



REPORT

Coordination Committee Meeting

Tuesday 29 May 2018
commencing at 10.43am

Caboolture Chambers
2 Hasking Street, Caboolture

ENDORSED GM20180529

CHAIRPERSON'S REPORT

The recommendations contained within this report of the Coordination Committee meeting held 29 May 2018 are recommended to the Council for adoption.

COUNCILLOR ALLAN SUTHERLAND (MAYOR)
CHAIRPERSON
COORDINATION COMMITTEE

Adoption Extract from General Meeting – 29 May 2018 (Page 18/1141)

**12.1 Coordination Committee Meeting - 29 May 2018
(Pages 18/1143 - 18/1197)**

RESOLUTION

Moved by Cr Adrian Raedel

Seconded by Cr Matt Constance

CARRIED 13/0

That the report and recommendations of the Coordination Committee meeting held 29 May 2018 be adopted.

LIST OF ITEMS

1 GOVERNANCE SESSION (Cr A Sutherland, Mayor)

2 PLANNING & DEVELOPMENT SESSION (Cr M Gillam)

ITEM 2.1 1145

DA/35214/2017/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SERVICE STATION AND FOOD AND DRINK OUTLET AND BUILDING WORKS - DEVELOPMENT PERMIT (TO CARRY OUT BUILDING WORK ON A QUEENSLAND HERITAGE PLACE) - 1266 & 1268 ANZAC AVENUE, KALLANGUR - DIVISION 7

COMMITTEE RECOMMENDATION

REPORT DETAIL

ITEM 2.2 - (DEFERRED TO PAGE 18/1197) 1188

DA/35670/2018/V2E - MATERIAL CHANGE OF USE - THE MILL AT MORETON BAY PRIORITY DEVELOPMENT AREA- DEVELOPMENT PERMIT FOR EDUCATIONAL ESTABLISHMENT UNIVERSITY OF SUNSHINE COAST FOUNDATION FACILITIES, 965 GYMPIE ROAD, PETRIE - DIVISION 7

ITEM 2.3 - WITHDRAWN 1189

DA/34570/2017/V23C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR AN OFFICE (LOT 1), FOOD AND DRINK OUTLET (LOT 2), SERVICE STATION (LOT 4), FOOD AND DRINK OUTLET (LOT 5), FOOD AND DRINK OUTLET (LOT 6), SHOP, FOOD AND DRINK OUTLET (LOT 7) AND HEALTH CARE SERVICES (LOT 11) AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 11 LOTS) AND DEVELOPMENT PERMIT FOR BUILDING WORK (TO CARRY OUT BUILDING WORK ON A QUEENSLAND HERITAGE PLACE) - 1613 ANZAC AVENUE, KALLANGUR - DIVISION 7

3 CORPORATE SERVICES SESSION (Cr M Constance)

4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr A Hain)

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

6 LIFESTYLE & AMENITY SESSION (Cr D Sims)

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

8 REGIONAL INNOVATION (Cr D Grimwade)

9 GENERAL BUSINESS

ITEM 9.1 1191

REGIONAL EVENTS

COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

COMMITTEE RECOMMENDATION

CLOSED SESSION (Confidential items)

ITEM C.1 – CONFIDENTIAL 1194
RSPCA POUND MANAGEMENT AGREEMENT - DAKABIN FACILITY - REGIONAL
COMMITTEE RECOMMENDATION

ITEM C.2 – CONFIDENTIAL 1196
MORETON BAY REGION INDUSTRY AND TOURISM SERVICE LEVEL AGREEMENT
RENEWAL - REGIONAL
COMMITTEE RECOMMENDATION - DELEGATION TO DECIDE MATTER

ITEM 2.2 - (DEFERRED FROM PAGE 18/1188) - WITHDRAWN 1197
DA/35670/2018/V2E - MATERIAL CHANGE OF USE - THE MILL AT MORETON BAY
PRIORITY DEVELOPMENT AREA- DEVELOPMENT PERMIT FOR EDUCATIONAL
ESTABLISHMENT UNIVERSITY OF SUNSHINE COAST FOUNDATION FACILITIES, 965
GYMPIE ROAD, PETRIE - DIVISION 7

CLOSURE

ATTENDANCE & APOLOGIES

Attendance:

Committee Members:

Cr Allan Sutherland (Mayor) (Chairperson)
Cr Brooke Savage
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 Development Services	(Ms Kate Isles)
Team Leader Planning	(Mr Marco Alberti)
Meeting Support	(Ms Judy Henry)

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)

No items for consideration.

ATTENDANCE

Ms Kate Isles and Mr Marco Alberti attended the meeting at 10.44am for Items 2.1 to 2.3.

The Mayor attended the meeting at 11.10am and assumed the Chair.

2 PLANNING & DEVELOPMENT SESSION

(Cr M Gillam)

ITEM 2.1

DA/35214/2017/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SERVICE STATION AND FOOD AND DRINK OUTLET AND BUILDING WORKS - DEVELOPMENT PERMIT (TO CARRY OUT BUILDING WORK ON A QUEENSLAND HERITAGE PLACE) - 1266 &1268 ANZAC AVENUE, KALLANGUR - DIVISION 7

APPLICANT: RDF Group

OWNER: Ms Olga Carroli

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A16916200 : 9 May 2018 – Refer Supporting Information A16924940; A16917791; A16925158

Responsible Officer: LR, Senior Development Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	RDF Group
Lodgement Date:	27 October 2017
Properly Made Date:	1 November 2017
Confirmation Notice Date:	8 November 2017
Information Request Date:	21 November 2017
Info Response Received Date:	1 December 2017
Public Notification Dates:	Commenced on 6 December 2017 Finished on 12 January 2018
No. of Submissions:	Properly Made: 202 (1 Petition- 312 signatures) Not Properly Made: 11
Decision Due Date:	22 May 2018
Prelodgement Meeting Held:	Yes (PRE/4045)

PROPERTY DETAILS	
Division:	Division 7
Property Address:	1266 Anzac Avenue, Kallangur 1268 Anzac Avenue, Kallangur
RP Description	Lot 20 RP901903 Lot 21 RP901903
Land Area:	2,952m ²
Property Owner	Ms Olga Carroli

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	Moreton Bay Regional Council Planning Scheme
Planning Locality / Zone	General Residential Zone - Suburban Neighbourhood Precinct Neighbourhood Hub Overlay (part of property)
Level of Assessment:	Impact

ITEM 2.1 DA/35214/2017/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SERVICE STATION AND FOOD AND DRINK OUTLET AND BUILDING WORKS - DEVELOPMENT PERMIT (TO CARRY OUT BUILDING WORK ON A QUEENSLAND HERITAGE PLACE) - 1266 & 1268 ANZAC AVENUE, KALLANGUR - DIVISIO - A16916200 (Cont.)

This application seeks a Material Change of Use - Development Permit for Service Station and Food and Drink Outlet and Building Works - Development Permit (To carry out building work on a Queensland Heritage Place) at the abovementioned property. It is proposed to develop a Service Station and two (2) Food and Drink Outlets that directly front and activate Anzac Avenue. The proposed land uses will be supported by sixteen (16) car parking spaces (inclusive of one PWD space). Access to the site will be obtained by dual driveway crossovers from Anzac Avenue, that facilitate a left in, left out arrangement. A large portion of the site at the rear will be retained as a balance area remaining clear of buildings and infrastructure. The Building Works on a Heritage Place component of the application simply refers to the proposed vehicle crossovers onto Anzac Avenue being a Heritage Place, and there will be no impact on the existing trees in Anzac Avenue.

The application was publicly advertised with 213 submissions received. The proposed development has been amended in response to the submissions received and based on those amendments has now been determined to be consistent with the intent of the Moreton Bay Regional Council Planning Scheme, and is therefore recommended to be approved subject to conditions.

COMMITTEE RECOMMENDATION

Moved by Cr Brooke Savige

Seconded by Cr Matt Constance

CARRIED 11/2

Cr Denise Sims and Cr Brooke Savige voted against Committee's Recommendation

That the Officer's Recommendation be adopted as detailed in the report with amendment to Condition 15A to include requirement for an additional 3 metre planting buffer in the north-eastern corner.

Moreton Bay Regional Council

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OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Service Station and Food and Drink Outlet and Building Works - Development Permit (To carry out building work on a Queensland Heritage Place) at 1266-1268 Anzac Avenue, Kallangur, described as Lot 20 RP901903 and Lot 21 RP901903, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Cover Sheet	17035 - DA00 Revision E	Verve Building Design Co.	04/05/2018
Existing Site Plan	17035 - DA01 Revision D	Verve Building Design Co.	04/05/2018
Proposed Site Plan	17035 - DA02 Revision M	Verve Building Design Co.	As amended by Council 11/05/2018
Building Elevations & Perspectives	17035 - DA03 Revision H	Verve Building Design Co.	04/05/2018
Building Elevations & Perspectives	17035 - DA04 Revision H	Verve Building Design Co.	04/05/2018
Building Elevations & Perspectives	17035 - DA05 Revision H	Verve Building Design Co.	04/05/2018
Landscape Concept Plan	17035 - DA06 Revision H	Verve Building Design Co.	04/05/2018
Building Elevations & Perspectives	17035 - DA07 Revision C	Verve Building Design Co.	04/05/2018
Building Elevations & Perspectives	17035 - DA08 Revision B	Verve Building Design Co.	04/05/2018
Building Elevations & Perspectives	17035 - DA10 Revision A	Verve Building Design Co.	04/05/2018
Air Quality Assessment	17-123	MWA Environmental	25/10/2017
Engineering Report & Stormwater Management Plan	17193-ENG Revision D	vT Consulting Engineers	30/11/2017

Plans and Documents to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Noise Impact Assessment	17-123	MWA Environmental	25/10/2017

Conditions

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
1	Approved Plans and/or Documents	

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	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
2	On-Site Car Spaces	
A	Provide on-site car spaces in accordance with the approved plans.	Prior to commencement of use and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	
3	End of Trip Facilities	
A	Install secure bicycle parking facilities for a minimum of 2 bicycles. Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to commencement of use and to be maintained.
B	Install a minimum of four (4) storage lockers with minimum dimensions of 900mm (height) x 300mm (width) x 450mm (depth), appropriately apportioned across Tenancy 1, Tenancy 2 and Tenancy 3.	
4	Configuration of Lots	
	Amalgamate Lot 20 RP901903 and Lot 21 RP901903.	Prior to commencement of use.
5	Electrical Transformer	
	Ensure that where electrical transformers are located in the front setback it is screened so that the transformer is not visible from any road frontage and achieves the following: <ol style="list-style-type: none"> 1. A combination of screening device consistent with the design of the buildings and landscaping; 2. The screening device is constructed of durable, weather resistant materials; and 3. Is integrated with the design of the development and positively contributes to the streetscape. <p>Note: The use of barbed wire or metal prongs is not permitted</p>	Prior to the commencement of the use and to be maintained at all times.
6	Street Numbering and Building Names	
	Install building and street numbering conveniently located at the road frontage of the site. Ensure street numbers and any building names are prominently displayed at the road frontage of the site, to enable identification by emergency services.	Prior to commencement of use and to be maintained at all times.
7	Screen Fencing	
A	Construct a screen fence along the western, northern and eastern boundaries of the site where none already exists and where not required by other conditions of this approval to accommodate an acoustic fence. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber.	Prior to the commencement of the use and to be maintained at all times.

