is recommended that Council award the Separable Portion 1, Chainage 930 to Chainage 1080 (150m) to Naric Pty Ltd T/A Naric Civil for the sum of \$284,030.75 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Adrian Raedel

CARRIED 13/0

1. That the tender for the main contract, Chainage 552 to Chainage 930 (378m) for 'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)' project be awarded to Naric Pty Ltd T/A Naric Civil for the sum of \$1,039,665.35 (excluding GST).
 - a) That the Council enters into an agreement with Naric Pty Ltd T/A Naric Civil for the main contract, Chainage 552 to Chainage 930 (378m) for 'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)' project, as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Naric Pty Ltd T/A Naric Civil for the main contract, Chainage 552 to Chainage 930 (378m) for 'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)' project and any required variations of the agreement on Council's behalf.
2. That the tender for the Separable Portion 1, Chainage 930 to Chainage 1080 (150m) for 'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)' project be awarded to Naric Pty Ltd T/A Naric Civil for the sum of \$284,030.75 (excluding GST).
 - a) That the Council enters into an agreement with Naric Pty Ltd T/A Naric Civil for the Separable Portion 1, Chainage 930 to Chainage 1080 (150m) for 'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)', as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Naric Pty Ltd T/A Naric Civil for the Separable Portion 1, Chainage 930 to Chainage 1080 (150m) for 'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)' and any required variations of the agreement on Council's behalf.

ITEM 4.7 BURPENGARY - STATION ROAD - ROAD REHABILITATION 2 - DIVISION 2 - A17885436 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for the main contract, Chainage 552 to Chainage 930 (378m) for *'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)'* project be awarded to Naric Pty Ltd T/A Naric Civil for the sum of \$1,039,665.35 (excluding GST).
 - a) That the Council enters into an agreement with Naric Pty Ltd T/A Naric Civil for the main contract, Chainage 552 to Chainage 930 (378m) for *'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)'* project, as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Naric Pty Ltd T/A Naric Civil for the main contract, Chainage 552 to Chainage 930 (378m) for *'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)'* project and any required variations of the agreement on Council's behalf.
2. That the tender for the Separable Portion 1, Chainage 930 to Chainage 1080 (150m) for *'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)'* project be awarded to Naric Pty Ltd T/A Naric Civil for the sum of \$284,030.75 (excluding GST).
 - a) That the Council enters into an agreement with Naric Pty Ltd T/A Naric Civil for the Separable Portion 1, Chainage 930 to Chainage 1080 (150m) for *'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)'*, as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Naric Pty Ltd T/A Naric Civil for the Separable Portion 1, Chainage 930 to Chainage 1080 (150m) for *'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)'* and any required variations of the agreement on Council's behalf.

REPORT DETAIL

1. Background

The project is located at Station Road, from the intersection of Joyce Street to 106 Station Road, Burpengary. The project scope includes the rehabilitation of the subject section which is 528m in length and 11.5m in width, as well as storm water drainage renewal and some minor footpath renewal works. The original project scope was for a length of 480m, however, during the design phase, an additional 48m was added to the project due to further pavement concerns and was, as a result, included in the design. The project's objective is to bring the road pavement to a desirable level of service as the existing road pavement has deteriorated below an acceptable level.

The work is scheduled to be undertaken as night works due to large traffic volumes during the day. Works on site are scheduled to commence in January 2019 and be completed by May-early June 2019 over a 17-week period, which includes an allowance for wet weather.

ITEM 4.7 BURPENGARY - STATION ROAD - ROAD REHABILITATION 2 - DIVISION 2 - A17885436 (Cont.)

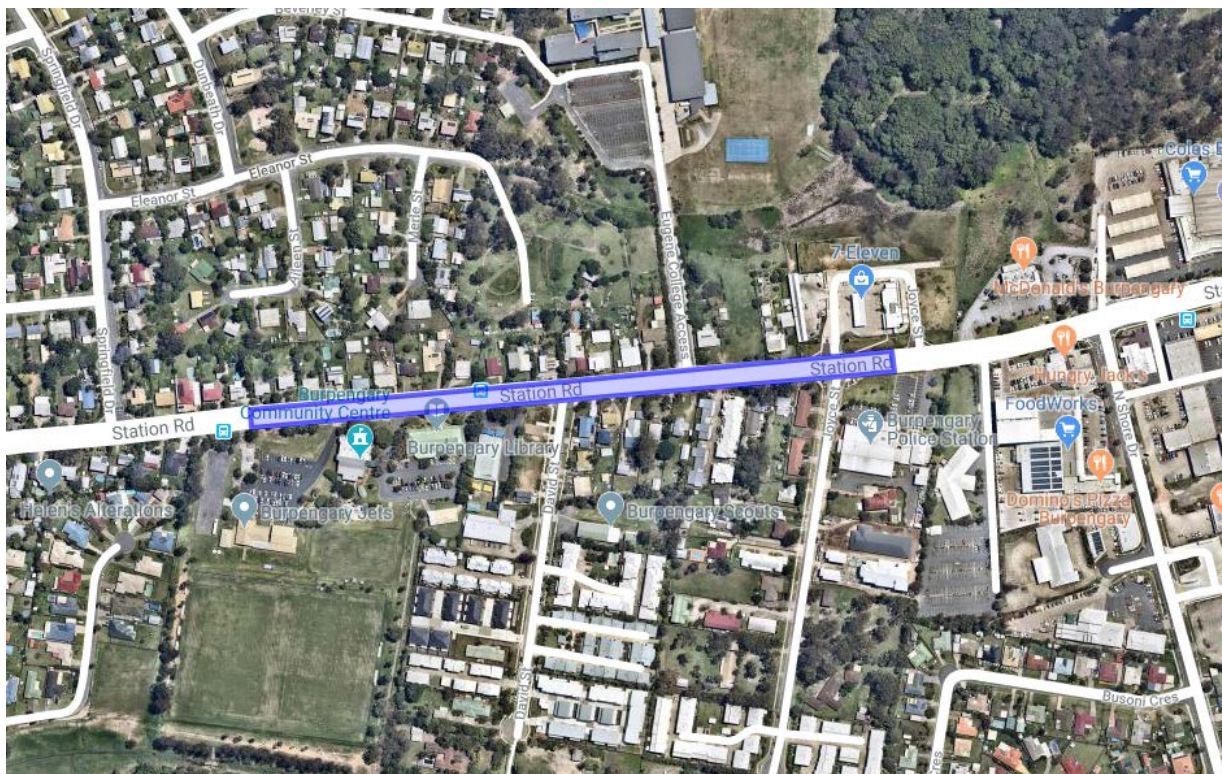


Figure 1: Locality plan - Station Road, Burpengary road rehabilitation

2. Explanation of Item

Tenders for the 'Burpengary - Station Road - Road Rehabilitation 2 (MBRC008051)' project closed on 1 November 2018 with four conforming tenders received.

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

The tender was established with a main contract of works extending from Chainage 552 to Chainage 930 (378m) and a separable portion 1 extending from Chainage 930 to Chainage 1080 (150m) - total 528m. The tender evaluation was undertaken for both the main contract and separable portion 1.

RANK	TENDERER	EVALUATION SCORE
1	Naric Pty Ltd T/A Naric Civil	98.10
2	AllRoads Pty Ltd	94.18
3	BMD Urban Pty Ltd	88.44
4	CES Civil NQ Pty Ltd	58.78

Naric Pty Ltd T/A Naric Civil ('Naric') submitted a comprehensive and well-presented tender. A tender clarification meeting was held on 9 November 2018, at which Naric demonstrated its relevant experience, methodology, understanding of the project and capability in delivering the project. Naric has recently undertaken the pavement rehabilitation of Blackall Street in East Ipswich, value \$1.5M, a \$4.3M program of kerb and channel works for Ipswich City Council and pedestrian safety and asphalt works in Aratula, value \$900k for the Department of Transport and Main Roads (DTMR). Referees (Ipswich City Council and DTMR) provided positive responses regarding works completed by Naric.

