



# REPORT

## Coordination Committee Meeting

**Tuesday 23 January 2018**  
commencing at 10.47am

Strathpine Chambers  
220 Gympie Road, Strathpine

**ENDORSED GM20180123**

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### **CHAIRPERSON'S REPORT**

The recommendations contained within this report of the Coordination Committee meeting held 23 January 2018 are recommended to the Council for adoption.

COUNCILLOR ALLAN SUTHERLAND (MAYOR)  
CHAIRPERSON  
COORDINATION COMMITTEE

***Adoption Extract from General Meeting – 23 January 2018 (Page 18/4)***

**12.1 Coordination Committee Meeting - 23 January 2018  
(Pages 18/5 - 18/105)**

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**RESOLUTION**

**Moved by Cr Koliana Winchester**

**Seconded by Cr Adam Hain**

**CARRIED 13/0**

**That the report and recommendations of the Coordination Committee meeting held 23 January 2018 be adopted.**

LIST OF ITEMS

**1 GOVERNANCE SESSION (Cr Allan Sutherland, Mayor)**

**ITEM 1.1** 6  
DELEGATIONS - BUILDING ACT 1975, PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) ACT 2003, PUBLIC HEALTH ACT 2005 & PUBLIC HEALTH REGULATION 2005 AND LIQUOR ACT 1992 - REGIONAL  
**COMMITTEE RECOMMENDATION**  
REPORT DETAIL

**ITEM 1.2** 9  
PROPOSED MORETON BAY REGIONAL COUNCIL AMENDMENT SUBORDINATE LOCAL LAW NO. 1 (ADMINISTRATION) 2018 - REGIONAL  
**COMMITTEE RECOMMENDATION**  
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**2 PLANNING & DEVELOPMENT SESSION (Cr Mick Gillam)**

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DEVELOPMENT APPLICATION DA/34554/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (11 INTO 173 LOTS + 8 BALANCE LOTS + DETENTION BASIN + EASEMENTS IN 7 STAGES), LOCATED AT 51-65 AND 77 CLARK ROAD AND 54-100 ROBBS ROAD, MORAYFIELD - DIVISION 12  
**COMMITTEE RECOMMENDATION**  
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**ITEM 2.2** 54  
DEVELOPMENT APPLICATION DA/34873/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 99 LOTS IN 2 STAGES), LOCATED AT 263-267 AND 269-279 OAKEY FLAT ROAD AND 75, 84 AND 88 BURBURY ROAD, MORAYFIELD - DIVISION 12  
**COMMITTEE RECOMMENDATION**  
REPORT DETAIL

**3 CORPORATE SERVICES SESSION (Cr Adrian Raedel)**

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MONTHLY REPORTING PACKAGE - NOVEMBER 2017 - REGIONAL  
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REPORT DETAIL

**ITEM 3.2** 86  
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**COMMITTEE RECOMMENDATION**  
REPORT DETAIL

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REPORT DETAIL

# Moreton Bay Regional Council

COORDINATION COMMITTEE MEETING  
23 January 2018

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## **4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr Peter Flannery)**

**ITEM 4.1** **92**  
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REPORT DETAIL

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BURPENGARY - BURPENGARY / NEW SETTLEMENT ROADS AND  
DAKABIN/NARANGBA - OLD GYMPIE / BOUNDARY ROADS - INTERIM INTERSECTION  
UPGRADES - TENDER - DIVISIONS 2, 7 AND 11

### **COMMITTEE RECOMMENDATION**

REPORT DETAIL

## **5 PARKS, RECREATION & SPORT SESSION (Cr Darren Grimwade)**

## **6 LIFESTYLE & AMENITY SESSION (Cr Matt Constance)**

**ITEM 6.1** **101**  
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### **COMMITTEE RECOMMENDATION**

REPORT DETAIL

## **7 ECONOMIC DEVELOPMENT & TOURISM SESSION (Cr Julie Greer)**

## **8 GENERAL BUSINESS**

**ITEM 8.1** **105**  
SANDSTONE POINT HOTEL - CONCERT - REGIONAL

## **CLOSURE**

## ATTENDANCE & APOLOGIES

### Attendance:

#### Committee Members:

Cr Allan Sutherland (Mayor) (Chairperson)  
Cr Brooke Savige  
Cr Peter Flannery  
Cr Adam Hain  
Cr Julie Greer  
Cr James Houghton  
Cr Koliana 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)
Director Executive & Property Services	(Ms Anne Moffat)
Legal Officer	(Mr Rhys Dennison)
Manager Development Services	(Ms Kate Isles)
Principal Planner - Development Services	(Mr Glenn Hammill)
Accounting Services Manager	(Mr Denis Crowe)
Information & Communication Technology Manager	(Mr Tim Gepp)
Manager Integrated Transport Planning & Design	(Mr Syd Jerram)
Meeting Support Officer	(Ms Heather Bailey)

**Apologies:** Nil

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**The Mayor is the Chairperson of the Coordination Committee.**

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

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Session	Spokesperson	Proxy
<b>1 Governance</b>	Cr Allan Sutherland (Mayor)	Cr Mike Charlton (Deputy Mayor)
<b>2 Planning &amp; Development</b>	Cr Mick Gillam	Cr Adam Hain
<b>3 Corporate Services</b>	Cr Adrian Raedel	Cr Allan Sutherland (Mayor)/ Cr Mike Charlton (Deputy Mayor)
<b>4 Asset Construction &amp; Maintenance</b>	Cr Peter Flannery	Cr Allan Sutherland (Mayor)/ Cr Mike Charlton (Deputy Mayor)
<b>5 Parks, Recreation &amp; Sport</b>	Cr Darren Grimwade	Cr Denise Sims
<b>6 Lifestyle &amp; Amenity</b>	Cr Matt Constance	Cr Brooke Savige
<b>7 Economic Development &amp; Tourism</b>	Cr Julie Greer	Cr Allan Sutherland (Mayor)/ Cr Mike Charlton (Deputy Mayor)
<b>8 General Business</b>	Cr Allan Sutherland (Mayor)	Cr Mike Charlton (Deputy Mayor)

**1 GOVERNANCE SESSION**

(Cr Allan Sutherland, Mayor)

**ITEM 1.1**

**DELEGATIONS - BUILDING ACT 1975, PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) ACT 2003, PUBLIC HEALTH ACT 2005 & PUBLIC HEALTH REGULATION 2005 AND LIQUOR ACT 1992 - REGIONAL**

Meeting / Session: 1 GOVERNANCE

Reference: A15528414 : 16 January 2018 - Refer Supporting Information A15935904, A15734803, A15734662 and A15660938

Responsible Officer: AM, Director Executive and Property Services

**Executive Summary**

This report recommends that the powers under the *Building Act 1975*, the *Public Health (Infection Control for Personal Appearance Services) Act 2003*, the *Public Health Act 2005* and *Public Health Regulation 2005*, and the *Liquor Act 1992* (as detailed in the supporting information to this report), be delegated to the CEO in order that the CEO may sub-delegate powers as required to appropriately qualified employees or contractors of the Council.

**COMMITTEE RECOMMENDATION**

Moved by Cr Mick Gillam

Seconded by Cr Julie Greer

CARRIED 13/0

1. That Council, pursuant to section 257 of the *Local Government Act 2009*, delegates to the Chief Executive Officer its powers under the *Building Act 1975* as specified in supporting information #1 to this report (Council-114).
2. That Council, pursuant to section 257 of the *Local Government Act 2009*, delegates to the Chief Executive Officer its powers under the *Public Health (Infection Control for Personal Appearance Services) Act 2003* as specified in supporting information #2 to this report (Council-115).
3. That Council, pursuant to section 257 of the *Local Government Act 2009*, delegates to the Chief Executive Officer its powers under the *Public Health Act 2005* and the *Public Health Regulation 2005* as specified in supporting information #3 to this report (Council-116).
4. That Council, pursuant to section 257 of the *Local Government Act 2009*, delegates to the Chief Executive Officer its powers under the *Liquor Act 1992* as specified in supporting information #4 to this report (Council-117).