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8	External Lighting	
A	Install external lighting in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use.
9	Pedestrian Lighting	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use and to be maintained at all times.
B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use.
10	Waste Management Program	
A	Implement the approved waste management arrangements identified on the approved plan.	Prior to commencement of use.
B	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to commencement of use and to be maintained at all times.
C	Provide a bin wash down facility connected to sewer as per SC 6.20 Planning Scheme Policy - Waste.	
11	Amended Attenuation Report Required	
A	Submit an amended acoustic impact assessment in accordance with Planning Scheme Policy - Noise that reflects the development layout on the approved plans.	Prior to the commencement of the use and to be maintained at all times.
B	Obtain approval from Council for the acoustic impact report in accordance with (A) above.	
C	Implement all noise attenuation measures recommended in the approved acoustic report in order to achieve the specified noise limits.	
D	Ensure that any acoustic barriers required are constructed of an opaque material to a height of 2 metres with panels having a variety of colours and the remainder of the barrier (anything above 2 metres) is to be constructed of a transparent material.	
E	Provide certification from a suitably qualified person that; 1. The above attenuation measures have been installed/implemented in accordance with the specifications of the approved acoustic report. 2. The development achieves the noise levels specified in the approved acoustic report.	
12	Air Quality Measures	

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A	Provide the air quality attenuation measures as specified in the approved Air Quality Assessment.	Prior to the commencement of the use and to be maintained at all times.
B	Provide certification from a suitably qualified person that the air quality attenuation measures have been installed/implemented in accordance with the specifications of the approved Air Quality Assessment.	Prior to the commencement of the use.
13	Underground Petroleum Storage System - Certification	
A	<p>Provide certification from a suitably qualified person that the Underground Petroleum Storage System (UPSS) is designed, installed and tested in accordance with the following minimum requirements:</p> <p>Leak Prevention Tanks</p> <ol style="list-style-type: none"> i. non-corrodible tank (4.2.1 AS4897) ii. secondary containment (4.2.3 AS4897) iii. overfill protection (4.4.2 AS4897) <p>Leak Prevention Piping</p> <ol style="list-style-type: none"> i. non-corrodible product piping (4.3.1 AS4897) ii. supply piping with secondary containment (4.3.3 AS4897) iii. fill point spill containment (4.3.5 AS4897) <p>Leak Prevention Dispensers</p> <ol style="list-style-type: none"> i. dispenser sump (4.4.1 AS4897) <p>Other</p> <ol style="list-style-type: none"> i. earthing of UPS system (4.4.4 AS4897) ii. tank pit observation well/s (4.4.4 AS4897) <p>Vapour Recovery</p> <ol style="list-style-type: none"> i. VR1 vapour recovery (4.3.6 AS4897) <p>System Integrity</p> <ol style="list-style-type: none"> i. an equipment integrity test of the system has been carried out in accordance with the written directions of a suitably qualified and experienced person, and ii. the system has been certified, by the person by whom the test was carried out, as having satisfied the test. 	Prior to commencement of use and to be maintained at all times.
14	Dispensing Areas and Forecourts	
	Dispensing areas and forecourts are to be designed and installed in accordance with the following:	
A	<p>Forecourt - FDA to be Impervious</p> <ul style="list-style-type: none"> • All ground surfaces within fuel dispensing areas shall be made of impervious material such as concrete or equivalent (note: asphalt is not suitable) and all gaps and/or cracks shall be filled so that the impervious barrier and integrity is maintained. 	Prior to commencement of use and to be maintained at all times.
B	Forecourt - Non-FDA To be Impervious	

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	<ul style="list-style-type: none"> All non-fuel dispensing forecourt surfaces not under canopy shall be constructed of concrete or equivalent (asphalt is considered suitable for non-dispensing areas) and all gaps and/or cracks shall be filled so that the impervious barrier and integrity is maintained.
C	<p>Forecourt - Demarcation</p> <ul style="list-style-type: none"> Fuel dispensing areas must be clearly delineated from other areas such as remote air/water supply areas, uncovered forecourt areas, access roads, general parking bays, etc. by methods such as a painted line on the ground, roll-over bunds, different coloured concrete etc. Fuel dispensing areas must be designed so that no vehicle may be refuelled outside the delineated areas.
D	<p>Forecourt - Signage For Drains</p> <ul style="list-style-type: none"> Drainage inlets located in the vicinity of the general forecourt area shall be provided with signage indicating the fate of flow such as "flows to treatment system" or "flows to containment sump".
E	<p>Forecourt - Canopy Design</p> <ul style="list-style-type: none"> Fuel dispensing areas shall be covered by a roof or canopy to minimise stormwater entering the dispensing area. The roof or canopy shall overhang by a horizontal distance of ¼ of the roof height out from the vertical above the boundary of the demarcated fuel dispensing area.
F	<p>Containment Vessel</p> <ul style="list-style-type: none"> Fuel dispensing areas and under canopy Tanker Delivery Standing Areas shall be graded to an approved hydrocarbon separator that achieves the following criteria prior to discharge to stormwater - <ol style="list-style-type: none"> Less than 5ppm (mg/L) Total Petroleum Hydrocarbons (TPH), Greater than or equal to 80% reduction in Total Suspended Solids (TSS), and Greater than or equal to 90% reduction in gross pollutants. <p>Note: Approved devices are listed on Brisbane City Council's Register of Certified Hydrocarbon Separators.</p>
G	<p>Containment Vessel - Fuel Delivery Outside of Canopy</p> <ul style="list-style-type: none"> All spills and leaks from bulk fuel transfer activities outside of the forecourt canopy area (i.e. fuel tanker trucks delivering to bulk fuel storages on site) must be contained on-site. Tanker Delivery Standing Areas outside of the canopy shall be constructed so that contaminated run-off is automatically diverted to an approved hydrocarbon separator that achieves the following criteria prior to discharge to stormwater - <ol style="list-style-type: none"> Less than 5ppm (mg/L) Total Petroleum Hydrocarbons (TPH), Greater than or equal to 80% reduction in Total Suspended Solids (TSS), and Greater than or equal to 90% reduction in gross pollutants.

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	Note: Approved devices are listed on Brisbane City Council's Register of Certified Hydrocarbon Separators.	
H	<p>Forecourt - Spill Kits</p> <ul style="list-style-type: none"> • Spill kits shall be provided and maintained in strategic locations. They shall be appropriate in size, type and equipment to the identified hazards. Kits shall consist of, but not be limited to, the following: <ul style="list-style-type: none"> i. oil absorbent materials ii. impervious drain covers iii. drip trays iv. spades, funnels v. hydrocarbon compatible containers vi. appropriate PPE. 	
15	Landscaping Plan	
A	Provide landscaping on site generally in accordance with the approved landscape plan.	Prior to commencement of use.
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	
C	Maintain the landscaping.	At all times.
16	Street Trees	
A	Provide street trees along the full frontage of Anzac Avenue in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping. Specifically, the <ol style="list-style-type: none"> 1. species choices are set out in section 1.2.2 however need to also be consistent with the purpose of the Heritage Place; 2. pot size is set out in section 1.2.3; and 3. number to be provided is set out in section 1.2.4. 	Prior to the commencement of use.
B	Ensure that all existing street trees along the full frontage of Anzac Avenue are protected and maintained.	At all times.
17	Vehicle Encroachment	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use.
18	Screening of Loading Facilities / Plant Areas	
	Screen plant areas, refuse storage and other outdoor storage facilities on the site from direct view from any adjoining road or public space.	Prior to commencement of use.
19	Water and/or Sewerage	
	Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor-Retailer Authority (Unitywater) confirming: <ol style="list-style-type: none"> 1. a reticulated water supply network connection is available to the land; and 2. a sewerage network connection is available to the land; and 3. all the requirements of Unitywater have been satisfied. 	Prior to commencement of use.

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20	Fibre Ready Telecommunications – Single	
A	Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs as amended, that: <ol style="list-style-type: none"> 1. Extends the service drop conduit from the property boundary to the external Premises Connection Device (PCD) or the likely location of the PCD; and 2. Extends a communications conduit with drawstring from the external PCD or the likely location of the PCD to the internal Fibre Wall Outlet (FWO) or the likely location of the FWO. 	Prior to commencement of use.
B	Provide certification to Council from the installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done. Note: A template for certification is available from council for the purpose of this condition.	
21	Telecommunications Internal Wiring	
A	Install internal wiring (Category 6 or better) within each tenancy from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide for New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the tenancy that would have been or have been installed for telephone and television connections; including but not limited to staff rooms and sales areas.	Prior to commencement of use.
B	Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done. Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.	
22	Electricity	
	Ensure that underground power is provided to the development and that the two (2) existing overhead poles at the frontage of Lot 20 RP901903 and Lot 21 RP901903 are removed.	Prior to commencement of use.
23	No Net Loss of Fauna Habitat	
	Development does not result in the net loss of fauna habitat. Where development does result in the loss of a Habitat Tree, development will provide replacement fauna nesting boxes at the following rate: <ol style="list-style-type: none"> 1. One (1) nest box for every hollow removed; or 2. Where hollows have not yet formed in trees greater than 80cm in diameter at 1.3m height, three (3) nest boxes are required for every habitat tree removed. 	Prior to the commencement of use.
24	Management of Wildlife - Minor	
	Tag all trees to be removed and inspect for any signs of wildlife. Should any wildlife be identified, removal of the tree must not occur	Prior to any clearing on the site.