AllRoads Pty Ltd submitted a comprehensive and well-presented tender, demonstrating relevant similar project experience, however, there were no additional benefits for the higher price.

ITEM 4.7 BURPENGARY - STATION ROAD - ROAD REHABILITATION 2 - DIVISION 2 - A17885436 (Cont.)

BMD Urban Pty Ltd submitted a comprehensive and well-presented tender, demonstrating relevant similar project experience, however, there were no additional benefits for the higher price.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

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

Financial Risks:

A third-party review of financial status has been undertaken and the successful tenderer was rated 'strong'.

Construction Risks:

- a. The recommended contractor will provide a program of works, traffic management plan, safety management plan and environmental management plan as part of the contract to identify and detail how it will manage and mitigate project construction risks. This information will be assessed for appropriateness by Council's Project Manager.
- b. The recommended contractor has demonstrated its understanding of the project site and the need to manage the impact of the works and safety for pedestrians and vehicles.
- c. The recommended contractor has programmed the works and allowed for appropriate resources to be able to complete the project works efficiently.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

Council has allocated a total of \$1,095,000, with \$35,000 for design in the 2017-18 Capital Projects Program and \$1,060,000 in the 2018-19 Capital Projects Program for this project, budget number 102037. All financials below are excluding GST.

Design	\$ 41,844.00
Service Identification and location	\$ 12,300.00
Tender Price (Construction - main contract)	\$1,039,665.35
Tender Price (Construction - SP1)	\$ 284,030.75
Contingency (10% - main contract & SP1)	\$ 132,370.00
Q Leave (0.475%)	\$ 6,288.00

Total Project Cost	\$1,516,498.10
	=====
Estimated ongoing operational/maintenance costs	\$4,825 per F/Y

ITEM 4.7 BURPENGARY - STATION ROAD - ROAD REHABILITATION 2 - DIVISION 2 - A17885436 (Cont.)

The budget amount for this project is insufficient. Additional funds will be required from savings to the 2018/19 Capital Projects Program. Factors which have adversely affected the disparity between the budget allocation and the tender price (resulting in an approximate increase cost of \$380,000) include a pavement rehabilitation extension of 48 metres (length) to that denoted in the project scope and the project being undertaken as nightworks.

3.7 Economic Benefit

The project will address surface issues, extend the life of the road pavement and reduce maintenance costs associated with the section of road.

3.8 Environmental Implications

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

3.9 Social Implications

To minimise impacts on the local community and local businesses, night works will be undertaken at key hold points during the project.

3.10 Consultation / Communication

A detailed communications plan has been prepared, which has taken into consideration night works. Pre-project notices will be issued six weeks prior to the commencement of works to provide advanced notice of the night works. Variable Message Boards will be in place and project notices and project signs will be distributed two weeks prior to commencement. Residents and businesses directly affected by the staged works will be provided additional details with two days' notice of works. Weekly updates will be provided to affected residents by Council's Project Manager to inform on progress - via door knocking and notices left in mailboxes. Weekly project updates via email will be provided to the Divisional Councillor who has been consulted and is supportive of the project.

ATTENDANCE

Ms Angelika Hesse attended the meeting at 9.47am for discussion on Item 4.8.

**ITEM 4.8
TENDER - GENERAL WASTE AND RECYCLABLES COLLECTION SERVICES
(MBRC006242) - REGIONAL**

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE
Reference: A17903330 : 30 October 2018 - Refer Supporting Information A17876164
and **Confidential** Supporting Information A17902215, A17902609 &
A17842158
Responsible Officer: AH, Manager Waste Services (ECM Waste Services)

Executive Summary

Tenders were invited for 'General Waste and Recyclables Collection Services' (MBRC006242) incorporating four separable portions (services), the separable portions being:

- Wheelie bin waste and recycling collection
- Bulk bin collection
- On-demand bulky waste collection
- Material Recovery Facility (MRF) processing.

A total of eight companies provided six conforming and eleven alternate tender submissions by tender close on 21 August 2018.

The submissions received did not take into account the submissions received for the MRF. It is recommended that the awarding of the tender's separable portion four, the operation of a MRF, be postponed to February 2019 to allow for further consideration of submissions.

To ensure effective value for money services, all submissions were considered by the evaluation panel. An independent, external Probity Auditor ensured that required procurement processes were followed.

It is recommended that Council award the following three separable portions of the 'General Waste and Recyclables Collection Services' (MBRC006242) tender to Cleanaway Pty Ltd for the annual estimated sum of \$11,020,360, for its Alternate Offer 1:

1. the waste and recycling collection of wheelie bins (mobile bins)
2. the waste and recycling bulk bin collection, and
3. the on-demand bulky waste collection

The recommended tenderer will be required to collect the recyclables from mobile bins and bulk industrial bins and deposit them at a MRF or transfer facility nominated by the Council.

COMMITTEE RECOMMENDATION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Adrian Raedel

CARRIED 13/0

1. That the tender for General Waste and Recyclables Collection Services (MBRC006242) be awarded to Cleanaway Pty Ltd for its Alternate Offer 1 for an estimated annual sum of \$11,020,360 (excluding GST), for a term of twelve years from 1 July 2019 to 30 June 2031 with an option to extend for a further two years at Council's discretion for the following separable portions:
 - (i) General waste and recyclables collection services from mobile bins (Service Area 1);
 - (ii) General waste and recyclables collection services from bulk industrial bins (Service Area 1);

ITEM 4.8 TENDER - GENERAL WASTE AND RECYCLABLES COLLECTION SERVICES (MBRC006242) - REGIONAL - A17903330 (Cont.)

- (iii) General waste and recyclables collection services from mobile bins (Service Area 2);
 - (iv) General waste and recyclables collection services from bulk industrial bins (Service Area 2); and
 - (v) On-demand kerbside bulk waste collections services (Regional).
- b) That the Council enters into an agreement with Cleanaway Pty Ltd as described in this report.
- c) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Cleanaway Pty Ltd for the following separable portions:
 - (i) General waste and recyclables collection services from mobile bins (Service Area 1);
 - (ii) General waste and recyclables collection services from bulk industrial bins (Service Area 1);
 - (iii) General waste and recyclables collection services from mobile bins (Service Area 2);
 - (iv) General waste and recyclables collection services from bulk industrial bins (Service Area 2); and
 - (v) On-demand kerbside bulk waste collections services (Regional);and any required variations of the agreement on Council's behalf.
- 2. That Council note the award of the on-demand kerbside bulk waste collection services for bulky waste and garden organics is a service available to residents across the region from 1 July 2019 for twelve years plus an additional two years, at Council's discretion.
- 3. That the Council postpone the consideration of the separable portion for the Material Recovery Facility processing of this tender until February 2019 to allow for further consideration of submissions and that tenderers for this separable portion be advised that the matter has been deferred.

ITEM 4.8 TENDER - GENERAL WASTE AND RECYCLABLES COLLECTION SERVICES (MBRC006242) - REGIONAL - A17903330 (Cont.)