ITEM 1.1 DELEGATIONS - BUILDING ACT 1975, PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) ACT 2003, PUBLIC HEALTH ACT 2005 & PUBLIC HEALTH REGULATION 2005 AND LIQUOR ACT 1992 - REGIONAL - A15528414 (Cont.)

## OFFICER'S RECOMMENDATION

1. That Council, pursuant to section 257 of the *Local Government Act 2009*, delegates to the Chief Executive Officer its powers under the *Building Act 1975* as specified in supporting information #1 to this report (Council-114).
2. That Council, pursuant to section 257 of the *Local Government Act 2009*, delegates to the Chief Executive Officer its powers under the *Public Health (Infection Control for Personal Appearance Services) Act 2003* as specified in supporting information #2 to this report (Council-115).
3. That Council, pursuant to section 257 of the *Local Government Act 2009*, delegates to the Chief Executive Officer its powers under the *Public Health Act 2005* and the *Public Health Regulation 2005* as specified in supporting information #3 to this report (Council-116).
4. That Council, pursuant to section 257 of the *Local Government Act 2009*, delegates to the Chief Executive Officer its powers under the *Liquor Act 1992* as specified in supporting information #4 to this report (Council-117).

## **REPORT DETAIL**

### **1. Background**

Council has certain powers under the *Building Act 1975*, the *Public Health (Infection Control for Personal Appearance Services) Act 2003*, the *Public Health Act 2005* and *Public Health Regulation 2005*, and the *Liquor Act 1992*.

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

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

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

It is recommended that the powers under the *Building Act 1975*, the *Public Health (Infection Control for Personal Appearance Services) Act 2003*, the *Public Health Act 2005* and *Public Health Regulation 2005*, and the *Liquor Act 1992* (as detailed in the supporting information to this report), be delegated to the CEO in order that the CEO may sub-delegate powers as required to appropriately qualified employees or contractors of the Council.

### **3. Strategic Implications**

#### 3.1 Legislative/Legal Implications

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

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

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

ITEM 1.1 DELEGATIONS - BUILDING ACT 1975, PUBLIC HEALTH (INFECTION CONTROL FOR PERSONAL APPEARANCE SERVICES) ACT 2003, PUBLIC HEALTH ACT 2005 & PUBLIC HEALTH REGULATION 2005 AND LIQUOR ACT 1992 - REGIONAL - A15528414 (Cont.)

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

The CEO will be delegated authority to exercise various powers of Council under the *Building Act 1975*, the *Public Health (Infection Control for Personal Appearance Services) Act 2003*, the *Public Health Act 2005* and Public Health Regulation 2005, and the *Liquor Act 1992*.

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

The recommended delegations, once adopted, will supersede any existing delegation/s relating to the respective legislation.

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

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

## ATTENDANCE

Mr Rhys Dennison attended the meeting at 10.51am for item 1.2.



**ITEM 1.2  
PROPOSED MORETON BAY REGIONAL COUNCIL AMENDMENT SUBORDINATE  
LOCAL LAW NO. 1 (ADMINISTRATION) 2018 - REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* **A16462579** : 16 January 2018 - Refer Supporting Information A16464587,  
A16467477 and A16467411  
*Responsible Officer:* BH, Director Community & Environmental Services (CES Directorate)

**Executive Summary**

This report seeks Council's resolution to commence the making of *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Administration) 2018* using Council's adopted local law making process. The proposed subordinate local law seeks to simplify and address issues with Council's regulation of advertising devices under Schedule 9 of *MBRC Subordinate Local Law No.1 (Administration) 2011*.

**COMMITTEE RECOMMENDATION**

Moved by Cr Denise Sims

Seconded by Cr Koliana Winchester

CARRIED 13/0

1. That Council resolves to propose to make *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Administration) 2018*, marked "Appendix A" in the Supporting Information annexed to this report.
2. That the Chief Executive Officer be authorised to undertake public consultation in relation to the proposed subordinate local law in accordance with Council's adopted local law making process specified in "Appendix B" in the Supporting Information annexed to this report.
3. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed subordinate local law, which includes the power to:
  - a) identify any anti-competitive provisions in the proposed subordinate local law;
  - b) determine whether any identified anti-competitive provisions need to be reviewed;
  - c) decide the process for conducting a review of any identified anti-competitive provisions;
  - d) conduct a review of any identified anti-competitive provisions.

ITEM 1.2 PROPOSED MORETON BAY REGIONAL COUNCIL AMENDMENT SUBORDINATE LOCAL LAW NO. 1 (ADMINISTRATION) 2018 - REGIONAL - A16462579 (Cont.)

### OFFICER'S RECOMMENDATION

1. That Council resolves to propose to make *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Administration) 2018*, marked "Appendix A" in the Supporting Information annexed to this report.
2. That the Chief Executive Officer be authorised to undertake public consultation in relation to the proposed subordinate local law in accordance with Council's adopted local law making process specified in "Appendix B" in the Supporting Information annexed to this report.
3. That Council resolves, pursuant to section 257 of the *Local Government Act 2009*, to delegate to the Chief Executive Officer its powers under section 38 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012* to comply with the prescribed procedures for the review of any anti-competitive provisions in the proposed subordinate local law, which includes the power to:
  - a) identify any anti-competitive provisions in the proposed subordinate local law;
  - b) determine whether any identified anti-competitive provisions need to be reviewed;
  - c) decide the process for conducting a review of any identified anti-competitive provisions;
  - d) conduct a review of any identified anti-competitive provisions.

### **REPORT DETAIL**

#### **1. Background**

On 24 October 2017, Council resolved to make *Moreton Bay Regional Council Interim Local Law No. 1 (Advertising Devices) 2017 (Interim Local Law)*.

The Interim Local Law simplifies, and addressed issues with, Schedule 9 of *MBRC Subordinate Local Law No. 1 (Administration) 2011 (Subordinate Local Law)* under which Council regulates advertising devices.

The Interim Local Law expires on 24 April 2018.

If Council wishes to permanently amend the Subordinate Local Law prior to the expiry of the Interim Local Law, various procedural steps need to be undertaken (e.g. public consultation) otherwise, the Subordinate Local Law will revive in its previous form on the expiry of the Interim Local Law.

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

##### The Subordinate Local Law

Prior to the introduction of the Interim Local Law, various issues were apparent, or alleged to exist, with Council's Subordinate Local Law. For example, the Subordinate Local Law:

- contained inadvertent drafting errors in places;
- was outdated in places;
- was alleged to be overly burdensome in places (e.g. in relation to election signs) because:
  - the time for which a "self-assessable election sign" could be displayed was limited to 42 days prior to the polling date for the election;
  - the number of self-assessable election signs that could be displayed was capped (e.g. at 120 per electorate for a State candidate);
  - the size of self-assessable election signs was limited to 1.5m<sup>2</sup> per side;
  - the application process associated with "licensable election signs" was complex and elongated;
  - the fees associated with applications to display "licensable election signs" were prohibitively expensive.

*ITEM 1.2 PROPOSED MORETON BAY REGIONAL COUNCIL AMENDMENT SUBORDINATE LOCAL LAW NO. 1 (ADMINISTRATION) 2018 - REGIONAL - A16462579 (Cont.)*

*The Interim Local Law*

The Interim Local Law sought to address the issues which were apparent, or alleged to exist, with the Subordinate Local Law on a short-term basis (because interim local laws can only have effect for a maximum of 6 months) by:

- correcting drafting errors;
- updating references;
- in respect of elections signs:
  - extending the time for which a “self-assessable election sign” could be displayed on private land to 3 months prior to the polling date for the election;
  - removing any restriction on the time for displaying self-assessable signs on public land;
  - removing the cap on the number of self-assessable election signs that could be displayed in an electorate;
  - not altering the size restrictions on election signs displayed on public land (however, there was a reduction in the permissible size of self-assessable election signs that could be displayed on private land - being a maximum of 2 signs with a total face area of 1.5m<sup>2</sup> per frontage);
  - removing burdens associated with the “licensable election sign” application process (e.g. removing the need to provide an engineer’s certificate); and
  - reducing the fees associated with applications to display licensable election signs by introducing a 3-business day “expedited assessment process”.