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	until the animal has vacated the area of immediate danger. Work must be suspended overnight if possible. If the animal does not move from the area of danger, the relevant State Government Agency must be notified, and a qualified handler employed at the developer's cost to transport the animal to a safe place approved by the relevant State Government Agency.	
25	Disposal of Cleared Vegetation	
	Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility. Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property.	At all times.
26	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of construction works, to a standard which is consistent with Council's standards.	Prior to commencement of use.
27	Alterations and Relocation of Existing Services	
	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public utility services is to be carried with the development and at no cost to Council.	Prior to commencement of use.
28	Construction Management Plan	
A	Submit a Construction Management Plan (CMP) prepared by a suitably qualified person. The CMP is required to ensure the development works (including all construction, demolition and excavation) do not adversely affect the health, safety, amenity, traffic or environment in the surrounding area. The plan is to include (but is not limited to) at least the following: 1. Proposed construction program; 2. Public safety, amenity and site security; 3. Operating Hours, Noise and Vibration Controls; 4. Air & dust management; 5. Stormwater runoff, erosion & sediment control; 6. Waste & materials refuse management; 7. Traffic management; 8. Construction materials delivery & storage; 9. Construction office accommodation; and 10. Contractors vehicle parking arrangements;	Not less than two (2) weeks prior to any works commencing on site.
B	Obtain approval from Council for the Construction Management Plan.	Prior to works commencing on site.
C	Implement the approved Construction Management Plan and keep a copy of the CMP on site at all times during construction.	At all times during construction of the development.
	Notes: The CMP should be based on the following:	

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	<ol style="list-style-type: none"> 1. Council will generally only approve early starts for large concrete pours (e.g. monolithic concrete pours for basements and suspended floor slabs) during summer. 2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable. 3. Materials unloading and loading must occur on-site unless prior written approval is given by Council. 4. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site. 	
29	Access, Internal Roadways, Parking and Servicing Areas	
A	Design, construct and maintain, all line-marking, accesses, internal roadways, parking and servicing areas, in accordance with the approved plan(s) of layout, MUTCD and Australian Standard AS2890. The works must be designed, constructed and maintained in accordance with good engineering practices and Council's Planning Scheme requirements unless conditioned otherwise.	Prior to commencement of use and to be maintained.
B	Provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.	Prior to commencement of use.
30	Construction Affecting Existing Roads	
	<p>Provide and maintain control measures for any works in or affecting roads (including verges) to ensure that the works will not injure, endanger, obstruct or unduly inconvenience any person or user of the road.</p> <p>Note: All traffic control devices must be installed and maintained in accordance with the Manual of Traffic Control Devices (Queensland).</p>	At all times.
31	Overland Flow Management	
	<p>Provide measures to properly manage overland flows draining to and through the land to ensure no nuisance or annoyance is created to any person or premises as a result of the development. The development must not result in ponding on adjacent land, redirection of overland flows to other premises and blockage of an overland flow relief path for flows exceeding the design flows for any underground system within the development.</p> <p>Note:</p> <p>The current design standards and relevant planning scheme codes are:</p> <ol style="list-style-type: none"> 1. Planning Scheme Policy Integrated Design; 2. Works Code. 	Prior to commencement of use.
32	Stormwater Drainage - Lawful Discharge	
	Ensure that stormwater from the proposed development is lawfully discharged from the subject land without causing nuisance and annoyance to any person.	At all times.
33	Stormwater Management Plan (Quantity & Quality) – Plan Approved	

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A	<p>The approved Stormwater Management Plan is accepted as demonstrating that stormwater from the proposed development can be managed in accordance with Council's planning scheme requirements and design standards, the "Healthy Waterways Water Sensitive Urban Design Technical Guidelines for South East Queensland" and other relevant legislative requirements.</p> <p>The detailed design must consider "Water Sensitive Urban Design" principles, integrating the stormwater infrastructure into the urban design wherever possible.</p>	Note.
B	<p>Implement the works identified in the approved Stormwater Management Plan and provide certification from an RPEQ that all works have been designed and constructed in accordance with this permit condition.</p> <p>Provide Council with "As Built" drawings and specifications of the stormwater management devices certified by an RPEQ including the following for private infrastructure: Photographic evidence and inspection date of the installation of approved underdrainage; Copy of the bioretention filter media delivery docket/quality certificates confirming the materials comply with specifications in the approved Stormwater Management Plan; Date of the final inspection.</p>	Prior to commencement of use
C	<p>Maintain and repair the completed private infrastructure works to ensure its ongoing effectiveness. The approved works shall not be altered in any way without the prior written approval of Council.</p>	At all times.
34	Pedestrian Pathways	
	<p>Construct a 2.5-metre-wide reinforced concrete pathway in accordance with Council's standards at the following locations</p> <p style="padding-left: 20px;">i. Anzac Avenue site frontage</p> <p>This condition has been imposed under section 145 of the Planning Act 2016</p>	Prior to commencement of use.
CONCURRENCE AGENCY		
35	Concurrence Agency	
A	<p>Comply with the conditions of Department of Infrastructure Local Government and Planning response dated 20 December 2017 (reference: 1711-2444 SRA) or as amended.</p>	At all times.
B	<p>Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the Department of Infrastructure Local Government and Planning have been met.</p>	At all times.

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1	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p> <p>Details of how to fulfill the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>
2	Adopted Charges
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 7) dated 11 December 2017 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>
3	Food Premises - Food Business Licence Advice
	<p>In accordance with the Food Act 2006 the following must be submitted to Council prior to the commencement of construction or fit out of any licensable food business:</p> <ol style="list-style-type: none"> 1. An application for food business licence. 2. Plans and elevations (refer to note below). 3. Supporting documentation. 4. Relevant fee. <p>Note: The application is assessed against the provisions of the <i>Food Act 2006, Australia and New Zealand Food Standards Code and AS 4674 – Design, construction and fit-out of food premises (or equivalent)</i>.</p>

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

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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 Service Station and Food and Drink Outlet AND Building Works - Development Permit (To carry out building work on a Queensland Heritage Place)
Relevant Period of Approval	6 years
Section 64(5) Deemed Approval	Not applicable
Superseded Planning Scheme	Not applicable
Variation approval affecting the Planning Scheme	Not applicable
Other Necessary Permits	Building Works – Development Permit
Codes for Accepted Development	Not applicable
Referral Agencies	Refer to section 2.6.2 of this report.
Submissions	There were 202 properly made submissions about this application.

REPORT DETAIL

1. Background

On 12 July 2017, a pre-lodgement meeting was held with Council. Council officers raised several issues that required consideration specifically relating to the overall outcomes of the General Residential Zone Code - Suburban Neighbourhood Precinct and how the proposed neighbourhood hub expansion (into adjoining lots) would strengthen the existing neighbourhood hub as an important neighbourhood activity node. Any application was also required to consider the design of the development i.e. the original development proposal needed to be redesigned to achieve an active frontage.

The same issues were then raised again in the Information Request and post the carrying out of public notification where the applicant has progressively made design changes to address the issues. The most recent changes to address the issues was that the applicant removed a proposed drive-through for the Food and Drink Outlet along the road frontage and introduced a second Food and Drink Outlet tenancy along the road frontage to increase the street activation.

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2. Explanation of Item

2.1 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	General Residential Zone - Suburban Neighbourhood Precinct	Service Station / Dwelling Houses and associated Domestic Outbuildings
South	General Residential Zone - Suburban Neighbourhood Precinct	Existing retail and commercial land uses south of Anzac Avenue. All the lots south of Anzac Avenue are mapped under the Community Activities and Neighbourhood Hubs Overlay.
East	General Residential Zone - Suburban Neighbourhood Precinct	Dwelling House and associated Domestic Outbuilding
West	General Residential Zone - Suburban Neighbourhood Precinct	Service Station

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 <p><u>From Schedule 10 of the Regulation:</u></p> <ul style="list-style-type: none"> • Part 10: Koala Habitat Area – Schedule 11 of the <i>Planning Regulation 2017</i>
SEQ Regional Plan Designation:	<ul style="list-style-type: none"> • Urban Footprint
Koala Habitat Designation:	<ul style="list-style-type: none"> • Priority Koala Assessable Development Area

2.2.1 State Planning Policy

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

Assessment benchmark - liveable communities

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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	<p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <ul style="list-style-type: none"> (a) altered stormwater quality and hydrology (b) waste water (c) the creation or expansion of non-tidal artificial waterways (d) the release and mobilization of nutrients and sediments. <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>	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.
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> <ul style="list-style-type: none"> (a) coastal dependent development; or 	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.

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

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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 - Moreton Bay Regional Council Planning Scheme

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

2.3.1 Strategic Framework

An assessment against the Strategic Framework is not required by the development proposal.