OFFICER'S RECOMMENDATION

1. That the tender for General Waste and Recyclables Collection Services (MBRC006242) be awarded to Cleanaway Pty Ltd for its Alternate Offer 1 for an estimated annual sum of \$11,020,360 (excluding GST), for a term of twelve years from 1 July 2019 to 30 June 2031 with an option to extend for a further two years at Council's discretion for the following separable portions:
 - i. General waste and recyclables collection services from mobile bins (Service Area 1);
 - ii. General waste and recyclables collection services from bulk industrial bins (Service Area 1);
 - iii. General waste and recyclables collection services from mobile bins (Service Area 2);
 - iv. General waste and recyclables collection services from bulk industrial bins (Service Area 2); and
 - v. On-demand kerbside bulk waste collections services (Regional).
 - a) That the Council enters into an agreement with Cleanaway Pty Ltd as described in this report.
 - b) That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Cleanaway Pty Ltd for the following separable portions:
 - i. General waste and recyclables collection services from mobile bins (Service Area 1);
 - ii. General waste and recyclables collection services from bulk industrial bins (Service Area 1);
 - iii. General waste and recyclables collection services from mobile bins (Service Area 2);
 - iv. General waste and recyclables collection services from bulk industrial bins (Service Area 2); and
 - v. On-demand kerbside bulk waste collections services (Regional);and any required variations of the agreement on Council's behalf.
2. That Council note the award of the on-demand kerbside bulk waste collection services for bulky waste and garden organics is a service available to residents across the region from 1 July 2019 for twelve years plus an additional two years, at Council's discretion.
3. That the Council postpone the consideration of the separable portion for the Material Recovery Facility processing of this tender until February 2019 to allow for further consideration of submissions and that tenderers for this separable portion be advised that the matter has been deferred.

REPORT DETAIL

1. Background

The current contracts for *General Waste Collection Services (MBW/10/2012)*, *Recyclable Waste Collection Services (MBW/11/2012)*, the *Materials Recovery Facility Services (MBW/14/2012)* and the *Supply and Service of Bulk Industrial Bins (MBRC004425)* expire on 30 June 2019. To obtain the best offer to Council, the new tender arrangements consolidated the three above-named contract services as well as seeking a tender for a new on-demand kerbside bulk waste collection service for bulky waste and garden organics.

Tenderers were requested to provide a schedule of rates per service for the following:

- Weekly collection of general waste from 140ltr and 240ltr mobile bins
- Fortnightly collection of recyclables from 140ltr, 240ltr and 360ltr mobile bins
- Weekly collection of general waste from bulk industrial bins of varying sizes from 660ltr to 4.5m³
- Fortnightly collection of recyclables from bulk industrial bins of varying sizes from 660ltr to 4.5m³
- Transportation of general waste collected with disposal at Council's nominated waste facilities at Bunya, Dakabin and Caboolture
- Transportation of recyclables collected to a MRF or transfer facility to be nominated by Council

ITEM 4.8 TENDER - GENERAL WASTE AND RECYCLABLES COLLECTION SERVICES (MBRC006242) - REGIONAL - A17903330 (Cont.)

- Ownership and processing of recyclables with a share of the gross revenue to Council from the sale of processed recyclables and the proceeds of the return of eligible containers under the state government's Container Refund Scheme (part of the MRF separable portion)
- Opportunity to re-route the current services or part thereof with a reduction in tender rates and a demonstrated benefit to Council and its residents
- Supply of mobile and bulk industrial bins and the repair and replacement of bins
- Community education contribution
- Collection of on-demand kerbside bulk waste transported to a nominated waste facility.

Designated Waste Collection Area - Service Area 1 and Service Area 2

The current contractor undertakes approximately 250,000 weekly services across 165,000 households in the Designated Waste Collection Area (Service Area 1). This area includes expected growth areas for the next 10 years.

There are approximately 3,000 properties outside the Designated Waste Collection Area in Service Area 2 that currently do not have a current kerbside waste and recycling bin service. The recommended tenderer will be able to undertake the servicing from either the commencement of the contract or during the contract term (refer to Supporting Information #1 - Map of Designated Waste Collection Area - Service Area 1 and Service Area 2 outside the current collection area).

On-demand Kerbside Bulk Waste Collection Services

Benefits of providing an on-demand collection for bulky waste and garden organics include less pressure on the region's waste transfer stations where minimal space is available for bulky items and removal of transportation costs from transfer stations with waste collected being taken directly to landfill facilities. The service is expected to attract a waste levy abatement for Council as tonnage would be classed as Municipal Solid Waste (MSW).

The recommended tenderer will manage the overall system, including on-line implementation, bookings and calls.

2. Explanation of Item

Tenders for the 'General Waste and Recyclables Collection Services' (MBRC006242) closed on 21 August 2018, with a total of six conforming and eleven alternate tender submissions received. The submissions received did not take into account the submissions received for the MRF. It is recommended that the awarding of the tender's separable portion four, the operation of a MRF, be postponed to February 2019 to allow for further consideration of submissions.

Table 1 - General Waste and Recyclables from Mobile Bins:

Rank	Tenderer	Evaluation Score %
1	Cleanaway Pty Ltd - Alternate Offer 1	100.00
2	Cleanaway Pty Ltd - Alternate Offer 3	98.34
3	Cleanaway Pty Ltd - Conforming 1	97.62
4	Cleanaway Pty Ltd - Conforming 2	97.62
5	Cleanaway Pty Ltd - Alternate Offer 4	96.74
6	Cleanaway Pty Ltd - Alternate Offer 2	96.40
7	JJ Richards & Sons Pty Ltd - Alternate Offer 3	94.05
8	JJ Richards & Sons Pty Ltd - Alternate Offer 1	93.20
9	JJ Richards & Sons Pty Ltd - Alternate Offer 2	93.16
10	JJ Richards & Sons Pty Ltd - Conforming	92.44
11	Veolia Environmental Services (Aust) Pty Ltd - Conforming	88.85
12	Suez Recycling & Recovery Pty Ltd- Alternate Offer	86.34
13	Remondis Australia Pty Ltd - Alternate Offer 1	82.22
14	Remondis Australia Pty Ltd - Conforming	77.64
15	Suez Recycling & Recovery Pty Ltd - Conforming	(1.36)

ITEM 4.8 TENDER - GENERAL WASTE AND RECYCLABLES COLLECTION SERVICES (MBRC006242) - REGIONAL - A17903330 (Cont.)

Table 2 - General Waste and Recyclables from Bulk Industrial Bins:

Rank	Tenderer	Evaluation Score %
1	Cleanaway Pty Ltd - Alternate Offer 1	97.37
2	Cleanaway Pty Ltd - Alternate Offer 3	97.37
3	Veolia Environmental Services (Aust) Pty Ltd - Conforming	96.90
4	Cleanaway Pty Ltd - Conforming 1	96.70
5	Cleanaway Pty Ltd - Conforming 2	96.70
6	Cleanaway Pty Ltd - Alternate Offer 4	95.43
7	Cleanaway Pty Ltd - Alternate Offer 2	95.29
8	JJ Richards & Sons Pty Ltd- Conforming	93.90
9	JJ Richards & Sons Pty Ltd - Alternate Offer 1	93.90
10	JJ Richards & Sons Pty Ltd - Alternate Offer 2	93.56
11	JJ Richards & Sons Pty Ltd - Alternate Offer 3	93.56
12	Suez Recycling & Recovery Pty Ltd- Alternate Offer	78.99
13	Remondis Australia Pty Ltd - Conforming	73.48
14	Remondis Australia Pty Ltd - Alternate Offer 1	72.48
15	Suez Recycling & Recovery Pty Ltd - Conforming	(22.86)

Table 3 - On-Demand Kerbside Bulk Waste Collection Services:

Rank	Tenderer	Evaluation Score %
1	Cleanaway Pty Ltd - Alternate Offer 1	99.24
2	Cleanaway Pty Ltd - Alternate Offer 3	99.24
3	Cleanaway Pty Ltd - Conforming 2	99.15
4	JJ Richards & Sons Pty Ltd- Conforming	98.91
5	JJ Richards & Sons Pty Ltd - Alternate Offer 1	98.91
6	JJ Richards & Sons Pty Ltd - Alternate Offer 2	98.57
7	JJ Richards & Sons Pty Ltd - Alternate Offer 3	98.57
8	Cleanaway Pty Ltd - Alternate Offer 2	97.49
9	Cleanaway Pty Ltd - Alternate Offer 4	97.24
10	Veolia Environmental Services (Aust) Pty Ltd - Conforming	92.87
11	Brett's Slashing Pty Ltd	86.67
12	Remondis Australia Pty Ltd - Alternate Offer 1	-153.85

All tenderers for the waste collection services are experienced waste management companies in Australia with relevant collection service experience, management systems, customer service, required insurances, certified quality, environmental, work health and safety management systems and have plant and equipment capable of carrying out the services.