*Impact of the Interim Local Law*

Since the introduction of the Interim Local Law, a State government election has been called and held. The election signage provisions of the Interim Local Law were not enforced during this election period. However, Regulatory Services has confirmed that it experienced very few issues with election signs during this period and it received no complaints concerning election signage on the relevant polling day.

The Interim Local Law impacts on the application process for other types of signage (not just election signage). Whilst it has been difficult to gauge the impact of the Interim Local Law on these other types of signage in the short period that it has been in force, Regulatory Services has confirmed that it would not recommend any changes to the drafting of the Interim Local Law and that it could implement and administer the Interim Local Law on a permanent basis, as it relates to other types of signage.

*The Process for Permanently Amending the Subordinate Local Law*

On 29 July 2014, Council resolved to adopt a local law making process and this process will apply if Council wishes to permanently amend the Subordinate Local Law.

The process is generally as follows:

- By resolution, Council must *propose to make* certain amendments to the Subordinate Local Law;
- Council must consult with the public about the proposed amendments for at least 21 days by:
  - publishing a consultation notice in a locally circulating newspaper;
  - displaying the consultation notice in Council’s public offices;
  - making a copy of the proposed amendments available for inspection at Council’s public offices during the consultation period (and making copies available for purchase);
- Comply with any statutory provisions concerning anti-competitive provisions;
- Accept and consider every properly made submission to Council;
- By resolution, decide whether to make the proposed amendments as advertised **or** further amend the proposed amendments **or** not make the proposed amendments;
- (if Council chooses to substantially amend the proposed amendments in light of public consultation) Council *may* carry out a second round of public consultation; and
- Once the amendments have been made, follow the statutory notification processes.

*ITEM 1.2 PROPOSED MORETON BAY REGIONAL COUNCIL AMENDMENT SUBORDINATE LOCAL LAW NO. 1 (ADMINISTRATION) 2018 - REGIONAL - A16462579 (Cont.)*

Council will note that if it resolves *to propose* to adopt a permanent amendment to the Subordinate Local Law, this does not necessarily mean that the proposed permanent amendments will be made. This is because Council's proposed amendments will be subject to public consultation. On hearing feedback from this public consultation process, Council may further amend its proposed amendments.

Council could also choose to not make any permanent amendments to the Subordinate Local Law. If this occurs, then the Interim Local Law will expire on 24 April 2018 and the original Subordinate Local Law will revive. This would also revive those issues identified with the Subordinate Local Law as set out above.

Proceeding

Given the impact of the Interim Local Law, and to avoid the issues associated with the revival of the Subordinate Local Law, it is recommended that Council propose to make *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Administration) 2018*, marked "Appendix A" in the Supporting Information annexed to this report (**Proposed SLL**).

The key provisions of the Proposed SLL (which amend the Subordinate Local Law) are identical to those provisions of the Interim Local Law which are currently in force.

If Council resolves to propose to make the Proposed SLL, then the Proposed SLL be subject to a public consultation process.

An indicative timeline for the making of the Proposed SLL (which is subject to change depending on the outcome of the public consultation process, for example) is set out below:

Task	Due Date
1. Resolve to propose to make Proposed SLL	23.01.18
2. Commence public consultation (including consultation regarding any anti-competitive provisions)	05.02.18
3. End public consultation	28.02.18
4. Workshop on public consultation outcomes	08.03.18
5. Council meeting - direction	13.08.18
6. (optional) second public consultation starts	19.03.18
7. (optional) second public consultation ends	10.04.18
8. (optional) workshop on second consultation outcomes	12.04.18
9. Council meeting - adopting Proposed SLL (as modified)	17.04.18
10. Gazette notice published	20.04.18
11. Advertising making of Proposed SLL (as modified)	23.04.14

As part of the local law making process, Council is obliged to consider whether the proposed local law contains any likely anti-competitive provisions.

To determine whether a provision is anti-competitive requires consideration of the "*National Competition Policy - Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws*" published by the Department of Infrastructure, Local Government and Planning (**Guidelines**). Subject to certain exceptions, if the Guideline renders a certain provision of the Proposed SLL "anti-competitive", then that provision must be subjected to a prescribed review process.

*ITEM 1.2 PROPOSED MORETON BAY REGIONAL COUNCIL AMENDMENT SUBORDINATE LOCAL LAW NO. 1 (ADMINISTRATION) 2018 - REGIONAL - A16462579 (Cont.)*

It is recommended that the Chief Executive Officer be delegated authority to determine whether the Proposed SLL provisions (including the likely anti-competitive provisions specified in "Appendix C" in the Supporting Information annexed to this report) are required to be subjected to the review process under the Guidelines, and if so, to undertake that review process.

Public consultation will be undertaken in accordance with the relevant specifications of the *Local Government Act 2009* and the *Local Government Regulation 2012* and Council's adopted local law making process specified in "Appendix B" in the Supporting Information annexed to this report. Once public consultation on the Proposed SLL is finalised, a further report will be presented to Council.

It is noted for the sake of completeness that a State interest check is not necessary in this circumstance as the Proposed SLL is a subordinate local law (section 29A(1)(b) of the *Local Government Act 2009*).

### **3. Strategic Implications**

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

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

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

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

#### **3.3 Policy Implications**

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

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

Amending the Subordinate Local Law is likely to reduce the risk of certain provisions of the Subordinate Local Law being declared invalid by a Court on the basis that those provisions unlawfully impinge on the freedom of communication on political matters.

#### **3.5 Delegated Authority Implications**

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

#### **3.6 Financial Implications**

Amending the Subordinate Local Law may assist in the resolution of current Court proceedings which have been instigated against Council in respect of the validity of the Subordinate Local Law.

#### **3.7 Economic Benefit**

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

#### **3.8 Environmental Implications**

Council officers will continue to monitor advertising devices in the Region for compliance with the Interim Local Law while the process for making the Proposed SLL is ongoing. The Interim Local Law seeks to minimise any environmental nuisance or environmental harm caused by advertising devices.

*ITEM 1.2 PROPOSED MORETON BAY REGIONAL COUNCIL AMENDMENT SUBORDINATE LOCAL LAW NO. 1  
(ADMINISTRATION) 2018 - REGIONAL - A16462579 (Cont.)*

3.9 Social Implications

Council has a social obligation to ensure a safe and healthy community. Maintaining the ability to manage and regulate advertising devices through the proposed subordinate local law will ensure that the amenity of public places is retained.

3.10 Consultation / Communication

Legal Services

Council Workshop on 7 December 2017

## **ATTENDANCE**

Mr Rhys Dennison left the meeting at 10.55am after consideration of item 1.2.

Ms Kate Isles and Mr Glenn Hammill attended the meeting at 10.56am for items 2.1 and 2.2.