2.3.2 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		
General Residential Zone Code - Suburban Neighbourhood Precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO60, PO74

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

2.3.3 Performance Outcome Assessment

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Performance Outcome	Example
General Residential Zone Code - Suburban Neighbourhood Precinct	
<p>PO60 Retail and commercial uses within a neighbourhood hub are of a scale that provide for the convenience needs or localised services of the immediate neighbourhood and do not constitute the scale or function of a Local centre.</p> <p>Note - For the function and scale of a Local centre refer to Table 6.2.1.1 Moreton Bay centres network.</p>	<p>E60 Retail and commercial uses within a neighbourhood hub consist of no more than:</p> <ol style="list-style-type: none"> a. 1 small format supermarket with a maximum GFA of 1200m²; b. 10 small format retail or commercial tenancies with a maximum GFA of 100m² each.
<i>Performance Outcome Assessment</i>	
<p>The development proposes an alternative solution to the Performance Outcome as one (1) of the proposed three (3) tenancies exceeds the maximum GFA of 100m².</p> <p>Tenancy 1 (Service Station) has a proposed GFA of 172m². An assessment has been undertaken against Table 6.2.1.1 - Moreton Bay Centres Network of the MBRC Planning Scheme and the proposed development does not constitute the scale and functions of a Local Centre.</p> <p>Therefore, the proposed development complies with Performance Outcome PO60 and it is recommended that the alternative solution be accepted in this instance.</p>	
<p>PO61 The expansion (into adjoining lots) of existing neighbourhood hubs or the establishment of a new neighbourhood hub must:</p> <ol style="list-style-type: none"> a. adjoin or address a park, public open space or include privately owned civic or forecourt space having a minimum area of 400m²; b. be located on the corner of a sub-arterial or collector road; c. form a 'Main street' having a maximum length of 200m; d. be centrally located within an 800m radial catchment; e. be separated from other neighbourhood hubs and centres by 1600m, measured from the centre of each neighbourhood hub or centre. 	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>The development proposes expansion of an existing Neighbourhood Hub currently mapped on the Community Activities and Neighbourhood Hubs Overlay as the development is proposed over one lot within the Neighbourhood Hub and one lot outside of it.</p> <p>The development cannot comply with Performance Outcome PO61 as;</p> <ol style="list-style-type: none"> (i) it does not adjoin or address a park, public open space or include privately owned civic or forecourt space (a); 	

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Performance Outcome	Example
<p>(ii) it is located on a State arterial road (b); and (iii) it is located 1500m from the an existing district centre (e).</p> <p>However, it is relevant to note the Council’s current major amendment to the planning scheme proposes to add a new Performance Outcome to the General Residential Zone Code - Suburban Neighbourhood Precinct regarding Service Stations that specially provides for and allows a Service Station to be located generally as proposed in the current application.</p> <p>Regardless, the proposal does not comply with this Performance Outcome and therefore an assessment against the Overall Outcomes is required and discussed in the following section of this report.</p>	
<p>PO74 The hours of operation minimise adverse amenity impacts on adjoining sensitive land uses.</p>	<p>E74 Hours of operation do not exceed 6:00am to 9:00pm Monday to Sunday.</p>
<i>Performance Outcome Assessment</i>	
<p>The development proposes an alternative solution to the Performance Outcome as it is proposed to operate on a 24/7 basis. The applicant has provided an Acoustic Report and an Air Quality Report in support of the application and these have been reviewed by Council officers.</p> <p>As the most recent changes to the development plans removed a proposed drive-through for the Food and Drink Outlet along the road frontage and introduced a second Food and Drink Outlet tenancy along the road frontage, an amended Acoustic Report will be required in order to accurately remodel the proposed noise impacts associated with the approved development layout. It is recommended that an amended acoustic report be conditioned accordingly. Council officers are however confident the impacts will be less than what was previously proposed.</p> <p>The submitted Air Quality Report has also been reviewed with consideration given to the latest proposal plans. The latest plans do not necessitate a change to this report and it is therefore recommended that it be approved accordingly.</p> <p>Based on an amended acoustic report being accepted by Council and the recommendations of the reports being implemented, the development will not have an adverse amenity impact on adjoining sensitive land uses and therefore complies with Performance Outcome PO74. It is recommended that the alternative solution be accepted in this instance.</p>	

2.3.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome PO61 of the General Residential Zone Code - Suburban Neighbourhood Precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows;

6.2.6.2.1 Purpose - Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
a. The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low	NA	The proposal is not for residential activities.

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rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density of 75 dwellings per hectare if complying with b. v. below.		
b. Residential activities consist of: ...	NA	The proposal is not for residential activities.
c. The design, siting and construction of residential uses are to: ...	NA	The proposal is not for a residential use.
d. Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.	Yes	<p>The site adjoins an existing non-residential use site with other non-residential uses directly across Anzac Avenue. In this regard, the proposal clusters non-residential uses by providing them in immediate proximity.</p> <p>This forms a Neighbourhood hub as defined in the MBRC Planning Scheme as:</p> <p><u>"A cluster of non-residential uses.</u> <i>A conveniently located public place that is recognised and valued in the local community as a gathering place for people, and an access point for a wide range of community activities, programs, services and events. Includes, a lot shown on Overlay map - Community activities and neighbourhood hubs"</i> (emphasis added).</p> <p>As such, the non-residential uses take the form of a neighbourhood hub.</p>
e. Community activities: ...	NA	The proposal is not for community activities.
f. Corner stores may establish as standalone uses (not part of a neighbourhood hub) where:	NA	The proposal is not for a corner store.
g. Retail and commercial activities (forming part of a neighbourhood hub):	Yes	<p>i. The proposal is for a commercial activity. It has been established in Overall Outcome d. the proposal clusters with other non-residential uses forming a Neighbourhood hub.</p> <p>ii. The site adjoins an existing non-residential use site with other non-residential uses</p>
<p>i. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</p> <p>ii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</p>		

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<p>iii. are of a small scale, appropriate for a neighbourhood hub;</p> <p><i>Note - Retail and commercial uses that will result in a new or existing neighbourhood hub expanding to a scale and function consistent with a Local centre are to be assessed as if establishing a new Local centre. Refer to the Centre zone code for relevant assessment benchmarks.</i></p> <p>iv. do not negatively impact adjoining residents or the streetscape;</p> <p>v. are subordinate in function and scale to all centres within the region.</p>		<p>directly across Anzac Avenue and are centred around a Main Street central core which will foster opportunities for social and economic exchange.</p> <p>iii. The proposal is a small scale, appropriate for a Neighbourhood hub.</p> <p>iv. The recommendations of this report include requirements for acoustic fencing and lighting as per the Australian standard to alleviate impacts on adjoining residents. The proposal provides a high quality built form that will not negatively impact the streetscape.</p> <p>v. The proposal is subordinate in function and scale to all centres within the region.</p>
<p>h. The design, siting and construction of non-residential uses:</p> <p>i. maintains a human scale, through appropriate building heights and form;</p> <p>ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces;</p> <p>iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</p> <p>iv. promotes active transport options and ensures an oversupply of car parking is not provided;</p> <p>v. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.</p>	<p>Yes</p>	<p>The design, siting and construction of the non-residential uses maintains a human scale through a single-storey built form and the provision of built form elements eg. awnings along the frontage to Anzac Avenue. The proposal provides attractive, active frontages for the Food and Drink Outlet (Tenancy 2 and Tenancy 3) being outdoor dining and an extension of the building façade to the street alignment. For the Service Station, the extension of the canopy to within 2.3 metres of the street alignment promotes an attractive, active frontage and gives the perception of a continuous built form awning along Anzac Avenue which will contribute to maximising pedestrian activity along the road frontage. The proposal provides active and passive surveillance of road frontages through inclusion of patron areas at the street frontage and windows overlooking the street. The proposal will provide pedestrian footpaths linking into building entrances and does not result in an oversupply of car parking. The</p>

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		proposal is not for a large internalised shopping centre.
<p>i. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:</p> <p>i. it is of a scale that remains subordinate to all centres within the region;</p> <p>ii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</p> <p>iii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently un-serviced catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</p> <p>iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;</p> <p>v. they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development.</p>	Yes	<p>i. The proposal seeks to expand the mapped Neighbourhood hub into the adjoining lot but continues to cluster non-residential uses. The proposal is of a small scale that is subordinate to all centres within the region.</p> <p>ii. The proposal will strengthen the existing neighbourhood hub as an important activity node based on the design and proposed location of uses on the development site. In that regard, the following assessment is provided:</p> <p>(a) The development has sought to locate the Service Station on the south-western corner of the site at the road frontage. This outcome aligns with the Council's current major amendment to the planning scheme that seeks to have Service Stations located on the periphery of neighbourhood hubs and centres.</p> <p>(b) The current design has removed a drive-through component (proposed under the proposal as originally submitted to Council) so the development can achieve a genuine active frontage along a main street.</p> <p>(c) The proposed Food and Drink Outlets (Tenancy 2 and Tenancy 3) provide an active frontage that will facilitate a consolidated outcome with adjoining land as it is developed into the future, thereby achieving the strategic direction for a neighbourhood hub. The applicant has also submitted a structure plan</p>

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		<p>providing an indication of how the future development of the Neighbourhood Hub might occur and that the proposal will not fetter the achievement of that outcome.</p> <p>(d) With the removal of the proposed drive-through component and genuine activation by Tenancy 2 and Tenancy 3, the development facilitates greater pedestrian integration.</p> <p>(e) The development has given due consideration to the future development outcome of the neighbourhood hub through the provision of a structure plan. This structure plan further outlines how the future development of the neighbourhood hub will achieve active frontages around a main street core; how the overall interface to the surround Suburban Neighbourhood Precinct could be delivered; and how integration amongst the hub uses can be achieved.</p> <p>iii. The location of the Service Station on the periphery of the neighbourhood hub (consistent with the proposed requirements of the major amendment to the planning scheme); clear separation from existing neighbourhood hubs and centres within the network have been maintained. The development does not propose a new neighbourhood, therefore the requirement for a new neighbourhood hub to not be located within 1600m of another neighbourhood hub is not applicable in this instance.</p>
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		<p>iv. The proposal is not for a new Neighbourhood hub.</p> <p>v. Refer to response (iii) above. The development has been appropriately designed and located to include active frontages around a 'main street' core</p>
<p>j. General works associated with the development achieves the following:</p> <p>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</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</p>	<p>Yes</p>	<p>Appropriately conditioned the proposed development will provide the necessary infrastructure to achieve the Overall Outcome.</p>

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adjacent premises, the streetscape or the environment.		
k. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	Yes	Acoustic Report and Air Quality Reports were submitted in support of the application and these have been reviewed and accepted by Council officers, subject to a condition on the development requiring an amended acoustic report being provided to Council that reflects the latest proposal plans. The recommendations of these reports include requirements for acoustic fencing, odour, waste and lighting as per the Australian standard and planning scheme requirements.
l. 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.	Yes	An Acoustic Report was submitted in support of the application. The assessment concluded that noise levels from the proposed development can satisfy Council's relevant noise criteria for a 24 hour 7 day operation subject to certain noise mitigation measures including the construction of acoustic barriers. As a result of changes to the development plans, which removed a proposed drive-through for the Food and Drink Outlet along the road frontage and introduced a second Food and Drink Outlet tenancy along the road frontage, an amended Acoustic Report will be required to order to accurately remodel the proposed noise impacts associated with the approved development layout. As a consequence, the recommendations of this report include a condition that an amended acoustic report be provided to Council that reflects the approved development layout. It is noted that the changes to the development plans further reduce potential impacts to an adjoining sensitive use on the eastern boundary of the development site through the removal of a drive-through and outdoor dining area on this boundary.
m. Noise sensitive uses are designed, sited and constructed	NA	The development does not propose a noise sensitive use.

