

TEM 3.4

DA/2021/1375 - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR AIR SERVICES - SANDSTONE POINT HOTEL - 1780-1820 BRIBIE ISLAND ROAD SANDSTONE POINT QLD 4011

APPLICANT: [Bribie Waters Pty Ltd TTE C/- IB Town Planning](#)

OWNER: [Bribie Waters Pty Ltd TTE](#)

Meeting / Session: 3 WELL-PLANNED REGION (PLANNING)
Reference: 62224355: 18 November 2021 – Refer Supporting Information 62538011 & 62539498
Responsible Officer: NT, Senior Planner (PL Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Bribie Waters Pty Ltd C/- IB Town Planning
Lodgement Date:	7 April 2021
Properly Made Date:	8 April 2021
Confirmation Notice Date:	21 April 2021
Information Request Date:	6 May 2021
Info Response Received Date:	1 June 2021
Public Notification Dates:	14 June 2021 - 5 July 2021
No. of Submissions:	Properly Made: 686 Not Properly Made: 47
Decision Due Date:	6 October 2021
Prelodgement Meeting Held:	No

PROPERTY DETAILS	
Division:	Division 1
Property Address:	1780-1820 Bribie Island Road, Sandstone Point
RP Description	Lot 6 SP281368
Land Area:	324,369m ²
Property Owner	Bribie Waters Pty Ltd

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	MBRC Planning Scheme
Planning Locality / Zone	General residential zone - Next generation neighbourhood precinct; and Rural zone
Level of Assessment:	Impact Assessable

This application seeks a Material Change of Use - Development Permit for Air Services situated at 1780-1820 Bribie Island Road, Sandstone Point. It is proposed to allow helicopter charter companies to operate in conjunction with the existing Sandstone Point Hotel and Caravan Park.

The application initially proposed to operate with no more than 30 helicopter landings (60 movements, including both landing and take-off) per calendar month, a maximum of 5 helicopters landings (10 movements) within 1 day, and for operations to occur on site between 7am and 'last light' throughout the year. The initial proposal plan also showed three potential landing zones. These details were part of the public notification of the application.

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The application was publicly advertised with 733 submissions received.

After public notification Council Officers have carefully reviewed the submissions received, liaised with environmental, legal and acoustic experts and have requested the applicant make changes to the proposal. In response, the applicant has made a minor amendment to the application to reduce the number of helicopter landings to a maximum of 20 per calendar month (40 movements, including both landing and take-off) and a maximum of 4 landings per day (8 movements). The applicant also sought to reduce the number of landing sites from 3 to 2 (one Primary Landing area and a Secondary Landing Area (emergency/special circumstances only)). The applicant has also submitted a Fly Neighbourly Policy and Landing Procedure to form part of the approval documents. The applicant further agreed to reduce the operating days to those proposed in Condition 6 below.

The modified proposal for Air Services, whilst an inconsistent land use in the General Residential zone (Next Generation), has demonstrated it is of a scale and operation which is appropriate for the site and surrounding area. Subject to the recommended conditions, amenity impacts to nearby residents as well as impacts upon the adjoining environmentally sensitive Pumicestone Passage can be suitably mitigated. As such, the application is recommended to be approved subject to conditions.

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

This report is being presented to the Council for decision as the proposal has raised significant community concerns and in accordance with the delegations to Council officers, the Divisional Councillor has requested that the development application be determined by the Council instead of under Council officer delegation. Therefore, Council is now the authorised entity to decide the development application.

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application in part for a Material Change of Use - Development Permit for Air Services at 1780-1820 Bribie Island Road, Sandstone Point, described as Lot 6 SP 281368, subject to the following plans/documents and conditions:

Document Title	Document Reference	Date
Site Plan	SPG-AS01 (Rev 3)	5/11/2021
Helicopter Fly Neighbourly Policy and Landing Procedure	-	5/11/2021