**2 PLANNING & DEVELOPMENT SESSION**

(Cr Mick Gillam)

**ITEM 2.1**

**DEVELOPMENT APPLICATION DA/34554/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (11 INTO 173 LOTS + 8 BALANCE LOTS + DETENTION BASIN + EASEMENTS IN 7 STAGES), LOCATED AT 51-65 AND 77 CLARK ROAD AND 54-100 ROBBS ROAD, MORAYFIELD - DIVISION 12**

**APPLICANT: FAIRLAND GROUP PTY LTD C/- LAND SURVEYING DYNAMICS**  
**OWNER: FAIRLAND GROUP PTY LTD, LANDSA PTY LTD, MSP PROPERTY HOLDINGS PTY LTD**

Meeting / Session: 2 PLANNING & DEVELOPMENT  
Reference: A16439338 : 17 January 2018 – Refer Supporting Information A16439342; A16443728  
Responsible Officer: GH, Principal Development Planning (PED, Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Fairland Group Pty. Ltd. C/- Land Surveying Dynamics
<b>Lodgement Date:</b>	29 June 2017
<b>Properly Made Date:</b>	30 June 2017
<b>Confirmation Notice Date:</b>	N/A
<b>Information Request Date:</b>	14 July 2017
<b>Info Response Received Date:</b>	22 December 2017
<b>Decision Due Date</b>	29 January 2017
<b>No. of Submissions:</b>	N/A

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	12
<b>Property Address:</b>	51-65 & 77 Clark Road, MORAYFIELD QLD 4506; and 54-100 Robbs Road, MORAYFIELD QLD 4506
<b>RP Description</b>	Lot 15 RP 176392, Lot 17 RP 176392, Lot 18 RP 176392, Lot 26 RP 210724, Lot 32 RP 182709, Lot 33 RP 182709, Lot 34 RP 182709, Lot 35 RP 182709, Lot 36 RP 182709, Lot 37 RP 182709, Lot 38 RP 182709.
<b>Land Area:</b>	24.19ha (development footprint 9.878ha)
<b>Property Owner</b>	Fairland Group Pty Ltd MSP Property Holdings Landsa Pty Ltd

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Sustainable Planning Act 2009</i>
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme (Version 2 - adopted 20 June 2016)
<b>Planning Locality / Zone</b>	Emerging community zone, Transition precinct
<b>Level of Assessment:</b>	Code Assessment

ITEM 2.1 DEVELOPMENT APPLICATION DA/34554/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (11 INTO 173 LOTS + 8 BALANCE LOTS + DETENTION BASIN + EASEMENTS IN 7 STAGES), LOCATED AT 51-65 AND 77 CLARK ROAD AND 54-100 ROBBS ROAD, MORAYFIELD - DIVI - A16439338 (Cont.)

This application seeks approval for a Reconfiguring a Lot - Development for Subdivision (11 into 173 lots + 8 Balance Lots + Detention Basin + Easement in Stages 7 stages), located at 51-65 and 77 Clark Road and 54-100 Robbs Road, Morayfield on land described as Lot 15 RP 176392, Lot 17 RP 176392, Lot 18 RP 176392, Lot 26 RP 210724, Lot 32 RP 182709, Lot 33 RP 182709, Lot 34 RP 182709, Lot 35 RP 182709, Lot 36 RP 182709, Lot 37 RP 182709, Lot 38 RP 182709.

The subject site is included within the Urban footprint under the South East Queensland Regional Plan and within the Emerging community zone, Transition precinct under the Moreton Bay Regional Council Planning Scheme (Planning Scheme). The subject site has an area of 24.19ha (proposed development footprint - 9.878ha). The proposed Reconfiguring a Lot application is subject to Code Assessment within the Emerging community zone, Transition precinct. The development application conflicts with the purpose of the relevant codes of the Planning Scheme and the Strategic Framework and is recommended to be refused.

### COMMITTEE RECOMMENDATION

Moved by Cr Adam Hain

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 12/1

*Cr Adrian Raedel voted against Committee's Recommendation*

- A. That Council, in accordance with the *Sustainable Planning Act 2009*, refuses the development application for Reconfiguring a Lot - Development for Subdivision (11 into 173 lots + 8 Balance Lots + Detention Basin + Easement in Stages 7 stages), located at 51-65 and 77 Clark Road and 54-100 Robbs Road, Morayfield on land described as Lot 15 RP 176392, Lot 17 RP 176392, Lot 18 RP 176392, Lot 26 RP 210724, Lot 32 RP 182709, Lot 33 RP 182709, Lot 34 RP 182709, Lot 35 RP 182709, Lot 36 RP 182709, Lot 37 RP 182709, Lot 38 RP 182709, for the following reasons of refusal:

#### Reasons for Refusal

1. The proposed development conflicts with the following aspects of the Moreton Bay Regional Council Planning Scheme:
  - Strategic Framework - 3.13.2.4.1 - Element - Caboolture Planning Area - Land Use Strategy
  - Strategic Framework - 3.13.2.4 Element - Caboolture Planning Area - Settlement Pattern
  - 9.4.1.2 Purpose of the Reconfiguring a Lot Code
  - 9.4.1.3.2.1(2)(b)(d) - Purpose of the Reconfiguring a lot code, Emerging community zone, Transition precinct
  - 6.2.3.2 (1)(a)(b)(c) - Purpose of the Emerging community zone
  - 6.2.3.2 (2)(b) - Purpose of the Emerging community zone
  - 6.2.3.2 (3) - Purpose of the Emerging community zone.
  - 8.2.2.2(2)(c)(iii)(v) - Purpose of the Flood hazard overlay code
  - Performance Outcome PO3 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO5 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO7 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO9 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO16 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.



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- Performance Outcome PO17 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO18 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO20 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO27 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO29 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO33 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO34 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO35 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO57 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO58 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO59 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO63 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
  - Performance Outcome PO87 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
  - Performance Outcome PO18 of the Flood hazard overlay code.
  - Performance Outcome PO22 of the Flood hazard overlay code.
2. The proposal is inconsistent with the proposed amendments to the Moreton Bay Regional Council Planning Scheme (as publicly notified between 21 August 2017 and 6 October 2017) and makes more difficult the form of land use and infrastructure planning for the Morayfield South growth area.

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

Decision Notice information

	Details to Insert
<b>Application Type</b>	Reconfiguring a Lot - Development for Subdivision (11 into 173 lots + 8 Balance Lots + Detention Basin + Easement in Stages 7 stages)
<b>Relevant Period of Approval</b>	Not Applicable - Refusal
<b>IDAS Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	Not applicable

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OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Sustainable Planning Act 2009*, refuses the development application for Reconfiguring a Lot - Development for Subdivision (11 into 173 lots + 8 Balance Lots + Detention Basin + Easement in Stages 7 stages), located at 51-65 and 77 Clark Road and 54-100 Robbs Road, Morayfield on land described as Lot 15 RP 176392, Lot 17 RP 176392, Lot 18 RP 176392, Lot 26 RP 210724, Lot 32 RP 182709, Lot 33 RP 182709, Lot 34 RP 182709, Lot 35 RP 182709, Lot 36 RP 182709, Lot 37 RP 182709, Lot 38 RP 182709, for the following reasons of refusal:

**Reasons for Refusal**

**1. The proposed development conflicts with the following aspects of the Moreton Bay Regional Council Planning Scheme:**

- **Strategic Framework - 3.13.2.4.1 - Element - Caboolture Planning Area - Land Use Strategy**
- **Strategic Framework - 3.13.2.4 Element - Caboolture Planning Area - Settlement Pattern**
- **9.4.1.2 Purpose of the Reconfiguring a Lot Code**
- **9.4.1.3.2.1(2)(b)(d) - Purpose of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **6.2.3.2 (1)(a)(b)(c) - Purpose of the Emerging community zone**
- **6.2.3.2 (2)(b) - Purpose of the Emerging community zone**
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- **Performance Outcome PO17 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
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- **Performance Outcome PO27 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
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- **Performance Outcome PO33 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
- **Performance Outcome PO34 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
- **Performance Outcome PO35 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
- **Performance Outcome PO57 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**

ITEM 2.1 DEVELOPMENT APPLICATION DA/34554/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (11 INTO 173 LOTS + 8 BALANCE LOTS + DETENTION BASIN + EASEMENTS IN 7 STAGES), LOCATED AT 51-65 AND 77 CLARK ROAD AND 54-100 ROBBS ROAD, MORAYFIELD - DIVI - A16439338 (Cont.)

- Performance Outcome PO58 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
- Performance Outcome PO59 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
- Performance Outcome PO63 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
- Performance Outcome PO87 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
- Performance Outcome PO18 of the Flood hazard overlay code.
- Performance Outcome PO22 of the Flood hazard overlay code.

2. The proposal is inconsistent with the proposed amendments to the Moreton Bay Regional Council Planning Scheme (as publicly notified between 21 August 2017 and 6 October 2017) and makes more difficult the form of land use and infrastructure planning for the Morayfield South growth area.