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so as not to be subject to unacceptable levels of noise.		
n. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	NA	The development is not proposed in a water supply buffer.
o. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by: <ul style="list-style-type: none"> 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; 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"> A. the provision of replacement, restoration, rehabilitation planting and landscaping; B. the location, design and management of 	Yes	The site is not subject to any constraints or environmental value. The site is however located next to a Queensland Heritage Place. This constraint will be appropriately managed through referral agency conditions.

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<p>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 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</p>		
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<p>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>		
<p>p. Development in the Suburban neighbourhood precinct includes 1 or more of the following:</p> <ul style="list-style-type: none"> • Where in a Neighbourhood hub - Food and drink outlet 	Yes	A Service Station is not listed in this table. A Food and Drink Outlet is listed as appropriate where within a Neighbourhood hub. Proposed Tenancy 3 therefore complies whilst proposed Tenancy 2 is physically located outside the mapped Neighbourhood hub and is not relevant in this instance.
<p>q. Development in the Suburban neighbourhood precinct does not include any of the following:</p> <ul style="list-style-type: none"> • Service station - if standalone use 	NA	A Food and drink outlet is not listed in this table. The Service station is not standalone. Therefore, the proposed uses are not included in Overall Outcome q. and the outcomes is not relevant in this instance.
<p>r. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone.</p>	Yes	Based on the response to Overall Outcome (p) and (q) the development has been assessment on its merits.

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

2.4 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 7) commencing on 11 December 2017 (CR).

2.4.1 Levied Charge

In accordance with section 10 of the CR, a Levied Charge is applicable to the development proposal and has been calculated as shown in the Infrastructure Charges Notice attached to this report taking into consideration any applicable credits or offsets.

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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 \$57,417.36 exists and has been calculated based on the following:

Use	Adopted Charge Category	Area / Demand Unit	Applicable Credit	After Proportional Split
Existing Commercial Development	Commercial (bulky goods)	395m ² GFA	\$55,951.75	\$33,571.05
		1,129m ² Impervious	\$11,407.95	\$6,844.77
Existing Dwelling House (1268 Anzac Avenue, Kallangur)	Residential use as 3 or more bedroom dwelling	Dwelling	\$28,335.90	\$17,001.54
Total			\$95,695.60	\$57,417.36

(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

(d) The adopted charge for a residential lot (applied equally to non-residential development)

The credit available under this option is \$34,003.08 based on the proportional split stated in Table 3 of the CR for the two (2) existing residential lots.

2.4.3 Levied Charge Offset or Refund

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

2.4.4 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

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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

Layout Issues

The proposed development layout is acceptable from an engineering perspective.

Managing Impacts during Construction

The development will have an impact on the surrounding area and adjoining road during construction. A construction management plan must be in place to mitigate and minimise the impacts during construction. The recommendation of this report includes a condition regarding a construction management plan.

Site Access and Parking

The site will be accessed from Anzac Avenue, a state controlled road. The referral agency has imposed conditions regarding access and road works required for the development.

Stormwater Management and Drainage Discharge

A stormwater management plan has been submitted in support of the proposed development. The report demonstrates compliance with Council requirements. As a consequence, the recommendations of this report include a condition requiring the works to be undertaken in accordance with the approved plan.

2.6.1.2 Environmental Health

Lighting

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

Waste Management

It is acknowledged that the layout of the development has changed which has resulted in the relocation of bin enclosures. An amended plan details waste management arrangements where waste bins will be stored in enclosures and serviced onsite by a 12.5m long HRV. As a consequence, the recommendations of this report include a condition that the development be undertaken in accordance with the plan.

Noise

The Noise Impact Assessment prepared by MWA Environmental dated 25 October 2017, report number 17-123, was submitted in support of the application and recommends ways to ameliorate noise impacts that are considered acceptable. The assessment conducted assessed noise impacts from the service station and drive-thru restaurant onto surrounding sensitive receptors. The assessment concluded that noise levels from the

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proposed development can satisfy Council's relevant noise criteria for a 24 hour 7 day operation subject to certain noise mitigation measures including the construction of acoustic barriers. It is acknowledged that an updated proposed site plan of the development has since been provided and a review of the changes to the development has been undertaken by MWA Environmental. The review of the plan in respect to noise impacts identified that the removal of the originally proposed drive-through facility will result in the reduction of noise emissions from the site. Therefore, it is recommended that a condition be imposed requiring an amended acoustic report that reflects the approved development plans.

Air Quality

It is acknowledged that an updated proposed site plan of the development has been provided and a review of the changes to the development has been undertaken by MWA Environmental. The review of the plan in respect to air quality identified that there would be no material change to the air pollutant emissions or potential associated impacts as the refuelling canopy and fuel vent pipes have not move significantly. Therefore on this basis, the outcomes from the original report remain valid in that compliance is predicted.

The Air Quality Assessment prepared by MWA Environmental dated 25 October 2017, report number 17-123, was originally submitted in support of the application. The report assessed the impact of air pollutants and odour emissions from the proposed service station and restaurant development onto surrounding sensitive receptors. Results from air pollutant dispersion modelling conducted had demonstrated that emissions from the proposed service station with Stage 1 vapour recovery system will readily satisfy the relevant air quality objectives and odour amenity guideline at all surrounding sensitive receptors.

Odour associated with the food premises part of the development is managed by the installation of a kitchen exhaust canopy system. Therefore odour emissions from the restaurant is not likely to cause an adverse impact on sensitive receptors on the basis that the kitchen exhaust system appropriately complies with the relevant Australian Standards and are routinely maintained. As a consequence the recommendations of this report include a condition that the development be undertaken in accordance with the Air Quality Assessment.

Fuel Storage

Service stations have specific environmental risks inherent with the bulk storage and dispensing of dangerous goods. As a consequence the recommendations of this report include conditions that environmental impacts be managed.

Food Premises - Food Business Licence

The development incorporates a licensable food business under the *Food Act 2006* that will have specific structural requirements. As a consequence the recommendations of this report include an advice statement for a Food Business Licence.

2.6.2 Referral Agencies

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

The application was referred to the Department of Infrastructure, Local Government and Planning (DILGP) for the following;

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- (a) Matters relating to State-Controlled Roads. Council was advised on 20 December 2017 that DILGP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice.
- (b) Matters relating to Queensland Heritage Place. Council was advised on 20 December 2017 that DILGP has no objection to the development application subject to a number of conditions being attached to Council's Decision notice.

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.

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 December 2017.
- (b) The development application was advertised in the Courier Mail on 5 December 2017.
- (c) A notice in the prescribed form was posted on the relevant land on 4 December 2017 and maintained for a period of 22 business days until 12 January 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		201
	Petition	321	1
Not Properly Made	Letter, Email, Fax		11
	Petition	-	-
Total			213

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

Assessment of Submissions
<p>Issue - As part of the 213 submissions received, 201 properly made submissions included the following matters in pro forma submissions. In addition, a petition was received accompanied by 321 signatures for the outlined issues below:</p> <ol style="list-style-type: none"> 1. The proposed Service station directly adjoins another existing Service station and will undermine the viability of this existing business and other local business nearby. 2. The proposal to expand the neighbourhood hub conflicts with the planning intent for the area. 3. The layout will result in traffic safety issues and unnecessary queuing within the site and on the road network. 4. The heritage trees should not be removed to accommodate any development. 5. The proposed uses will detrimentally impact nearby residential neighbours.
<p>Discussion A response to each of the points is included below:</p>

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1. Economic need and market forces do not form a part of the Council's MBRC Planning Scheme and are therefore not relevant to the planning assessment.
2. As discussed in further detail below (Overall Outcome submission assessment), the proposal to expand the neighbourhood hub does not conflict with the planning intent identified in the MBRC Planning Scheme.
3. The proposal is situated along Anzac Avenue, a State Controlled Road. For this reason, the application was referred to the State Assessment and Referral Agency (SARA) to assess the State interest including impacts on the external road network. SARA advised on 20 December 2017, that the application would not have adverse impacts on Anzac Avenue through the application of reasonable and relevant conditions they would impose. Further, Development Engineering have assessed the proposal and advises appropriate queuing is provided for within the site.
4. The heritage trees will be preserved by the proposal as demonstrated in the Arboricultural Impact Assessment provided to the SARA as a part of the Queensland Heritage Place state interest referral. SARA has imposed relevant conditions to ensure the trees preservation.
5. The proposal has demonstrated through a noise impact assessment report and air quality assessment report that by adopting suitable recommendations, impacts to nearby residential neighbours can be alleviated. It is acknowledged that an updated proposed site plan of the development has since been provided and a review of the changes to the development has been undertaken. The review of the plan in respect to noise impacts identified that the removal of the originally proposed drive-through facility will result in the reduction of noise emissions from the site. If approved, it is recommended that a condition be imposed requiring an amended acoustic report that reflects the approved development plans and a condition recommending the implementation of the air quality report.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with the Strategic Framework of the MBRC Planning Scheme.