Cleanaway Pty Ltd ('Cleanaway') provided a comprehensive tender with a number of alternate offers and received the highest ranking for Alternate Offer 1 for the separable portions for the collection of general waste and recyclable waste from mobile bins, bulk industrial bins and on-demand kerbside bulk waste collection as indicated above. Cleanaway has provided satisfactory kerbside collection services for the Moreton Bay Region since 2012

J.J. Richards & Sons Pty Ltd ('JJ Richards') is a well-established privately-owned waste management company that maintains a high level of safety, environmental and legislative standards. JJ Richards provided a comprehensive conforming tender with three alternate offers. JJ Richards provides collection services across all states of Australia and New Zealand for rural and regional Councils.

ITEM 4.8 TENDER - GENERAL WASTE AND RECYCLABLES COLLECTION SERVICES (MBRC006242) - REGIONAL - A17903330 (Cont.)

Veolia Environmental Services (Aust) Pty Ltd ('Veolia') provided a conforming tender for each of the services. Veolia's ranking for each of the separable portions is provided in Tables 1, 2 and 3 above. Veolia undertakes a large number of waste management collections in South Australia, Western Australia and NSW. Veolia advised that they currently have no major projects in Queensland.

Suez Recycling & Recovery Pty Ltd ('Suez') submitted a comprehensive conforming tender with an alternate offer. Suez's ranking for each of the separable portions is provided in Tables 1, 2 and 3 above. The company has carried out the waste collection services for Brisbane City Council for a continuous period of 34 years and advised that they have retained the services for a further 16 years.

Remondis Australia Pty Ltd ('Remondis') submitted a comprehensive conforming tender and an alternate tender. Remondis provides collection services to Councils across Australia including Sunshine Coast, Wollongong (NSW) and Shellharbour (NSW) Councils. Remondis' rankings for each of the separable portions is provided in Tables 1, 2 and 3 above.

The eleven alternate tenders offered Council the following variations to the tender documents:

- a) variation to the length of the contract term: 7, 9 and 12 years
- b) separate rates for the provision, repair and replacement of bins
- c) the use of existing collection vehicles or vehicles able to be utilised and maintained longer than the proposed contract term, when new vehicles are expected to be purchased, and
- d) the purchase of new collection vehicles that do not meet the required Euro 6 standard for heavy diesel vehicles for emission management system.

3. Strategic Implications

3.1 Legislative/Legal Implications

Council called a public tender for the services through the LG Tender system in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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

3.4 Risk Management Implications

The risk associated with providing these services has been assessed and the following issues identified. The manner in which the possible impact of these risks is minimised is detailed below.

Services risk:

Plant and equipment

The recommended tenderer's Alternate Offer 1 proposes the utilisation of waste and recycling collection trucks used under the current contract for the first three (3) years of the new contract (1 July 2019 to 30 June 2022) with the purchase of new vehicles from years 3 and 4. The recommended tenderer has advised all collection fleet vehicles will be fitted with a new cabin operating system providing data collection for services as required under the contract. All collection vehicles will be signed to Council requirements at the commencement of the contract.

ITEM 4.8 TENDER - GENERAL WASTE AND RECYCLABLES COLLECTION SERVICES (MBRC006242) - REGIONAL - A17903330 (Cont.)

The recommended tenderer is proposing to reroute services at 15,110 properties across the region. This will involve some disruption to services and will impact on residents, businesses and Council (Call Centre). To lessen the impact, the recommended tenderer is proposing to implement the changes over three stages. Each stage's timing will be determined by the Council, and each stage will require a detail implementation plan to be discussed and agreed with Council prior to its implementation.

Reroute Stages	Overall properties affected	No. services
Stage One	Change of recycling week only	6,134
Stage Two	Change of collection day only	7,547
Stage Three	Change of collection day and recycling week	1,429
Total properties affected		15,110

Performance Security: The successful tenderer is required to provide a performance security of \$4M for the collection services.

A third-party review by Equifax of the recommended tenderer's financial status has been carried out and the company was rated "Acceptable - investment grade classification with a low level of risk".

External independent probity auditor

An external Probity Auditor attended the tender evaluation process to ensure compliance with the relevant statutory requirements and Council policies.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

The services will be debited to the following project numbers:
General waste collection services - 20142.000.22004
Recyclables collection services - 20143.000.22004

The estimated annual contract sum is within the budget allocation and additional income will be received from residential properties being levied for the waste and recycling collection services.

3.7 Economic Benefit

The establishment of a new On-demand Kerbside Bulk Waste collection service will provide new positions for 4 - 6 workers who are likely to reside in the region.

3.8 Environmental Implications

Providing residents with separate bins of varying sizes for general waste and recyclables ensures that the minimum amount of general waste is transported to landfill whilst maximising the recyclables diverted from landfill.

3.9 Social Implications

Providing collection services on a nominated day for general waste and recyclables from mobile bins and bulk industrial bins ensures that residents are able to dispose of waste conveniently from their homes.

ITEM 4.8 TENDER - GENERAL WASTE AND RECYCLABLES COLLECTION SERVICES (MBRC006242) - REGIONAL - A17903330 (Cont.)

3.10 Consultation / Communication

Consultation was held with representatives from Council's Legal, Procurement and Financial Services sections to ensure compliance with Council's Procurement Policy for both the tender documents and the evaluation process.

ATTENDANCE

Ms Angelika Hesse left the meeting at 9.51am after consideration on Item 4.8.

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

ITEM 5.1

NEW LEASE - BEACHMERE COMMUNITY LAWN BOWLS CLUB INC. - DIVISION 2

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A17864472 : 20 November 2018 - **Refer Supporting Information A17864731**
Responsible Officer: CM, Acting Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a lease to Beachmere Community Lawn Bowls Inc. at 10 Biggs Avenue, Beachmere (refer Supporting Information #1). The proposed lease would formalise tenure over an area currently occupied by the club.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Adrian Raedel

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That subject to recommendation 3, Beachmere Community Lawn Bowls Club Inc. be granted a lease over an area at 10 Biggs Avenue, Beachmere (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.1 NEW LEASE - BEACHMERE COMMUNITY LAWN BOWLS CLUB INC. - DIVISION 2 - A17864472 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That subject to recommendation 3, Beachmere Community Lawn Bowls Club Inc. be granted a lease over an area at 10 Biggs Avenue, Beachmere (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 2010, Beachmere Community Lawn Bowls Club Inc. (Bowls Club) has utilised facilities at 10 Biggs Avenue, Beachmere (refer Supporting Information #1) to conduct its social bowls activities, as well as occasional special events. The facilities utilised by the group on an exclusive use basis include the two bowling greens and a machinery shed (refer Supporting Information #1). In addition to these exclusive use areas, the group also utilises both the internal toilets and the veranda of the adjacent Beachmere Community Facility.

Between December 2015 and March 2018, all facilities (including the bowling greens) were under lease to the Returned Service League of Australia (Queensland Branch) Beachmere Sub Branch Inc, who facilitated the Bowls Club's access to the facilities.