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

**Decision Notice information**

	Details to Insert
<b>Application Type</b>	Reconfiguring a Lot - Development for Subdivision (11 into 173 lots + 8 Balance Lots + Detention Basin + Easement in Stages 7 stages)
<b>Relevant Period of Approval</b>	Not Applicable - Refusal
<b>IDAS Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	Not applicable

**REPORT DETAIL**

**1. Background**

On 25 January 2016, an initial prelodgement meeting (PRE/3172) was held to discuss a proposal for preliminary Approval to vary the Effect of a Local Planning Instrument (*Caboolture ShirePlan*) to allow residential uses. Subsequent prelodgement meetings were held with the applicant after the commencement of the Planning Scheme (1 February 2016) to discuss a proposal for Reconfiguring a Lot under the Moreton Bay Regional Council Planning Scheme. The applicant was advised that:

- limited infrastructure network planning has been done for Morayfield South growth area;
- the land is not within the Priority Infrastructure Area (PIA);
- the land is not serviced by all local government networks including water and sewer;
- while identified for urban development in the future, infrastructure constraint issues need to be resolved before this area is included in the General residential zone. Development of these areas prior to their inclusion in the General residential zone would be subject to bring forward costs and would not be subject to any infrastructure offsets;
- Further integrated land use and infrastructure planning will be undertaken in the Morayfield South area prior to its inclusion in the urban corridor. This further planning work will determine how the area can be developed efficiently to create a cohesive and sustainable urban community.
- The emerging community areas are located outside of the PIA and development of these areas at this time is inconsistent with the planning assumptions used to support the Local Government Infrastructure Plan (LGIP). Limited trunk infrastructure planning has been prepared for these areas and no trunk infrastructure has been identified within the LGIP infrastructure schedules that are designed to support development of the emerging community areas outside the PIA.

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- o The applicant is required to demonstrate how the proposed development will be creating developed lots (a 'developed lot' is defined in the Planning Scheme as - a lot that is provided with infrastructure and services (including reticulated water and sewer, stormwater, dedicated roads and electricity) of a standard and capacity required for the proposed development).

The applicant was also advised, that should the applicant wish to proceed prior to Council undertaking this necessary infrastructure work, Council is willing to work cooperatively with applicants in this respect, however the necessary detailed planning will be required to be provided by the applicant. As a way forward it was suggested that the applicant participate in the major project prelodgement meeting process where Council will work with the applicant through the 'MBRC and Unitywater Emerging community- Structure planning process' for development of this area. Details of this Structure planning process were provided to the applicant.

On 28 January 2016, an application for Operational Works - Development Permit for Vegetation Clearing was lodged over fourteen (14) allotments located along Hauton Road, Clark Road and Robbs Road, Morayfield (DA/31306/2016/V4C). The proposal was made under the provisions of the Caboolture *ShirePlan* (now superseded). The proposal sought to clear all existing vegetation over the fourteen (14) properties, with the intent to 'facilitate and assist urban development pre-planning process'. On 3 July 2017, Council's delegate refused the application on the following grounds:

1. The applicant has not complied and cannot be conditioned to comply sufficiently with the Catchment Protection Overlay Code Specific Outcomes SO1, SO2, SO4, SO5, SO8, SO9 and SO10.
2. The applicant has not complied and cannot be conditioned to comply sufficiently with the Nature Conservation Overlay Code specific outcomes SO1, SO2, SO3, SO4, and SO5.
3. The applicant has not complied sufficiently with the Overall Outcomes for the Catchment Protection Overlay Code or the Nature Conservation Overlay Code.
4. There are not sufficient grounds to warrant approval of the proposal despite the conflict.
5. The proposal does not comply with the State Planning Policy in respect to the State Interest of Biodiversity.
6. The applicant has not provided sufficient documentation for Council to complete a thorough assessment of the vegetation clearing works proposed.

On 31 July 2017 the applicant lodged an appeal against Council's decision to refuse the application (Planning and Environment Court Appeal No. 2813 of 2017). This appeal was initially put in abeyance by the applicant, however only recently has been re-instigated and is due to proceed in early 2018.

## **2. Explanation of Item**

### **2.1 Proposal Details**

It should be noted that the application portrayed the proposal as being 11 lots into 175 developed lots plus 7 balance lots, however this is more accurately described below.

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It is proposed to reconfigure the existing eleven (11) lots into 173 urban residential lots (developed lots) in seven (7) stages (proposed stages 7-13), as follows:

Stage	Number of Residential Lots	Stage Area	Length of new road
7	30	2.382ha	531m
8	33	1.715ha	290m
9	30	1.631ha	356m
10	23	1.184ha	220m
11	20	1.329ha	287m
12	26	1.311ha	242m
13	11	0.326ha	-
<b>Total</b>	<b>173</b>	<b>9.878ha</b>	<b>1926m</b>

The proposal also seeks to create eight (8) balance lots, having a combined area of 14.497ha (proposed Lots 932-938 and Lot 993) and a detention basin Lot (Lot 994 - 2,508m<sup>2</sup>). It should be noted that the applicant has calculated the total site area of the development 24.375ha, however Council's records indicate the total site area is 24.19haha (1850m<sup>2</sup> less).

The proposed residential lots range in land area from 227m<sup>2</sup> to 595m<sup>2</sup>. The overall net residential density of proposed development is 17.51 lots per hectare (excluding balance areas), consistent with the density target sought by the Planning Scheme being a minimum net residential density of 11 lots per hectare, whilst not exceeding 25 lots per hectare.

The application proposes a mix of five (5) lot types throughout the development as follows:

Lot Type (frontage width)	Number	Percentage
Type A (7.5m)	33	19.1%
Type B (>7.5m -10m)	13	7.5%
Type C (>10-12.5m)	70	40.5%
Type D (>12.5-18m)	55	31.8%
Type E (>18-32m)	2	1.1%

The application proposes an insufficient variety of residential lot sizes and frontage widths as contemplated for a diverse medium density neighbourhood, as identified by the Planning Scheme. The application proposes a majority of Lots with frontage widths of 12.5m or greater (approximately 72.5% of all lots) and provides for an insufficient mix and diversity of Lot types dispersed within the development (refer section 2.4 for further discussion).

The applicant has provided a Plan of Development for all lots with a frontage width of less than 12.5m, showing mandatory built to boundary wall and driveway locations. The submitted Plan of Development has not demonstrated that group construction achieves an integrated streetscape solution as contemplated by the Planning Scheme (refer section 2.4 for further discussion).

Access to the development is proposed via new contemporary residential (local collector) road with a reserve width of 18.5m, forming a new intersection with Clark Road. This proposed contemporary residential road does not conform to the typology of a contemporary residential road typology which has a reserve width of 19.5m as shown within Planning Scheme Policy PSP - Integrated design. The development is serviced via several internal access streets and laneways that typically form a modified rectilinear grid layout. The application also proposes to dedicate additional road reserve width along Clark Road (3.342m), to facilitate Clark Road being a District Collector Road (ultimate road reserve width of 26.8m). This dedication is however inconsistent with the road typology identified on Overlay map - Road hierarchy which nominates Clark Road as a Council Sub-Arterial road with an ultimate road reserve width of 31m. The

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application has not sufficiently demonstrated that proposed typologies, forms and function comply with the *Planning Scheme Policy - Integrated Design* (refer section 2.4 for further discussion).

The proposal does not seek to dedicate any public park land to service to the proposed residential neighbourhood. The site is located more than 400m from the existing Lindsay Road Sportsground, however it is noted that this sportsground does not provide the role and function of Local Recreation Park and does not meet the desired standards of service to service a residential neighbourhood as outlined within *Planning Scheme Policy - Integrated design*, (refer section 2.4 for further discussion).

### *2.1.2 Emerging community zone, Transition precinct*

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

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

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

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

### *2.1.3 Progress of MBRC Structure Planning/Applicant Proposed Structure Planning*

Council has commenced structure planning for the Morayfield South emerging community area and this work is on-going.