An assessment of the proposal has been undertaken against the General Residential Zone Code - Suburban Neighbourhood Precinct and the proposal complies with the Overall Outcomes of the Zone Code. As such the no assessment is required to be undertaken against the Strategic Framework.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with Overall Outcome d. of the General Residential Zone Code - Suburban Neighbourhood Precinct

(d) Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.

Discussion

The proposal does comply with this Overall Outcome.

The site adjoins an existing non-residential use site with other non-residential uses directly across Anzac Avenue. In this regard, the proposal clusters non-residential uses by providing them in immediate proximity. This forms a Neighbourhood hub which is defined in the MBRC Planning Scheme as; ***"A cluster of non-residential uses. A conveniently located public place that is recognised and valued in the local community as a gathering place for people, and an access point for a wide range of community activities, programs, services and events. Includes, a lot shown on Overlay map - Community activities and neighbourhood hubs"*** (emphasis added).

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As such, the non-residential uses take the form of a neighbourhood hub.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with Overall Outcome h. of the General Residential Zone Code - Suburban Neighbourhood Precinct

(h) The design, siting and construction of non-residential uses:

- i. maintains a human scale, through appropriate building heights and form;*
- ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces;*
- iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;*
- iv. promotes active transport options and ensures an oversupply of car parking is not provided;*
- v. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.*

Discussion

The proposal does comply with this Overall Outcome.

The design, siting and construction of the non-residential uses maintains a human scale through a single-storey built form and the provision of built form elements eg. awnings along the front tenancies to Anzac Avenue. The proposal provides attractive, active frontages for the Food and Drink Outlet (Tenancy 2 and Tenancy 3) being outdoor dining and an extension of the building façade to the street alignment. For the Service Station, the extension of the canopy to within 2.3 metres of the street alignment promotes an attractive, active frontage and gives the perception of a continuous built form along Anzac Avenue that will contribute to maximising pedestrian activity along the road frontage. The proposal provides active and passive surveillance of road frontages through inclusion of patron areas at the street frontage and windows overlooking the street. The proposal will provide pedestrian footpaths linking into building entrances and does not result in an oversupply of car parking. The proposal is not for a large internalised shopping centre.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with Overall Outcome i. of the General Residential Zone Code - Suburban Neighbourhood Precinct

(i) Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where:

- i. it is of a scale that remains subordinate to all centres within the region;*
- ii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;*
- iii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently unserved catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;*
- iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;*

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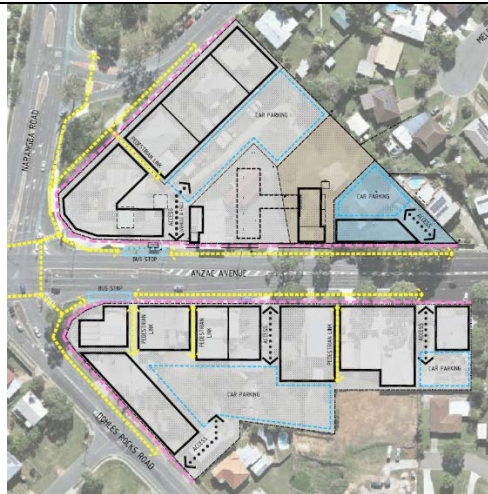
- v. **they are appropriately designed and located to include active frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development.**

Discussion

The proposal does comply with this Overall Outcome. An assessment against the Overall Outcome is provided below:

- i. The proposal seeks to expand the mapped Neighbourhood hub into the adjoining lot but continues to cluster non-residential uses. The proposal is of a small scale that is subordinate to all centres within the region. This is also demonstrated through the submission repose to Performance Outcome PO60 below.
- ii. The proposal will strengthen the existing neighbourhood hub as an important activity node through the design and proposed location of uses on the development site. In that regard, the following commentary is provided:
 - (a) The development has sought to locate the Service Station on the south-western corner of the site at the road frontage. This outcome aligns with current major amendment to the planning scheme that seeks to have Service Station located on the periphery of neighbourhood hubs and centres.
 - (b) The current design has removed a drive-through component (proposed under the proposal as originally submitted to Council) so the development can achieve a genuine active frontage along a main street.
 - (c) The proposed Food and Drink Outlets (Tenancy 2 and Tenancy 3) provide an active frontage that will facilitate a consolidated outcome with adjoining land as it is developed into the future, thereby achieving the strategic direction for a neighbourhood hub.
 - (d) Through the removal of the proposed drive-through component and genuine activation of the Tenancy 2 and Tenancy 3, the development facilitates greater pedestrian integration.
 - (e) The development has given due consideration to the future development outcome of the neighbourhood hub through the provision of a structure plan. This structure plan further outlines how the future development of the neighbourhood hub will achieve active frontages around a main street core; how the overall interface to the surround Suburban Neighbourhood Precinct could be delivered; and how integration amongst the hub uses can be achieved.

ITEM 2.1 DA/35214/2017/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SERVICE STATION AND FOOD AND DRINK OUTLET AND BUILDING WORKS - DEVELOPMENT PERMIT (TO CARRY OUT BUILDING WORK ON A QUEENSLAND HERITAGE PLACE) - 1266 & 1268 ANZAC AVENUE, KALLANGUR - DIVISIO - A16916200 (Cont.)



- iii. Through the location of the Service Station on the periphery of the neighbourhood hub (in line with the requirement of the major amendment to the planning scheme), clear separation from existing neighbourhood hubs and centres within the network have been maintained. The development does not propose a new neighbourhood, therefore the requirement for a new neighbourhood hub to not be located within 1600m of another neighbourhood hub is not applicable in this instance.
- iv. The proposal is not for a new Neighbourhood hub.
- v. Refer to response (iii) above. The development has been appropriately designed and located to include active frontages around a 'main street' core. This is further demonstrated through the structure plan image above.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with Overall Outcome k. of the General Residential Zone Code - Suburban Neighbourhood Precinct

(k) Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.

Discussion

The proposal has demonstrated through a noise impact assessment report and air quality assessment report that by adopting suitable recommendations, the activities will not cause nuisance.

As a result of changes to the development plans, which removed a proposed drive-through for the Food and Drink Outlet along the road frontage and introduced a second Food and Drink Outlet tenancy along the road frontage, an amended Acoustic Report will be required in order to accurately remodel the proposed noise impacts associated with the approved development layout. It is noted that the changes to the development plans further reduce potential impacts to an adjoining sensitive use on the eastern boundary of the development site through the removal of a drive-through and outdoor dining area on this boundary.

If approved, a condition would be applied to the development requiring an amended acoustic report to reflect the approved development plans and the implementation of any recommendations of this amended report.

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Further, conditions are recommended to be included relating to lighting and to implement the recommendations of the air quality report.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with Overall Outcome I. of the General Residential Zone Code - Suburban Neighbourhood Precinct

(I) 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.

Discussion

The proposal does comply with this Overall Outcome.

The proposal has demonstrated through a noise impact assessment report that by adopting suitable recommendations, the activities will not cause environmental harm or nuisance.

As a result of changes to the development plans, which removed a proposed drive-through for the Food and Drink Outlet along the road frontage and introduced a second Food and Drink Outlet tenancy along the road frontage, an amended Acoustic Report will be required in order to accurately remodel the proposed noise impacts associated with the approved development layout. It is noted that the changes to the development plans further reduce potential impacts to an adjoining sensitive use on the eastern boundary of the development site through the removal of a drive-through and outdoor dining area on this boundary.

If approved, a condition is recommended to be applied to the development requiring an amended acoustic report to reflect the approved development plans and the implementation of any recommendation of this amended report.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with Overall Outcome r. of the General Residential Zone Code - Suburban Neighbourhood Precinct

(r) Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone.

The tables referred to in Overall Outcome r. are the use identified as consistent and inconsistent under the zone.

A Service Station is not identified as a consistent use and is only identified as an inconsistent use if proposed as a standalone use, which it is not under this development proposal.

A Food and Drink Outlet is identified as consistent where within a Neighbourhood hub. Proposed Tenancy 3 therefore complies whilst proposed Tenancy 2 is physically located outside the mapped Neighbourhood hub and is not relevant in this instance.

In that regard, the proposed Service Station and Food and Drink Outlet (Tenancy 2) have been considered on their merits, on the basis that the development proposal reflects and supports the outcome sought by the General Residential Zone Code - Suburban Neighbourhood Precinct.

This is not sufficient grounds for refusal of the application.

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Issue - The proposal does not comply with Performance Outcome PO60 of the General Residential Zone Code - Suburban Neighbourhood Precinct

PO60

Retail and commercial uses within a neighbourhood hub are of a scale that provide for the convenience needs or localised services of the immediate neighbourhood and do not constitute the scale or function of a Local centre.

The development proposed an alternative solution to Example E60 on the Zone Code in that one (1) of the proposed three (3) tenancies exceeds that maximum GFA of 100m².

Tenancy 1 (Service Station) has a proposed GFA of 172m². An assessment has been undertaken against Table 6.2.1.1 - Moreton Bay Centres Network and the proposed development does not constitute the scale and functions of a Local Centre.

The proposed development therefore complies with Performance Outcome PO60.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with Performance Outcome PO61 of the General Residential Zone Code - Suburban Neighbourhood Precinct

PO61

The expansion (into adjoining lots) of existing neighbourhood hubs or the establishment of a new neighbourhood hub must:

- a. adjoin or address a park, public open space or include privately owned civic or forecourt space having a minimum area of 400m²;***
- b. be located on the corner of a sub-arterial or collector road;***
- c. form a 'Main street' having a maximum length of 200m;***
- d. be centrally located within an 800m radial catchment;***
- e. be separated from other neighbourhood hubs and centres by 1600m, measured from the centre of each neighbourhood hub or centre.***

The development proposes an expansion of the existing mapped neighbourhood hub in that part of the development is currently proposed over a lot that sits outside the current Community Activities and Neighbourhood Hubs Overlay.

The development cannot comply with Performance Outcome PO61 as it does not adjoin or address a park, public open space or include privately owned civic or forecourt space (a); it is located on a State arterial road (b); and it is located 1500m from the an existing district centre (e).