In March 2018 the Returned Service League of Australia (Queensland Branch) Beachmere Sub Branch Inc. handed management of all facilities back to Council. Accordingly, new tenure arrangements are now required to formalise the Bowls Club's ongoing use of Council facilities at this location.

2. Explanation of Item

Council has received a request from the Beachmere Community Lawn Bowls Club Inc. for a lease over the two bowling greens and machinery shed located at 10 Biggs Avenue, Beachmere (refer Supporting Information #1) to facilitate the group's ongoing social bowls activities and related events. Such a lease would formalise the group's current occupation of these facilities.

In addition to the proposed lease, the Bowls Club will also be provided with continued access to the Beachmere Community Facility veranda and internal toilets during its social bowls activities. This access will be facilitated by the newly appointed facility managers (Beachmere Area Network Group Inc.) and formalised through its Hall Management Agreement with Council.

This report recommends that Council approves the provision of a lease, under the terms and conditions of Council's Community Leasing Policy, over the area identified in Supporting Information #1. Further, it is recommended that the term of this lease be for a period of five (5) years.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

ITEM 5.1 NEW LEASE - BEACHMERE COMMUNITY LAWN BOWLS CLUB INC. - DIVISION 2 - A17864472 (Cont.)

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

The issuing of a lease to Beachmere Community Lawn Bowls Club Inc. will formalise the clubs use of facilities to support its operations.

3.10 Consultation / Communication

Councillor Flannery (Division 2)
Beachmere Community Lawn Bowls Club Inc.

ITEM 5.2
NEW LEASE - THE SCOUT ASSOCIATION OF AUSTRALIA QUEENSLAND
BRANCH INC - DIVISION 5

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A17884926 : 26 November 2018 - **Refer Supporting Information A17884927**
Responsible Officer: CM, Acting Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a lease to The Scout Association of Australia Queensland Branch Inc. at Owens Park, 5 Fernlea Avenue, Scarborough (refer Supporting Information #1). The proposed lease would take effect following the organisation's surrender of its existing lease at this location.

COMMITTEE RECOMMENDATION

Moved by Cr James Houghton

Seconded by Cr Julie Greer

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendations 3 and 4, The Scout Association of Australia Queensland Branch Inc. be granted a lease over an area at 5 Fernlea Avenue, Scarborough (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of this lease be subject to The Scout Association of Australia Queensland Branch Inc. surrendering its existing lease at this location.
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.2 NEW LEASE - THE SCOUT ASSOCIATION OF AUSTRALIA QUEENSLAND BRANCH INC - DIVISION 5 - A17884926 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendations 3 and 4, The Scout Association of Australia Queensland Branch Inc. be granted a lease over an area at 5 Fernlea Avenue, Scarborough (refer Supporting Information #1) for a period of five years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the grant of this lease be subject to The Scout Association of Australia Queensland Branch Inc. surrendering its existing lease at this location.
5. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 1 July 2007, The Scout Association of Australia Queensland Branch Inc. has held a lease with Council over buildings and open space at 5 Fernlea Avenue, Scarborough (refer Supporting Information #1). This lease was established by the former Redcliffe City Council to support the operations of the Scarborough Scouts branch and is due to expire on 30 June 2027.

Following the adoption of Council's consolidated Community Leasing Policy (No. 2150-079) on 1 April 2014, existing lessees were provided the opportunity to transition to a lease under Council's new policy provisions.

2. Explanation of Item

The Scout Association of Australia Queensland Branch Inc. has recently advised Council that its Scarborough branch is ready to transition to a new lease under the provision of Council's Community Leasing Policy (No. 2150-079).

To enable this transition, The Scout Association of Australia Queensland Branch Inc. will be required to surrender its existing lease with Council at this location (refer Supporting Information #1) and enter into a new lease with Council over the same area.

Accordingly, this report recommends that Council approve the provision of a new lease, under the terms and conditions of Council's Community Leasing Policy (No. 2150-079), over the area identified in Supporting Information #1. Further, it is recommended that the term of this lease be for a period of five years, and take effect following the organisation's surrender of its existing lease at this location.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

ITEM 5.2 NEW LEASE - THE SCOUT ASSOCIATION OF AUSTRALIA QUEENSLAND BRANCH INC - DIVISION 5 - A17884926 (Cont.)

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

The issuing of a lease to The Scout Association of Australia Queensland Branch Inc. will provide the organisation with facilities to support its operations.

3.10 Consultation / Communication

Councillor Houghton (Division 5)
The Scout Association of Australia Queensland Branch Inc.

ITEM 5.3

NEW LEASE - CABOOLTURE SPORTS CLUB LIMITED - DIVISION 2

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A17834527 : 29 November 2018 - **Refer Supporting Information A17903304**
Responsible Officer: CM, Acting Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a trustee lease (lease) to Caboolture Sports Club Limited at Moreton Bay Central Sports Complex, 1305 Bruce Highway, Burpengary (refer Supporting Information #1). The proposed lease would take effect following the completion of works associated with the construction of a new purpose-built football facility.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Adrian Raedel

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Caboolture Sports Club Limited be granted a trustee lease over areas at Moreton Bay Central Sports Complex, 1305 Bruce Highway, Burpengary (refer Supporting Information #1) for a period of ten years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy (2150-079), with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.3 NEW LEASE - CABOOLTURE SPORTS CLUB LIMITED - DIVISION 2 - A17834527 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Caboolture Sports Club Limited be granted a trustee lease over areas at Moreton Bay Central Sports Complex, 1305 Bruce Highway, Burpengary (refer Supporting Information #1) for a period of ten years.
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy (2150-079), with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

The establishment of a football precinct within the Moreton Bay Central Sports Complex (MBCSC) was identified as a community need in 2006 by the former Caboolture Shire Council, and once developed will allow the Caboolture Sports Football Club to relocate and expand its operations.

Council is currently undertaking the construction of the new purpose-built facility, with works scheduled for completion in February 2019.

In May 2017, Council endorsed a recommendation for the provision of a lease to Caboolture Sports Club Limited over the clubhouse building and synthetic field (Refer Supporting Information #1).

The following resolution appears on Minute Page 17/957 of the General Meeting of Council held 23 May 2017:

Ex. Coordination Committee held 23 May 2017 (MP 17/987):

COMMITTEE RECOMMENDATION

That Caboolture Sports Club Limited be offered a ten-year lease agreement over the clubhouse and synthetic field and a separate three-year sports field permit agreement over the natural turf fields at the football precinct within the Moreton Bay Central Sports Complex (part of Lot 1 on SP169562) in accordance with the terms and conditions of Council's Community Leasing Policy with annual rental commencing at \$1.00 per annum.

2. Explanation of Item

As part of the development of the new football precinct, two storage sheds have also been built on the site to support the club's operations. To enable Caboolture Sports Club Limited to occupy these facilities, Council would need to provide the organisation with a lease over the areas where the sheds are being constructed (refer Supporting Information #1).

Accordingly, this report recommends that Council approve the provision of a lease, under the terms and conditions of Council's Community Leasing Policy, over the areas identified in Supporting Information #1. Further, it is recommended that the term of this lease be for a period of ten (10) years.

ITEM 5.3 NEW LEASE - CABOOLTURE SPORTS CLUB LIMITED - DIVISION 2 - A17834527 (Cont.)

3. Strategic Implications

3.1 Legislative/Legal Implications

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

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

The issuing of a lease to Caboolture Sports Club Limited will provide the club with facilities to support its operations.