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CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1.	Approved Plans and/or Documents	
A	Submit an amended Site Plan and Helicopter Fly Neighbourly Policy and Landing Procedure which reflects the operating days and times outlined in condition 6 below.	Prior to the commencement of use.
B	Obtain approval from Council in writing for the amended documents required in (A) above.	Prior to the commencement of use.
C	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use.
D	This Approval does not authorise any works to be undertaken on site (except for locating a wind sock on the Land).	At all times.
E	The Landing Areas must be maintained as grass.	At all times after the commencement of the use.
2.	Helicopter Fly Neighbourly Policy and Landing Procedure	
	Before a pilot is authorised to use the Helicopter Landing Areas, that pilot must be provided with a copy of the approved Helicopter Fly Neighbourly Policy and Landing Procedure and must acknowledge they have been provided with and undertake in writing to comply with the requirements of that agreement.	At all times.
3.	Pilot instructions	
	A pilot is not authorised to take off or land without prior permission from the owner of the land, which must not be given until a written undertaking has been received from the pilot in accordance with condition 2.	At all times.
4.	Air Safety	
	The use of the Helicopter Landing Areas, and all associated aircraft manoeuvres (including landing, take off, warm-up or safety inspection procedure) are to be conducted in accordance with the regulations, orders and other requirements of the Civil Aviation Safety Authority as published from time to time, including the Aeronautical Information Publication.	
5.	Landings and Take Off	
A	Limit the number of helicopter movements (including both landing and take-off) associated with the approved use to a maximum of 40 in a calendar month.	At all times.
B	Limit the number of helicopter movements (including both landing and take-off) associated with the approved use to a maximum of 8 in one day.	At all times.

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C	Ensure that only operational aircraft associated with the permitted Air Services use are helicopters identified in the approved Helicopter Fly Neighbourly Policy and Landing Procedure. No other aircraft are permitted on-site pursuant to this approval.	At all times.
D	All helicopter landings and take-offs are to occur at the helicopter landing areas identified in the Approved plan.	At all times.
E	All helicopters must approach and depart the helicopter landing areas by the flight path and heights identified in the Approved Helicopter Fly Neighbourly Policy and Landing Procedure.	At all times.
F	Helicopters using the permitted Air Service use are to comply with all relevant state and federal legislation including Civil Aviation Safety Authority (CASA), Airservices Australia requirements and the <i>Marine Parks (Moreton Bay) Zoning Plan 2019</i> .	At all times.
6.	Hours of Operation	
	<p>Limit the hours of operation to:</p> <ul style="list-style-type: none"> (i) between 8am, and 45 minutes prior to Civil twilight on Monday to Saturday; and (ii) between 10am, and 45 minutes prior to Civil twilight on Sundays and Public Holidays with the exception of Christmas Day and Good Friday where the use is not permitted to operate. <p>Note: the hours of operation will vary throughout the year dependent upon the time of year, and when sunrise and sunset are scheduled to occur at Brisbane Island. Civil Twilight is to be determined in accordance with the Australian Government Civil Aviation Safety Authority- Visual Flight Rules Guide and as published by the Australian Government Geoscience Australia at https://geodasyapps.ga.gov.au/sunrise or equivalent replacement.</p>	At all times.
7.	Noise Criteria	
	<p>Helicopters must not exceed the following noise criteria:</p> <ul style="list-style-type: none"> (i) 82 dBA L_{max} during any helicopter operation; and (ii) 55 dBA L_{Aeq, T} (measured over the entire daily operating time of the permitted Air Services use); measured outdoors (free-field) at a noise sensitive receptor. 	At all times.
8.	Noise Offset Distance	
	Helicopters must maintain a minimum 150m horizontal offset distance from the closest noise sensitive receptors.	At all times.
9.	Restricted Activities	
A	Helicopters must not be serviced, refuelled, maintained or repaired on site and no aviation structures other than a wind sock are permitted to be erected on site.	At all times.
B	There is to be no exceedance of the amounts of Hazardous Chemicals in Schedule 9 of the Moreton Bay Region Planning Scheme, and no exceedance of the Schedule 11 Placard and	At all times.

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12.	Limitation on Use	
	The approved use is only to operate in conjunction with the approved Hotel and Caravan Park uses on the land, and must not be used for any other commercial purposes.	At all times.
13.	Landscaping/Dust/Lighting	
	At all times while the permitted Air Services use is occurring, it shall be operated in such a manner as to ensure that no nuisance shall arise to adjoining premises as a result of dust, lighting, odour, vibration, rubbish, contaminants, stormwater discharge or siltation or any other potentially detrimental impact.	

ADVICES

1. ***Aboriginal Cultural Heritage Act 2003***

The *Aboriginal Cultural Heritage Act 2003* commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.

The *Aboriginal Cultural Heritage Act 2003* establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.

Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.

Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.

Details of how to fulfil the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.

Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the *Aboriginal Cultural Heritage Act 2003*.

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

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Development Permit for Air Services
Relevant Period of Approval	Material Change of Use – 6 years
Section 64(5) Deemed Approval	Not applicable

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	Details to Insert
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	Not applicable
Codes for Accepted Development	Not applicable
Referral Agencies	Concurrency Agency Department of State Development, Infrastructure, Local Government and Planning (SARA)
Submissions	There were 686 properly made and 47 not properly made submissions about this application