As the proposal does not comply with PO61, an assessment of the proposal is required to be undertaken against the Overall Outcome of the Zone Code. The proposal complies with the Overall Outcomes of the Zone - refer to submission response to Overall Outcome i. above.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with Performance Outcome PO65 of the General Residential Zone Code - Suburban Neighbourhood Precinct

PO65

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Development provides functional and integrated car parking and vehicle access, that:

- f. prioritises the movement and safety of pedestrians between the street frontage and the entrance to the building;**
- g. provides safety and security of people and property at all times;**
- h. does not impede active transport options;**
- i. does not impact on the safe and efficient movement of traffic external to the site;**
- j. is consolidated and shared with adjoining sites wherever possible.**

The proposal is situated along Anzac Avenue, a State Controlled Road. For this reason, the application was referred to the State Assessment and Referral Agency (SARA) to assess the State interest including impacts on the external road network. SARA advised on 20 December 2017, that the application would not have adverse impacts on Anzac Avenue through the application of reasonable and relevant conditions they would impose.

The proposal provides attractive, active frontages for the Food and Drink Outlet (Tenancy 2 and Tenancy 3) being outdoor dining and an extension of the building façade to the street alignment. For the Service Station, the extension of the canopy to within 2.3 metres of the street alignment promotes an attractive, active frontage and gives the perception of a continuous built form along Anzac Avenue which will contribute to maximising pedestrian activity along the road frontage. The proposal provides active and passive surveillance of road frontages through inclusion of patron areas at the street frontage and windows overlooking the street. The proposal will provide pedestrian footpaths linking directly into building entrances.

The proposal has also provided parking that meets the nominated Example under Performance Outcome PO67 relating to the number of car parking spaces.

The proposal complies with Performance Outcome PO65.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with Performance Outcome PO74 of the General Residential Zone Code - Suburban Neighbourhood Precinct

PO74

The hours of operation minimise adverse amenity impacts on adjoining sensitive land uses.

The development proposes to operate on a 24/7 basis. The applicant has provided an Acoustic Report and Air Quality Report in support of the application and these have been reviewed and accepted by Council officers, subject to a condition on the development requiring an amended acoustic report being provided to Council that reflects the approved proposal plans.

As a result of changes to the development plans, which removed a proposed drive-through for the Food and Drink Outlet along the road frontage and introduced a second Food and Drink Outlet tenancy along the road frontage, an amended Acoustic Report will be required in order to accurately remodel the proposed noise impacts associated with the approved development layout. It is noted that the changes to the development plans further reduce potential impacts to an adjoining sensitive use on the eastern boundary of the development site through the removal of a drive-through and outdoor dining area on this boundary.

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The proposed hours of operation will minimise adverse amenity impacts on adjoining sensitive land uses and therefore complies with Performance Outcome PO74.

This is not sufficient grounds for refusal of the application.

Issue - The proposal does not comply with Performance Outcome PO93-PO96 of the General Residential Zone Code - Suburban Neighbourhood Precinct

These Performance Outcomes relate directly to the Heritage and Landscape Character Overlay. Specifically, the proposal is situated along Anzac Avenue, a Queensland Heritage Place. For this reason, the application was referred to the State Assessment and Referral Agency (SARA) to assess the State interest including impacts on identified heritage place. SARA advised on 20 December 2017, that the application would not have adverse impacts on Anzac Avenue as a heritage place through the application of reasonable and relevant conditions they would impose.

The identified Heritage and Landscape Character Overlay does not directly affect the development site itself and therefore assessment against Performance Outcome PO93-PO96 is not required in this instance.

This is not sufficient grounds for refusal of the application.

Issue - There is no economic need and as a result the proposal will significantly impact the economic viability of existing and adjoining small local businesses.

Discussion

Economic need and market forces do not form a part of the Council's MBRC Planning Scheme and are therefore not relevant to the planning assessment.

This is not sufficient grounds for refusal of the application.

Issue - The proposal will result in adverse impacts on the surrounding road network with queuing impacts on Anzac Avenue and traffic hazards.

Discussion

The proposal is situated along Anzac Avenue, a State Controlled Road. For this reason, the application was referred to the State Assessment and Referral Agency (SARA) to assess the State interest including impacts on the external road network. SARA advised on 20 December 2017, that the application would not have adverse impacts on Anzac Avenue through the application of reasonable and relevant conditions they would impose. Further, Development Engineering have assessed the proposal and advises appropriate queuing is provided for within the site and there are no adverse impacts anticipated on the Council controlled road network.

This is not sufficient grounds for refusal of the application.

Issue - The proposal will result in nuisance impacts to nearby residents including light, noise, air pollution amplified by the proposed hours of operation.

Discussion

The proposal has demonstrated through a noise impact assessment report and air quality assessment report that by adopting suitable recommendations, the activities will not cause nuisance despite the proposed hours of operation (24 hours a day / 7 days a week).

As a result of changes to the development plans, which removed a proposed drive-through for the Food and Drink Outlet along the road frontage and introduced a second Food and Drink Outlet tenancy along the road frontage, an amended Acoustic Report will be required in order to accurately remodel the proposed noise impacts associated with the approved

ITEM 2.1 DA/35214/2017/V2C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR SERVICE STATION AND FOOD AND DRINK OUTLET AND BUILDING WORKS - DEVELOPMENT PERMIT (TO CARRY OUT BUILDING WORK ON A QUEENSLAND HERITAGE PLACE) - 1266 & 1268 ANZAC AVENUE, KALLANGUR - DIVISIO - A16916200 (Cont.)

development layout. It is noted that the changes to the development plans further reduce potential impacts to an adjoining sensitive use on the eastern boundary of the development site through the removal of a drive-through and outdoor dining area on this boundary.

If approved, conditions are recommended to implement the recommendations of the air quality report and to require an amended acoustic report to reflect the approved development plans. Further, standard conditions are also recommended to be included relating to lighting.

This is not sufficient grounds for refusal of the application.

Issue - The proposal impacts on Anzac Avenue as a heritage place.

Discussion

The proposal is situated along Anzac Avenue, a Queensland Heritage Place. For this reason, the application was referred to the State Assessment and Referral Agency (SARA) to assess the State interest including impacts on identified heritage place. SARA advised on 20 December 2017, that the application would not have adverse impacts on Anzac Avenue as a heritage place through the application of reasonable and relevant conditions they would impose.

This is not sufficient grounds for refusal of the application.

Issue - Several submitters highlighted better sites for a new Service station within the suburb of Kallangur.

Discussion

The development application process is an applicant-driven process and Council has no influence in what sites an applicant may or may not apply over. The Council must assess the application put forward on its merits against the assessment benchmarks.

This is not sufficient grounds for refusal of the application.

2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 15 January 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.

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

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3.4 Risk Management Implications

Development occurs efficiently and effectively in the region in a manner that reduces 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.
- b) Permit conditions require infrastructure contributions to Council.

3.7 Economic Benefit

The proposal will generate employment opportunities within proximity to Kallangur and Petrie.

3.8 Environmental Implications

There are no environmental implications arising from this development application.

3.9 Social Implications

There are no social implications arising from this development application.

3.10 Consultation / Communication

Refer to clause 2.7.

ATTENDANCE

Ms Kate Isles and Mr Marco Alberti left the meeting at 11.14am after consideration of Item 2.1.

ITEM 2.2 - (Deferred to Page 18/1197)

DA/35670/2018/V2E - MATERIAL CHANGE OF USE - THE MILL AT MORETON BAY PRIORITY DEVELOPMENT AREA- DEVELOPMENT PERMIT FOR EDUCATIONAL ESTABLISHMENT UNIVERSITY OF SUNSHINE COAST FOUNDATION FACILITIES, 965 GYMPIE ROAD, PETRIE - DIVISION 7

APPLICANT: University of the Sunshine Coast C/- John Gaskell Planning Consultants

OWNER: Moreton Bay Regional Council

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A16888499: 4 May 2018 – **Refer Supporting Information A16888501 & A16911779**

Responsible Officer: SH, Divisional Project Coordinator (PED Development Services)

Committee deferred discussion on the item to a later stage of the meeting (refer Page 18/1197).

ITEM 2.3 - WITHDRAWN

DA/34570/2017/V23C - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR AN OFFICE (LOT 1), FOOD AND DRINK OUTLET (LOT 2), SERVICE STATION (LOT 4), FOOD AND DRINK OUTLET (LOT 5), FOOD AND DRINK OUTLET (LOT 6), SHOP, FOOD AND DRINK OUTLET (LOT 7) AND HEALTH CARE SERVICES (LOT 11) AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 11 LOTS) AND DEVELOPMENT PERMIT FOR BUILDING WORK (TO CARRY OUT BUILDING WORK ON A QUEENSLAND HERITAGE PLACE) - 1613 ANZAC AVENUE, KALLANGUR - DIVISION 7

APPLICANT: LandPartners Limited

OWNER: Dominique Developments Pty Ltd

Meeting / Session: 2 PLANNING & DEVELOPMENT

Reference: A16816503 : 29 May 2018 – Refer Supporting Information A16937589 & A16937555

Responsible Officer: LR, Senior Development Planner (PED Development Services)

This item was withdrawn at the request of the Chief Executive Officer.

3 CORPORATE SERVICES SESSION

(Cr M Constance)

No items for consideration.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

No items for consideration.

5 PARKS, RECREATION & SPORT SESSION

(Cr K Winchester)

No items for consideration.

6 LIFESTYLE & AMENITY SESSION

(Cr D Sims)

No items for consideration.

7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION

(Cr P Flannery)

No items for consideration.

8 REGIONAL INNOVATION

(Cr D Grimwade)

No items for consideration.

9 GENERAL BUSINESS

ITEM 9.1 REGIONAL EVENTS

Cr Denise Sims reported on her attendance at the recent **Teddy Bears' Picnic** at John Oxley Reserve in Murrumba Downs. There was approximately 1200 people in attendance and Cr Sims thanked staff for the ground preparation for the event.