3.10 Consultation / Communication

Councillor Flannery (Division 2)
Caboolture Sports Club Limited

ITEM 5.4

NEW LEASE - QUEENSLAND RADIO CIRCUIT CAR ASSOC. INC. - DIVISION 9

Meeting / Session: 5 PARKS, RECREATION & SPORT
Reference: A17897455 : 28 November 2018 - **Refer Supporting Information A17897466**
Responsible Officer: CM, Acting Supervisor Community Leasing (CES Community Services, Sport & Recreation)

Executive Summary

This report seeks Council's approval for the provision of a lease to Queensland Radio Circuit Car Assoc. Inc. at England Park, 1 Strathwyn Street, Brendale (refer Supporting Information #1). The proposed lease would take effect immediately.

COMMITTEE RECOMMENDATION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Mick Gillam

CARRIED 13/0

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Queensland Radio Circuit Car Assoc. Inc. be granted a lease over an area at 1 Strathwyn Street, Brendale (refer Supporting Information #1) for a period aligning with the expiry of its existing lease at this location (28 February 2022).
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

ITEM 5.4 NEW LEASE - QUEENSLAND RADIO CIRCUIT CAR ASSOC. INC. - DIVISION 9 - A17897455 (Cont.)

OFFICER'S RECOMMENDATION

1. That the exception contained in section 236(1)(b)(ii) of the Local Government Regulation 2012 applies to the Council regarding the disposal of the land referred to in this report.
2. That, subject to recommendation 3, Queensland Radio Circuit Car Assoc. Inc. be granted a lease over an area at 1 Strathwyn Street, Brendale (refer Supporting Information #1) for a period aligning with the expiry of its existing lease at this location (28 February 2022).
3. That the terms and conditions of this lease be in accordance with Council's Community Leasing Policy, with annual rental commencing at \$1.00 per annum.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the lease and any required variations of the lease on the Council's behalf, as described in this report.

REPORT DETAIL

1. Background

Since 1989, the Queensland Radio Circuit Car Assoc. Inc. (Association) has held a lease with Council over an area at 1 Strathwyn Street, Brendale (refer Supporting Information #1) for the conduct of its club activities. The organisation has identified a need to extend its existing lease boundary on the western side to include the access road from Strathwyn Street. This access road was included in the Association's previous lease with Council (which expired in November 2015), however, for reasons unknown, was excluded during the 2015 lease renewal process.

2. Explanation of Item

The Queensland Radio Circuit Car Assoc. Inc. has lodged a request with Council to amend the western boundary of its lease area to incorporate the access road off Strathwyn Street, Brendale (refer Supporting Information #1). This request has been generated due to challenges associated with unauthorised parking on the access road during Association events. It is envisaged that by providing tenure over the access road, the Association will have greater control over the area and be better positioned to regulate its use.

To enable Queensland Radio Circuit Car Assoc. Inc. to occupy this additional area, Council would be required to provide the Association with a new lease over the area. Accordingly, this report recommends that Council approve the provision of a lease, under the terms and conditions of Council's Community Leasing Policy, over the area identified in Supporting Information #1. Further, it is recommended that the term of this lease be aligned with the term of the Association's existing lease at this location (28 February 2022).

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

ITEM 5.4 NEW LEASE - QUEENSLAND RADIO CIRCUIT CAR ASSOC. INC. - DIVISION 9 - A17897455 (Cont.)

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

The issuing of a lease to Queensland Radio Circuit Car Assoc. Inc. will provide the club with additional space to support its operations.

3.10 Consultation / Communication

Councillor Charlton (Division 9)
Queensland Radio Circuit Car Assoc. Inc.

6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

ITEM 6.1

2018/2019 FEES & CHARGES AMENDMENT - 28 WILLIAMS STREET, DAYBORO - DIVISION 11

Meeting / Session: 6 LIFESTYLE & AMENITY
Reference: A17877042 : 30 November 2018 - **Refer Supporting Information A17877044**
Responsible Officer: PP, Senior Administration Officer (CES Community Services, Sport & Recreation)

Executive Summary

An area of 55m² within Council's 28 Williams Street, Dayboro facility, previously leased to Electricity Credit Union has been returned to Council for management (Refer Supporting Information #1). This has provided an opportunity to optimise utilisation of the building by making the area available as hireable community meeting space for individual, not for profit and commercial users.

This report seeks Council's approval to activate this vacant area as hireable community meeting space to be managed by Council's Community Bookings team and amend its Fees and Charges Schedule to establish hire fees for the area, effective 1 January 2019.

COMMITTEE RECOMMENDATION

Moved by Cr Darren Grimwade

Seconded by Cr Adam Hain

CARRIED 13/0

1. That the area within Council's 28 Williams Street Dayboro facility (Refer Supporting Information #1) be activated as hireable community meeting space, and managed by Council's Community Bookings team, effective 1 January 2019.
2. That the 2018/19 Fees and Charges Schedule be amended to include new hire fees for this space, as detailed in Table 2.2 of this report.

ITEM 6.1 2018/2019 FEES & CHARGES AMENDMENT - 28 WILLIAMS STREET, DAYBORO - DIVISION 11 - A17877042 (Cont.)

OFFICER'S RECOMMENDATION

1. That the area within Council's 28 Williams Street Dayboro facility (Refer Supporting Information #1) be activated as hireable community meeting space, and managed by Council's Community Bookings team, effective 1 January 2019.
2. That the 2018/19 Fees and Charges Schedule be amended to include new hire fees for this space, as detailed in Table 2.2 of this report.

REPORT DETAIL

1. Background

Council entered into a lease with the Electricity Credit Union (ECU) in 2009 over a 55m² area within the 28 Williams Street, Dayboro facility. This area was utilised by the organisation as a local branch of their financial institution, which subsequently changed to Queensland Country Credit Union (QCCU) in March 2017, following a merger between the two companies. Due to the decreasing financial sustainability of this operation, on 30 June 2018 QCCU terminated their lease with Council and ceased operations.

In June 2018, Council undertook an Expressions of Interest (EOI) process to identify a new financial institution to commence operations in the Dayboro community and occupy the area formerly leased to QCCU. No EOIs were received through this process.

The area consists of an air-conditioned meeting room (24 seat capacity), a small kitchenette, shared amenities and is currently vacant.

2. Explanation of Item

Following the cessation of QCCU operations at 28 Williams Street, Dayboro in June of this year, Council has received multiple requests from community organisations seeking access to the area for the conduct of various community activities.

As the area remains vacant with no alternative future use identified, an opportunity exists for Council to activate this space (Refer Supporting Information #1) as a hireable community meeting space available to individual, non-profit and commercial hirers. Should Council support this use, an amendment to Council's Fees and Charges Schedule would be required to establish appropriate hire fees.

A review of fees and charges applied across other Council-owned community centres and halls has identified that the Meeting Room at Woodford Memorial Hall and the Meeting Room at Pendicup Community Centre are considered comparable spaces in both size and functionality to that of the area at 28 Williams Street. Current fees for the Pendicup Community Centre Meeting Room and Woodford Memorial Hall Meeting Room are provided below in Table 2.1.

Table 2.1 - Pendicup Community Centre Meeting Room & Woodford Memorial Hall Meeting Room 2018/19 Fees and Charges

Fee Title	Fee Notes	18/19 Fee
Pedicup Community Centre		
Pedicup Community Centre - Meeting Room Per Hour	<ul style="list-style-type: none"> • 50% discount for non-profit / incorporated. 	\$15.00 per hour
Pedicup Community Centre - Meeting Room Per Day	<ul style="list-style-type: none"> • 10 hours+ • 50% discount for non-profit / incorporated. 	\$150.00 per day

ITEM 6.1 2018/2019 FEES & CHARGES AMENDMENT - 28 WILLIAMS STREET, DAYBORO - DIVISION 11 - A17877042 (Cont.)