The applicant has undertaken their own structure plan for the Morayfield South emerging community area. The applicant's structure plan assumes the following developable area for the emerging community area:

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	Next Generation neighbourhood	Coast and Riverlands	Urban Neighbourhood	Open Space	Local Centre	Total
Total Area (m <sup>2</sup> )	7,183,808	742,903	971,053	186,722	20,051	<b>9,104,537</b>
Constrained Area (m <sup>2</sup> )	2,175,498	717,711	250,001	162,085	5,376	<b>3,310,671</b>
Developable Area (m <sup>2</sup> )	5,008,310	25,192	721,052	24,637	14,675	<b>5,793,866</b>

The applicant's structure plan is also based on the following density assumptions:

Place Strategic Framework	Type (MBRC)	Net (du/ha)	Density	Notes
Coast and riverlands		0		Area of constraint
Urban neighbourhood		35		Assumed low end of yield - conservative
Next generation neighbourhood		20		Assumed average of Next generation density (15-25 lots/hectare)
Open space		0		Area of constraint
Local centre		0		8,000m <sup>2</sup> GFA on a 2ha parcel

The applicant's structure plan assumes, that an ultimate yield of 12,540 dwelling could be achieved, based on the following density scenarios.

Density Type	Land Use Scenario (du/ha)	Notes
Gross density	13.77	Total dwellings within structure plan area
Net density	21.64	Total dwellings within developable area of structure plan area
Site density	30.92	Total dwellings over 70% of developable area (excluding land for roads and other services).

The structure plan also includes an analysis of environmental, infrastructure and flooding constraints within the emerging community area and proposes plans for trunk infrastructure for:

- Road hierarchy;
- Future intersections;
- Open space;
- Stormwater; and
- Environmental corridors.

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The applicant has provided costings for the provision of trunk infrastructure within the structure plan area, by utilising the land valuation methodologies as contained within Council's Charges Resolution Implementation Policy No. 6. Based, on the above-mentioned assumption of an overall yield 12,540 dwellings within the structure plan area, the applicant has identified the cost of providing trunk infrastructure within the structure plan area as follows:

Network	Relevant catchment	Future Demand Yield (Dwelling)	Total Infrastructure Costs (\$)	Cost per Unit Demand (Dwelling)
Stormwater	Gympie Creek Sub-Catchment	5,927	\$9,140,797.00	\$1,542.00
Transport	Morayfield South Study Area	12,540	\$103,308,092.00	\$8,238.00
Parks	Morayfield South Study Area	12,540	\$14,244,720.00	\$1,136.00
Environmental Corridors	Gympie Creek Sub-Catchment	5,927	\$3,555,250.00	\$ 600.00
Total			\$130,248,859.00	\$11,516.00
			District and Regional Parks Charge	\$ 3,742.00
			<b>Total MBRC Charge (assumed)</b>	<b>\$15, 259.00</b>

Council, utilising material provided by this applicant and others throughout the structure plan area have completed the first draft of the infrastructure cost framework for the Morayfield South Structure Plan Area. This cost assessment is based on cost estimates to provide the actual infrastructure required to service the growth front, over the life of the growth front (30 years), pro-rata for the percentage impact the growth front will have on the infrastructure required.

Given Council has not finalised structure planning work, and there is a significant difference in the land use outcome and cost estimates between the work undertaken in isolation by the applicant and the current status of work being undertaken by Council, it is considered premature to adopt a third-party structure plan. In the absence of finalised land use and infrastructure planning and the preparation and adoption of a planning instrument for the Morayfield South Emerging Community Area, Council has not determined that the provision of infrastructure can be provided efficiently and cost-effectively to the Morayfield South Structure Plan Area.

2.2 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	Emerging community zone	Dwelling houses on rural residential lots
South	Emerging community zone	Dwelling houses on rural residential lots
East	Emerging community zone	Dwelling houses on rural residential lots
West	Emerging community zone	Dwelling houses on rural residential lots



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2.3 State Planning Instrument Assessment

2.3.1 *State Planning Regulatory Provisions (SPRPs)*

An assessment against each of the State Planning Regulatory Provisions is set out as follows:

Name	Designation	Applicable Requirements
State Planning Regulatory Provision (Adopted Charges)	None	Not applicable to Development Assessment however the SPRP has informed the Council's Adopted Infrastructure Charges Resolution, and this is discussed in section 5 of this report.
State Planning Regulatory Provisions (Adult Stores)	None	The development proposal is not for an Adult Store and therefore the State Planning Regulatory Provisions do not apply.
South East Queensland Koala Conservation State Planning Regulatory Provisions	None	The development proposal is not located in a Priority Koala Assessable Development Area or Koala Assessable Development Area and therefore the State Planning Regulatory Provisions do not apply.
Southeast Queensland Regional Plan 2009-2031 (SEQRP) State Planning Regulatory Provisions - May 2014 Version	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.

2.3.2 *State Planning Policy*

On 16 November 2015, notification was given to Council that all State Interests had been integrated into the Planning Scheme with the exception of the State Interest - natural hazards, risk and resilience (coastal hazards - erosion prone areas). Accordingly, the interim development assessment requirements set out within the State Planning Policy (SPP) for coastal hazards - erosion prone areas is to be applied by Council in the assessment of development applications until this State Interest has been appropriately integrated into Council's Planning Scheme. Assessment against the SPP for this one State Interest is as follows:

State interest - Natural Hazards		
Applicable to Development	SPP Requirement	Comment
<input type="checkbox"/> Yes	None	Not applicable
<input checked="" type="checkbox"/> No		

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2.3.3 South East Queensland Regional Plan

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

2.4 Local Planning Instrument Assessment – Moreton Bay Regional Council Planning Scheme

The application was properly made 30 June 2017 and is accordingly assessed in accordance with the Planning Scheme (Version 2 - adopted 20 June 2016).

An assessment against the relevant parts of the Planning Scheme is set out below.

2.4.1 Strategic Framework

In accordance with section 1.7.2 (2) of the Planning Scheme, development requiring code assessment may be assessed against the Strategic Framework to the extent relevant where compliance is not achieved with the overall outcomes of the applicable codes.

The applicable Strategic Outcomes under the Themes for the Planning Scheme are discussed as follows:

Strategic Outcome	Complies	Assessment
<b>3.13.2 Element - Caboolture Planning Area, 3.13.2.1 Specific Outcomes</b>		
<b>3.13.2.4.1 Land use strategy</b> Further investigation and planning of these areas is required to coordinate and integrate land use and infrastructure in the context of the outcomes Council is seeking to achieve in the Caboolture planning area.	<b>No</b>	Map 3.13.2 Caboolture planning area – shows the subject site as being within the Next generation neighbourhood and Coast and Riverlands Place types.  The investigation and planning of the subject site and surrounding areas for a Next generation neighbourhood has not been undertaken, or adopted by Council. The development application provides further information that supports the structure planning work that is underway, but does not constitute completion of the planning or the preparation of a planning instrument with appropriate Council consideration, State Government Interest review and public notification.  The information submitted as part of the development application has not adequately addressed the infrastructure deficiencies necessary for development of the Morayfield South growth area for urban purposes.
<b>3.13.2.4. Specific Outcomes – Settlement Pattern</b> 8. The rural residential area at Morayfield South has been identified as a potential future urban growth	<b>No</b>	The development proposal involves the creation of developed lots for a next generation neighbourhood and as such is premature, where the necessary land use and infrastructure planning has not been