Cr Brooke Savige reported on her attendance at the **Bribie Island Diabetes Support Group Walk/Fun Run** held on Sunday 28 May. Cr Savige thanked the Mayor for attending and showing his support.

Cr Mike Charlton (Deputy Mayor) noted **The Salvation Army Red Shield Appeal Doorknock** was held over 26-27 May - a fundraising drive that it is generally well-supported by the community.

Cr Charlton also made special mention of the 29th All Saints Parish School **Albany Fair**. The annual fundraising event was held on Sunday 27 May with over 10,000 visitors on the day; the fair is always well-attended by the community and very well organised.

COMMITTEE RECOMMENDATION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Matt Constance

CARRIED 13/0

That a letter of congratulation be sent from the Mayor to the organisers of the Albany Fair.

Cr Matt Constance reported on his attendance at the finale of the **Hills Festival** over the preceding weekend at George Wilmore Park Ferny Hills, which saw between 1500-2000 people in attendance. Cr Constance thanked a number of Councillors for their attendance throughout the day. A spectacular fireworks display concluded the event.

Cr Peter Flannery reported on his attendance at the **MBRIT Moreton Bay Conference Series 2 event** last Friday 25 May, with The Hon Julia Gillard as guest speaker. Cr Flannery noted there was over 200 guests in attendance and that the event was very well run.

COMMITTEE RECOMMENDATION

Moved by Cr Peter Flannery

Seconded by Cr Matt Constance

CARRIED 13/0

That a letter of congratulation from the Mayor be sent to MBRIT on a well-run Business Luncheon and Hills Carnivale.

Cr James Houghton reported on the **Parks and Leisure Conference** held at Redcliffe over three days last week, with attendees from all over Australia. An Awards Dinner was held at the Redcliffe Leagues Club on Thursday 24 May. Conference attendees were impressed with the sporting facilities within the region.

ITEM 9.1 REGIONAL EVENTS - A16816503 (Cont.)

Cr Allan Sutherland (Mayor) reported on the **opening of the Redcliffe Museum extension** on Saturday 26 May, congratulating all involved in making this upgrade a success. Cr Koliana Winchester also passed on her thanks to staff that assisted with the event and thanked Councillors for their support.

The Mayor also reported on his attendance at the 27th **Dayboro Day Festival** on Sunday 27 May, noting the tremendous turnout to the event with more than 20,000 visitors now heading to Dayboro each year for this event alone, making it one of the most popular on the Moreton Bay region calendar.

COMMITTEE RECOMMENDATION

Moved by Cr Allan Sutherland (Mayor)

Seconded by Cr Darren Grimwade

CARRIED 13/0

That a letter of congratulation be sent from the Mayor to the organisers of Dayboro Day.

Cr Adrian Raedel attended the **Scripture Union Chaplaincy Fundraising Dinner** last night noting the event raised \$66,500 to support school chaplains.

Cr Raedel also made mention of the **Emergency Services Expo** held at Woodford over the preceding weekend. Although he was unable to attend he thanked the Director and staff for their involvement.

CLOSED SESSION (Confidential items)

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

CLOSED SESSION

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel

Seconded by Cr Koliانا 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 Item C.1 only.

Members of the press and public gallery left the Chambers.
The closed session commenced at 11.32am.

OPEN SESSION

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel

Seconded by Cr Denise Sims

CARRIED 13/0

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

The open session resumed at 11.36am.

ITEM C.1 – CONFIDENTIAL

RSPCA POUND MANAGEMENT AGREEMENT - DAKABIN FACILITY - REGIONAL

Meeting / Session: 1 Governance

Reference: A16844668: 18 April 2018

Responsible Officer: MW, Manager Regulatory Services (CES Regulatory Services)

Basis of Confidentiality

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

Executive Summary

This report recommends that Council authorises the Chief Executive Officer to execute an amended agreement between the RSPCA and the Council to ensure that the RSPCA continues to provide animal management and care services at Council's pound and animal management centre in Dakabin.

COMMITTEE RECOMMENDATION

Moved by Cr Mick Gillam

Seconded by Cr Denise Sims

CARRIED 13/0

1. That pursuant to section 235(a) of the Local Government Regulation 2012, Council is satisfied that RSPCA Queensland Inc. is the only supplier who is reasonably available to provide the pound services required.
2. That the Chief Executive Officer be authorised to do all things necessary to enter into a new Pound Services Agreement with RSPCA Queensland Inc.

Conflict of Interest - Declaration

Pursuant to s175E of the *Local Government Act 2009*, **Cr Allan Sutherland (Mayor)** declared a perceived conflict of interest in Item C.2 as he had attended the wedding of Shane Newcombe, Chairman and CEO of MBRIT who is an acquaintance and friend.

Conflict of Interest - Declaration

Pursuant to s175E of the *Local Government Act 2009*, **Cr Mike Charlton (Deputy Mayor)** declared a perceived conflict of interest in Item C.2 as he had attended the wedding of Shane Newcombe, the Chairman and CEO of MBRIT who is a friend.

Conflict of Interest - Declaration

Pursuant to s175E of the *Local Government Act 2009*, **Cr Julie Greer** declared a perceived conflict of interest in Item C.2 as she had attended the wedding of Shane Newcombe, Chairman and CEO of MBRIT who is a friend.

Conflict of Interest - Declaration

Pursuant to s175E of the *Local Government Act 2009*, **Cr Koliana Winchester** declared a perceived conflict of interest in Item C.2 as she had attended the wedding of Shane Newcombe, the Chairman and CEO of MBRIT who is a friend.

Conflict of Interest - Declaration

Pursuant to s175E of the *Local Government Act 2009*, **Cr Darren Grimwade** declared a perceived conflict of interest in Item C.2 as he is a friend of Mr Shane Newcombe, the Chairman and CEO of MBRIT.

Conflict of Interest - Declaration

Pursuant to s175E of the *Local Government Act 2009*, **Cr Matt Constance** declared a perceived conflict of interest in Item C.2 as he had attended and officiated as Celebrant at the wedding of Shane Newcombe, the Chairman and CEO of MBRIT.

Conflict of Interest - Declaration

Pursuant to s175E of the *Local Government Act 2009*, **Cr Adrian Raedel** declared a perceived conflict of interest in Item C.2 as he has an employee of MBRIT (Tim Pasqualone) who could be classed currently as a friend.

As seven of the councillors at the meeting of Council have informed the meeting about personal interests in Item C.2 under section 175E(2) of the Act, and a quorum cannot be formed, section 175E(7)(a) of the Act is enlivened permitting all Councillors (including those declaring a conflict of interest) to vote for the purpose of delegating deciding the matter.

All Councillors remained in the meeting as permitted under section 175E(7)(a) of the Act to delegate the following matter.

ITEM C.2 – CONFIDENTIAL

MORETON BAY REGION INDUSTRY AND TOURISM SERVICE LEVEL AGREEMENT RENEWAL - REGIONAL

Meeting / Session: 7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM
Reference: A16942779: 15 May 2018
Responsible Officer: MH, Principal Executive and Communications Officer (CEO Strategy & Engagement)

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

Moreton Bay Region Industry and Tourism (MBRIT) is an enterprise that Council considers is directed to benefitting, and can reasonably be expected to benefit, the whole of Council's local government area. Since July 2016 MBRIT has delivered a range of services including destination management, regionally significant events and support programs for business development and networking through a service level agreement with Council.

Having achieved the strategic outcomes of the existing service level agreement, MBRIT is looking to expand these activities. Given the success of these activities, it is recommended that Council increase its support for this regionally beneficial enterprise while securing its desired outcomes from the enterprise through renewal of a service level agreement with MBRIT.

COMMITTEE RECOMMENDATION - DELEGATION TO DECIDE MATTER

Moved by Cr James Houghton

Seconded by Cr Peter Flannery

CARRIED 13/0

That in accordance with section 175E(6) of the *Local Government Act 2009* (the Act), as a majority of the councillors at the meeting of Council have informed the meeting about personal interests in the matter under section 175E(2) of the Act, Council delegates power regarding the matter under section 257 of the Act and authorises the Chief Executive officer, as follows:

- (a) To determine whether the activities and programs undertaken by Moreton Bay Region Industry and Tourism Limited (MBRIT) are directed to benefitting and can reasonably be expected to benefit the whole of the Council's local government area.
- (b) Subject to the service level agreement in (c) being executed, from 1 July 2018 to assist the beneficial enterprise conducted by MBRIT by contributing funds in the amount specified in the service level agreement.
- (c) To enter into a service level agreement with MBRIT, as described in this report.
- (d) To negotiate and agree on the terms of the service level agreement and execute the agreement on the Council's behalf.
- (e) To review and agree to amendments or variations to the service level agreement, as required from time to time.
- (f) To negotiate terms and otherwise do all things necessary, including but not limited to, executing any variations to the service level agreement, to implement recommendation (e) above.

ADJOURNMENT

The meeting adjourned at 11.43am.

The meeting resumed at 12.14pm.

Committee resumed discussion on the Item 2.2, as deferred previously in the meeting (refer Page 18/1188).

**ITEM 2.2 - (Deferred from Page 18/1188) - WITHDRAWN
DA/35670/2018/V2E - MATERIAL CHANGE OF USE - THE MILL AT MORETON BAY
PRIORITY DEVELOPMENT AREA- DEVELOPMENT PERMIT FOR EDUCATIONAL
ESTABLISHMENT UNIVERSITY OF SUNSHINE COAST FOUNDATION FACILITIES,
965 GYMPIE ROAD, PETRIE - DIVISION 7**

**APPLICANT: University of the Sunshine Coast C/- John Gaskell Planning
Consultants**

OWNER: Moreton Bay Regional Council

Meeting / Session: 2 PLANNING & DEVELOPMENT

*Reference: A16888499: 4 May 2018 – Refer Supporting Information A16888501 &
A16911779*

Responsible Officer: SH, Divisional Project Coordinator (PED Development Services)

This item was withdrawn at the request of the Chief Executive Officer.

CLOSURE

There being no further business the Chairperson closed the meeting at 12.14pm.