Fee Title	Fee Notes	18/19 Fee
Woodford Memorial Hall		
Woodford Memorial Hall - Meeting Room Per Hour	<ul style="list-style-type: none"> Min. 2-hour booking. 	\$15.00 per hour
Woodford Memorial Hall - Meeting Room Per Day	<ul style="list-style-type: none"> 10 hours+ 	\$150.00 per day
Woodford Memorial Hall - Meeting Room Per Hour - Non-profit / incorporated	<ul style="list-style-type: none"> Min. 2-hour booking. 	\$10.00 per hour
Woodford Memorial Hall - Meeting Room Per Day - Non-profit / incorporated	<ul style="list-style-type: none"> 10 hours+ 	\$100.00 per day

With consideration to the comparability of the above space, it is recommended that Council amend its 2018/19 Fees and Charges Schedule to include the fees detailed in Table 2.2 below for the hire of the area identified in Supporting Information #1 at 28 William Street, Dayboro. Further, it is recommended that these fees take effect from 1 January 2019.

Table 2.2 - Proposed Amendments to Council's 2018/19 Fees and Charges Schedule

Fee Ref.	Fee Title	Fee Notes	18/19 Fee
New	28 Williams St - Meeting Room - Per Hour	<ul style="list-style-type: none"> Min. 2-hour booking. 50% discount for non-profit / incorporated. 	\$15.00 per hour
New	28 Williams St - Meeting Room - Per Day (up to 12 hours)	<ul style="list-style-type: none"> Up to 12-hour hire. Additional hours charged at hourly rate. 50% discount for non-profit / incorporated 	\$150.00 per day

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

This report recommends that Council amends its 2018/19 Fees and Charges Schedule as provided in Table 2.2 of this report.

3.7 Economic Benefit

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

ITEM 6.1 2018/2019 FEES & CHARGES AMENDMENT - 28 WILLIAMS STREET, DAYBORO - DIVISION 11 - A17877042 (Cont.)

3.8 Environmental Implications

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

3.9 Social Implications

The recommendations of this report will benefit the community by providing local spaces for community activities and events.

3.10 Consultation / Communication

Councillor Grimwade - Division 11

ITEM 6.2

SOLE SUPPLIER STATUS - RAYLINC AGENCIES PTY LTD - REGIONAL

Meeting / Session: 6 LIFESTYLE & AMENITY
Reference: A17824797 : 12 November 2018
Responsible Officer: LK, Coordinator Galleries and Museums (CES Customer & Cultural Services)

Executive Summary

ERCO lighting products are commercial lighting solutions which are used across Council's galleries and museums networks. Raylinc Agencies Pty Ltd is currently the sole distributor of ERCO lighting products in Queensland.

It is recommended that Council resolves that it is satisfied that Raylinc Agencies Pty Ltd is the sole supplier who is reasonably available for the provision of ERCO lighting products under section 235(a) of the Local Government Regulation 2012 until 31 December 2020.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Koliana Winchester

CARRIED 13/0

That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Raylinc Agencies Pty Ltd is the only supplier who is reasonably available to supply ERCO lighting products to Council until 31 December 2020.

ITEM 6.2 SOLE SUPPLIER STATUS - RAYLINC AGENCIES PTY LTD - REGIONAL - A17824797 (Cont.)

OFFICER'S RECOMMENDATION

That in accordance with section 235(a) of the Local Government Regulation 2012, Council is satisfied that Raylinc Agencies Pty Ltd is the only supplier who is reasonably available to supply ERCO lighting products to Council until 31 December 2020.

REPORT DETAIL

1. Background

Quality lighting directly impacts on the experience of gallery and museum patrons and is a key factor in enabling galleries and museums to host national touring exhibitions. Hosting such exhibitions provides residents and visitors with unique opportunities and raises the profile of our galleries and museums as cultural destinations.

ERCO provides lighting products which deliver the highest industry standard specific to the arts sector. An ERCO track lighting solution will be in place across Council's galleries and museums networks by April 2019, when Pine Rivers Heritage Museum has a new track installed.

The lighting fixtures are designed to be re-positioned and re-used multiple times during their life without the need to engage an electrician. Subsequently, all fixtures will be interchangeable between venues, providing increased flexibility and reducing the need for stocks of spares.

2. Explanation of Item

ERCO lighting only distributes its products through a specific supplier in each state of Australia. The Queensland distributor of ERCO products is Raylinc Agencies Pty Ltd, which is based at Acacia Ridge, Brisbane.

Under section 235(a) of the Local Government Regulation, Council may enter into a medium sized contractual arrangement without first inviting written quotes or tenders if the Local Government resolves it is satisfied there is only one supplier who is reasonably available. It is anticipated that Council's annual expenditure for lighting products for the galleries and museums networks will be in the vicinity of \$50,000.

As Raylinc Agencies Pty Ltd is the only approved Queensland distributor of ERCO lighting products, approval is sought for Council to purchase fixtures from Raylinc Agencies Pty Ltd as a sole supplier until 31 December 2020.

3. Strategic Implications

3.1 Legislative/Legal Implications

Section 235(a) of the Local Government Regulation 2012 states that a local government may enter into a medium-sized contractual arrangement without first inviting written quotes or tenders if the local government resolves it is satisfied that there is only one supplier which is reasonably available.

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - celebrating local arts, culture and community.

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

ITEM 6.2 SOLE SUPPLIER STATUS - RAYLINC AGENCIES PTY LTD - REGIONAL - A17824797 (Cont.)

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

The provision of contemporary gallery and museum spaces and exhibitions provides unique cultural opportunities for residents and visitors.

3.10 Consultation / Communication

Financial Operations Manager

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

No items for consideration.

8 REGIONAL INNOVATION (Cr D Grimwade)

No items for consideration.

9 GENERAL BUSINESS

ITEM 9.1 MERRY CHRISTMAS AND HAPPY NEW YEAR

Councillors provided their sentiments regarding 2018, thanking colleagues and Council staff for their efforts throughout the year and noting the achievements for both Council and the Moreton Bay Region community. Council also noted that it had been a challenging year for Local Government and Moreton Bay Regional Council, and provided their best wishes to the staff, Chief Executive Officer and fellow Councillors, for a well-rested Christmas Break.

Cr Allan Sutherland (Mayor) also reflected on the positive aspects of Moreton Bay Regional Council throughout the year saying that while it had been a difficult year for Council, there were number of positives to focus on. In particular, the Mayor highlighted the works occurring at the Petrie University site, the sporting improvements around the Moreton Bay Region and anticipated that 2019 would be a massive year.

ITEM 9.2 REGIONAL EVENTS

COMMITTEE RECOMMENDATION

Moved by Cr Brooke Savige

Seconded by Cr Denise Sims

CARRIED 13/0

That a Mayoral letter of congratulation be forwarded to the Bribie Island Lions Club on hosting the Phil Carnes Memorial Seniors Christmas Lunch' on 8 December 2018, an event attended by over 300 senior citizens of Bribie Island, and encompassing a huge amount of entertainment making it a fabulous day for the local senior community.

Cr Matt Constance reported on a **TEDx event** he attended on Sunday 9 December 2018 in Brisbane, with the theme of 'What's Next'. Also in attendance were over 650 different leaders from various fields across the country, with Cr Constance making the correlation on how the theme of the event could relate to the success of the Moreton Bay Region through the year, and how Council would continue to deliver for its community.

Cr James Houghton reported on the **Scarborough Lights** event held Sunday 9 December 2018 which attracted a large crowd and while the final numbers of attendance were not yet known, noted that it was very similar to last year's successful event. Cr Houghton thanked all who had been involved, saying that a great night was had by all.

Cr Houghton also made mention of his attendance on behalf of the Mayor at the **Official Opening of Stockland Development's Newport Lake**, held 12 December 2018. Cr Houghton said that the event attracted great media coverage and noted that Stockland were very appreciative of Council's support.