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Strategic Outcome	Complies	Assessment
<p>front. The key strength of this area lies in its location proximate to the higher order activity centres at Caboolture and Morayfield and regional transport connections including the Bruce Highway and North Coast Rail Line. Despite this, the lack of urban infrastructure, presence of potentially significant environmental values and fragmented land pattern will constrain the ability to provide serviced urban land, other than for a small area, in the northern portion of the area. Given the existing constraints, other development fronts in the Region and the large size of the growth area, all of the area is not anticipated to be required for urban development prior to 2031. The majority of the area is likely to remain largely rural residential in nature until the area can be developed in an efficient and cohesive manner.</p> <p><u>3.13.2.4.5 Land use strategy</u></p> <p>a. The emerging community of Morayfield South will provide for land to be available for urban development during the life of the planning scheme. Limited infrastructure network planning has been done for the identified area and it will not be included within the priority infrastructure area. It is not serviced by all local government networks including water and sewerage.</p> <p>b. Development of the identified area will be subject to bring forward costs and will not be subject to any infrastructure offsets.</p> <p>c. Interim development in this area does not fragment, pre-empt or compromise the potential development of rural residential areas for urban purposes beyond the life of the planning scheme.</p> <p>d. Further integrated land use and infrastructure planning will be undertaken in the Morayfield South area. This further planning work will determine how the area can be developed efficiently to create a</p>		<p>completed to support the creation of a next generation neighbourhood.</p> <p>The information submitted as part of the development application has not adequately addressed the infrastructure deficiencies necessary for the development of the Morayfield South growth area for urban purposes.</p> <p>A proposed amendment to the Planning Scheme has been prepared and publicly notified between 21 August 2017 and 6 October 2017 (Planning Scheme Amendment) which facilitates the integrated and coordinated land use and infrastructure planning of the Morayfield South growth area which is shown as a Future Structure Plan Area on the proposed Structure Plan Area Overlay map.</p> <p>The Planning Scheme Amendment has completed public notification and Council has commenced the Structure Planning work for land uses and infrastructure planning for the Morayfield South growth area in anticipation of the commencement of the Planning Scheme Amendment.</p> <p>The proposed development would make more difficult the ultimate decision as to the form of the Planning Scheme Amendment and the related land use and infrastructure planning for the Morayfield South growth area.</p>

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Strategic Outcome	Complies	Assessment
cohesive and sustainable urban community.		

2.4.2 Assessment of Applicable Codes

Code Compliance Summary

The assessment below identifies whether the development proposal complies (subject to the application of any recommended conditions of approval) with the applicable codes and where the development proposal:

- (a) proposes an alternative outcome to an Acceptable Outcome whether the development proposal satisfies the corresponding Performance Outcome; and
- (b) proposes an outcome where no Acceptable Outcome is stated in the application code and whether the proposed Outcome does not satisfy the corresponding Performance Outcome.

Applicable Codes	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Development Codes</b>		
Reconfiguring a lot code, Emerging community zone code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO3, PO5, PO7, PO9, PO16, PO17, PO18, PO20, PO27, PO29, PO33, PO34, PO35, PO57, PO58, PO59, PO63, PO87.
<b>Overlay Codes</b>		
Flood hazard overlay code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO18, PO22

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

2.4.3 Performance Outcome Assessment

Performance Outcome	Acceptable Outcome
<b>Reconfiguring a lot code, Emerging community zone, Transition precinct</b>	
<b>PO3</b> Reconfiguring of a lot: a. for land within the Morayfield South urban area identified on 'Figure 9.4.1.3.2.1 Morayfield South urban area', development does not compromise future developments ability to achieve a minimum residential density of 45 dwellings per hectare to ensure efficient use of the land and infrastructure which facilitates feasible public transport	No acceptable outcome provided.

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Performance Outcome	Acceptable Outcome
<p>patronage and creates a diverse medium density neighbourhood character; or</p> <p>b. for all other land, development achieves a minimum net residential density of 11 lots per hectare, whilst not exceeding 25 lots per hectare, maintaining a diverse medium density neighbourhood character.</p>	
<i>Performance Outcome Assessment</i>	
<p>The site is mapped outside of the identified 'Morayfield south urban area as shown on Figure 9.4.1.3.2.1. Accordingly, reconfiguring a lot is required to achieve a minimum net density of 11 lots per hectare, whilst not exceeding 25 lots per hectare and maintaining a diverse medium density neighbourhood character.</p> <p>The proposal would achieve a net residential density of 17.71 lots per hectare, consistent with the 11 to 25 lots per hectare density target for the precinct, however the development proposal provides an insufficient diversity of lot types to achieve the medium density character intended for the precinct. The application proposes a majority of Lots with frontage widths of 12.5m or greater (approximately 72.5% of all lots) and provides for an insufficient mix and diversity of Lot types dispersed within the development to achieve a diverse medium density neighbourhood character. It is acknowledged that the proposal does include medium density lot types (Lot type A), however these lots are concentrated along the Northern and Western boundaries of the site and not dispersed within the development.</p> <p>As the development proposal cannot comply with Performance Outcome PO3, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO5</b> Reconfiguring a lot provides for a variety of housing options, by way of a mix of lot sizes and dimensions consistent with the density and character of the precinct, whilst facilitating delivery of diversity within the streetscape.</p>	<p><b>AO5.3</b> For reconfiguring a lot which creates in excess of 20 new lots, the following minimum percentages of lot types in accordance with 'Table 9.4.1.3.2.3: Lot Types' apply:</p> <ul style="list-style-type: none"> <li>• Lot Type A - 10% of new lots and Lot Type F - 5% of new lots; or</li> <li>• Lot Type A - 15% of new lots and Lot Type F - 2% of new lots; or</li> <li>• Lot Type A - 15% of new lots and Lot Type B - 15% of new lots.</li> </ul>
<i>Performance Outcome Assessment</i>	
<p>The development application proposes an alternative solution to the mix of Lot types suggested within Acceptable Outcome AO5.3. The development proposal involves the following mix of Lot Types A, B and F proposed throughout the development:</p> <ul style="list-style-type: none"> <li>• Lot Type A - 18.8%</li> <li>• Lot Type B - 7.4%</li> <li>• Lot Type F - 0%</li> </ul>	

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Performance Outcome	Acceptable Outcome
<p>The development application does not comply with Performance Outcome PO5 as the development proposal does not provide for a sufficient variety of housing options, by way of a mix of lot sizes and dimensions proposed.</p>	
<p>The development proposal includes insufficient diversity of lot types. The proposed development includes a majority of lots with a frontage width of 12.5m or greater (approximately 77% of Lot types) which is not reflective of the diversity, density and character of next generation and urban neighbourhood precincts, as contemplated by the Planning Scheme. Furthermore, where medium density lots are proposed, they are concentrated in locations along the northern and western boundaries of the site and not dispersed throughout the development.</p>	
<p>As the development proposal does not comply with Performance Outcome PO5, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO7</b> Lots that facilitate medium to high density residential uses (freehold or community titles) are located in proximity to recreational opportunities, commercial and community facilities and public transport nodes</p>	<p><b>A07.1</b> Lots with frontages of 7.5 metres or less are located within 200 metres of:</p> <ul style="list-style-type: none"> <li>• a park; or</li> <li>• a public transport stop or station; or</li> <li>• a higher order centre, district centre, local centre or neighbourhood hub (refer Overlay map - Community activities and neighbourhood hubs).</li> </ul>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application proposes lots with 7.5m frontage widths (Lot Type A) which are not located within 200m of a park, public transport stop or station or higher order centre, district centre, local centre or neighbourhood hub.</p>	
<p>The development proposal is unable to comply with the corresponding Performance Outcome as the application proposes lots that facilitate medium to high density residential uses that are not located in proximity to recreational opportunities, commercial and community facilities and public transport nodes.</p>	
<p>As the development proposal does not comply with Performance Outcome PO7, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO9</b> Group construction and integrated streetscape solutions are encouraged through the location and grouping of lots suitable for terrace and row housing</p>	<p><b>A09.2</b> Driveway crossovers for lots with frontages of less than 10m are paired up to facilitate on-street parking.</p> <p>Note - Driveway locations for lots with frontages of 8.5 metres or less are to be shown on a plan of development in accordance with Planning Scheme Policy - Residential Design.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application includes a Plan of Development for Lots with frontages &lt;12.5m that nominates built to boundary wall and driveway location for future dwellings on</p>	