ITEM 9.3
REVIEW OF PLANNING ACT 2016 - SUPERSEDED PLANNING SCHEMES

Since the introduction of the new Moreton Bay Regional Planning Scheme in 2016, MBRC has received numerous Superseded Planning Scheme application requests.

Under the Planning Act 2016 “A person may, within 1 year after the planning scheme and related policies become a superseded planning scheme, make a superseded planning scheme request in relation to the superseded planning scheme.”

Following receipt of the Superseded Planning Scheme Request, an assessment must be made by a Local Government to accept this application and if it is agreed to *“the superseded planning scheme application must be made within 6 months”*

Failure to approve a Superseded Planning Scheme Request could result in compensation claims against local governments, and the long timelines create angst and confusion and distrust in communities in the Moreton Bay region and across the state due to the complicated nature of these requests which can at times be contrary to the current planning scheme.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 13/0

- 1. That the Council acknowledges the significant confusion and angst superseded Planning Scheme Requests create in our community.**
- 2. That the Deputy Mayor be authorised to continue the work already undertaken with the LGAQ policy executive to raise this matter with the State Government in requesting a review and reduction of the Superseded Planning Scheme Request timelines and compensation requirements.**

ITEM 9.4 - DECLARATION OF INTEREST

Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a real conflict of interest in Item 9.4 as Trask Development Corporation, is the owner of the land described as Lot 3 SP 266287 and was a contributor to the Mayor's election campaign. These donations include the following:

Office Management Corporation (David Trask) - 14/02/11 - \$25,000
Office Management Corporation (David Trask) - 13/04/12 - \$25,000
Office Management Corporation (David Trask) - 25/05/12 - \$25,000
OMC Unit Trust (David Trask) - 19/02/16 - \$50,000
OMC Unit Trust (David Trask) - 10/03/16 - \$10,000

Other donations and in-kind support through Moreton Futures Trust.

Cr Allan Sutherland (Mayor) retired from the meeting at 10.17am taking no part in the debate or recommendation regarding same.

Cr Mike Charlton (Deputy Mayor) assumed the Chair at that time.

Conflict of Interest - Declaration - Cr Darren Grimwade

Pursuant to s175E of the *Local Government Act 2009*, Cr Darren Grimwade declared a real conflict of interest in Item 9.4 as North East Business Park, was a political donor in the Councillors 2016 election and a donation of \$2,000 was made to the Councillor on 17th November 2015.

Cr Darren Grimwade retired from the meeting at 10.18am taking no part in the debate or recommendation regarding same.

ITEM 9.4

SEEKING STATE GOVERNMENT CONSIDERATION OF THE NORTH HARBOUR MARINA AND CANAL ESTATE SITE AS A POTENTIAL PRIORITY DEVELOPMENT AREA - DIVISION 2 (PF)

Cr Flannery proposed that the Deputy Mayor write to the Minister for State Development, Manufacturing, Infrastructure and Planning, the Hon. Cameron Dick MP, requesting consideration for the declaration of a Priority Development Area (PDA) to support the proposed North Harbour Marina and Canal Estate development.

Cr Flannery is of the view that the proposed North Harbour Marina and Canal Estate is in a unique location being surrounded by natural assets (such as the Caboolture River) and that there are significant development opportunities and consequential benefits for economic growth, jobs and benefits to the community which may be facilitated more appropriately through a PDA.

It is understood that the Department of State Development, Manufacturing, Infrastructure and Planning may require the Applicant to submit a supporting business case as part of any consideration of the use of a PDA under the *Economic Development Act 2012*.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Adrian Raedel

CARRIED 11/0

Cr Allan Sutherland (Mayor) and Cr Darren Grimwade had declared a Conflict of Interest and had retired from the meeting

- 1. That the Deputy Mayor write on behalf of Council to the Minister for State Development, Manufacturing, Infrastructure and Planning, the Hon. Cameron Dick MP, expressing Councils support and requesting consideration for the declaration of a Priority Development Area (PDA) over Lot 3 SP 266287 and Lot 25 S 31125 to support the proposed North Harbour Marina and Canal development.**
- 2. Council acknowledges that there are significant development opportunities with a focus on economic growth and the Applicants may be required by the Department of State Development, Manufacturing, Infrastructure and Planning to submit a supporting business case as part of any consideration of the use of a PDA under the Economic Development Act 2012.**

ATTENDANCE

Cr Allan Sutherland (Mayor) and Cr Darren Grimwade returned to the meeting at 10.27am after consideration on Item 9.4.

Cr Allan Sutherland (Mayor) resumed the Chair at that time.

CLOSED SESSION (Confidential items)

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

CLOSED SESSION

COMMITTEE RECOMMENDATION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Koliana Winchester

CARRIED 13/0

That Committee move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Items C.1 to C.2.

Members of the press and public gallery left the Chambers.
The closed session commenced at 10.36am.

ATTENDANCE

Mr John Hall returned to the meeting at 10.39am for discussion on Item C.2.

OPEN SESSION

COMMITTEE RECOMMENDATION

Moved by Cr Denise Sims

Seconded by Cr Mick Gillam

CARRIED 13/0

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

The open session resumed at 10.42am.

ITEM C.1 – CONFIDENTIAL

ACQUISITION OF LAND FOR ROAD PURPOSES - DIVISION 10

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

Reference: *A17909855 : 30 November 2018*

Responsible Officer: *SJ, Manager Integrated Transport Planning (ECM Integrated Transport Planning & Design)*

Basis of Confidentiality

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (h), as the matter involves other business for which a public discussion would be likely to prejudice the interests of the Council or someone else, or enable a person to gain a financial advantage.

Executive Summary

This report seeks Council approval to acquire land for road purposes in order to facilitate the design and provision of a future intersection improvement.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr James Houghton

CARRIED 13/0

1. That the land described in this confidential report be acquired in accordance with Council Policy No. 12-2150-057 Resumptions and Acquisitions of Land.
2. That the Chief Executive Officer be authorised to do all things necessary to give effect to recommendation 1.

ITEM C.2 – CONFIDENTIAL
AMENDMENT TO MBRC PLANNING SCHEME - REGIONAL

Meeting / Session: 1 Governance (Cr Allan Sutherland, Mayor)

Reference: A17932004 : 13 December 2018

Responsible Officer: JH, Manager (Legal Services)

Basis of Confidentiality

Pursuant to s275 (1) of the *Local Government Regulation 2012*, clause (g), as the matter involves action to be taken by the Council under the *Planning Act 2016*, including deciding applications made to the Council under that Act.

Executive Summary

On 11 October 2018 Council were advised by the Hon Cameron Dick, Minister of State Development, Infrastructure, Manufacturing and Planning (DSDMIP), that it may not proceed with the proposed major amendment to the MBRC Planning Scheme, which the Council originally resolved to undertake on 1 December 2015.

Since this time further exchanges (letters and meetings) between the Minister, the DSDMIP and Council representatives have occurred with the intention of progressing a future amendment to the MBRC Planning Scheme. Under Section 18 of the *Planning Act 2016* (the Act) the Minister has the ability to consult with a local government about an amendment and subsequently give a notice about the process for making that amendment. This is commonly referred to as a 'Tailored amendment process'.

To progress this pathway for a future amendment, Council is required to decide to make an amendment to its planning scheme and write to the Minister advising of such.

COMMITTEE RECOMMENDATION

Moved by Cr Mick Gillam

Seconded by Cr Peter Flannery

CARRIED 13/0

1. That Council make an amendment to the MBRC Planning Scheme under Section 18 of the *Planning Act 2016*.
2. That the Chief Executive Officer be authorised to write to the Minister instigating discussions about an amendment under Section 18 of the *Planning Act 2016*, and in doing so seeking direction regarding the content of the scheme amendment and a tailored amendment process.

CLOSURE

There being no further business the Chairperson closed the meeting at 10.43am.