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Performance Outcome	Acceptable Outcome
<p>the lots. An alternative solution against Acceptable Outcome AO9.2 as the Plan of Development does not show driveway locations for narrow lots paired up.</p> <p>The Plan of Development would result in a dominance of driveway crossovers, conflicts for pedestrian movements and loss of opportunity for on-street car parking. The development application has not demonstrated that group construction and integrated streetscape solutions are delivered or that lots suitable for terrace housing are appropriately grouped.</p> <p>As the development proposal does not comply with Performance Outcome PO9, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO16</b> Street layouts are designed to connect to surrounding neighbourhoods by providing an interconnected street, pedestrian and cyclist networks that connects nearby centres, neighbourhood hubs, community facilities, public transport nodes and open space to residential areas for access and emergency management purposes. The layout ensures that new development is provided with multiple points of access. The timing of transport works ensures that multiple points of access are provided during early stages of a development.</p>	<p>No acceptable outcome provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application does not comply with Performance Outcome PO16 as the proposed Reconfiguring a Lot does not provide for interconnected street, pedestrian and cyclist networks that connect to the following:</p> <ul style="list-style-type: none"> <li>• nearby centres and neighbourhood hubs;</li> <li>• community facilities;</li> <li>• public transport nodes;</li> <li>• areas of open space.</li> </ul> <p>As the development proposal does not comply with Performance Outcome PO16, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO17</b> Development maintains the connections shown on:</p> <ol style="list-style-type: none"> <li>a. 'Figure 1 - Morayfield South' - Morayfield South;</li> <li>b. 'Figure 2 - Narangba East' - Narangba East.</li> </ol>	<p>No acceptable outcome provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>PO17 requires the development to maintain the connections of Figure 1 - Morayfield South. The plan indicates an active transport route generally aligning with Road 9 from</p>	

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Performance Outcome	Acceptable Outcome
<p>Robbs Road (south) to Clark Road (north). The Road 9 width proposed does not address the requirements of an active transport route (refer to PO18 below).</p> <p>As the development proposal does not comply with Performance Outcome PO17, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO18</b> Street layouts provide an efficient and legible movement network with high levels of connectivity within and external to the to the site by:</p> <ul style="list-style-type: none"> <li>a. facilitating increased active transport with a focus on safety and amenity for pedestrians and cyclists;</li> <li>b. providing street blocks with a maximum walkable perimeter of 500m (refer Figure - Street block design);</li> <li>c. providing a variety of street block sizes;</li> <li>d. reducing street block sizes as they approach an activity focus;</li> <li>e. facilitating possible future connections to adjoining sites for roads, green linkages and other essential infrastructure.</li> </ul> <p>Note - Refer to Planning scheme policy - Neighbourhood design for guidance on how to achieve compliance with this outcome.</p>	<p>No acceptable outcome provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>PO18 requires the street layout to provide for active transport for pedestrians and cyclists. Planning Scheme Policy PSP - Integrated design Appendix A (section 5) requires a development &lt;3km from a centre to have a shared off-road facility width of 3.5 m (the shared off-road facility is triggered as a result of the Contemporary Residential road not containing cycle lanes). The development application has applied a 1.0 m western verge reduction to Road 9 due to the park frontage however this has further impacted on the roads ability to contain the attributes required by the Planning Scheme. The Road 9 width does not address the requirements of an active transport route.</p> <p>As the development proposal does not comply with Performance Outcome PO18, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO20</b> Streets are designed and constructed to cater for:</p> <ul style="list-style-type: none"> <li>a. safe and convenient pedestrian and cycle movement;</li> </ul>	<p>No Acceptable Outcome provided.</p>



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Performance Outcome	Acceptable Outcome
<p>b. on street parking adequate to meet the needs of future resident;</p> <p>c. efficient public transport routes;</p> <p>d. expected traffic speeds and volumes;</p> <p>e. utilities and stormwater drainage;</p> <p>f. lot access, sight lines and public safety;</p> <p>g. emergency access and waste collection;</p> <p>h. waste service vehicles;</p> <p>i. required street trees, landscaping and street furniture.</p> <p>Note - Refer to Planning scheme policy - Integrated design for determining design criteria to achieve this outcome.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>Planning Scheme Policy - Integrated Design Appendix A section 11 requires the Road 9 intersection with Clark Road to be either left in/left out access or signalised. The development application has failed to address this requirement with the layout proposed.</p> <p>The development application has failed to achieve the requirements of Australian Standard - AS290.1 Section 3.2.3 which regulates driveway locations. The driveway locations proposed on corner lots 372, 387, 427 &amp; 452 do not satisfy the Australian Standards (as required by the Integrated design planning scheme policy) with respect to intersection clearances.</p> <p>As the development proposal does not comply with Performance Outcome PO20, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO27</b> The road network has sufficient reserve and pavement widths to cater for the current and intended function of the road in accordance with the road type in accordance with Planning scheme policy - Integrated design.</p>	<p>No acceptable outcome provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Performance Outcome PO27 requires the road network to have sufficient reserve width for the current and intended function. The development application has failed to provide sufficient road reserve width for the Laneway lots 436, 443, 453, 485 &amp; 493 where they intersect with 'Living Residential Roads'.</p> <p>Council's Planning Scheme Overlay Map - Road Hierarchy identifies Clark Road as a sub-arterial road with a preferred reserve width of 31 m under Planning Scheme Policy - Integrated Design Appendix A. PO27 requires the road network to have sufficient reserve width for the current and intended function. The development application has proposed a reserve width in Clark Road which does not achieve this outcome.</p>	

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Performance Outcome	Acceptable Outcome
<p>Road 14 is proposed to connect to the east with a future north/south road contained within an adjoining development (DA/34253/2017/V3RL). Council planning has determined that this future road is to provide a District Collector function with a preferred reserve width of 26.8 m. The development application has failed to provide sufficient road reserve (adjacent to lots 387 &amp; 419) to satisfy PO27.</p> <p>As the development proposal does not comply with Performance Outcome PO27, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO29</b> Upgrade works (whether trunk or non-trunk) are provided where necessary to:</p> <ul style="list-style-type: none"> <li>a. ensure the type or volume of traffic generated by the development does not have a negative impact on the external road network;</li> <li>b. ensure the orderly and efficient continuation of the active transport network;</li> <li>c. ensure the site frontage is constructed to a suitable urban standard generally in accordance with Planning scheme policy - Integrated design.</li> </ul> <p>Note - An Integrated Transport Assessment (ITA) may be required to demonstrate compliance with this performance outcome refer to Planning scheme policy - Integrated transport assessment for guidance on when an ITA is required. An ITA should be prepared in accordance with Planning scheme policy - Integrated transport assessment.</p> <p>Note - The road network is mapped on Overlay map - Road hierarchy.</p> <p>Note - The primary and secondary active transport network is mapped on Overlay map - Active transport.</p> <p>Note - To demonstrate compliance with c. of this performance outcome, site frontage works where in existing road reserve (non-trunk) are to be designed and constructed as follows:</p> <ul style="list-style-type: none"> <li>i. Where the street is partially established to an urban standard, match the alignment of existing kerb and channel and provide carriageway widening and underground drainage where required; or</li> </ul>	<p>No acceptable outcome provided.</p>

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Performance Outcome	Acceptable Outcome
<p>ii. Where the street is not established to an urban standard, prepare a design that demonstrates how the relevant features of the particular road as shown in the Planning scheme policy - Integrated Design can be achieved in the existing reserve.</p> <p>Note - Refer to Planning scheme policy - Integrated design for road network and active transport network design standards.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application proposes a 3.342 m widening to Clark Road to allow for an upgrade to a District Collector (26.8 m preferred reserve width). Overlay map - Road hierarchy identifies Clark Road along the development frontage as a Council Sub-Arterial road with a preferred reserve width requirement of 31 m. Accordingly, the development does not provide for upgrade works of a suitable urban standard to service the development or the Morayfield South growth area.</p> <p>As the development proposal cannot comply with Performance Outcome PO29, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO33</b> A hierarchy of Park<sup>(57)</sup> and open space is provided to meet the recreational needs of the community</p> <p>Note - To determine the extent and location of Park<sup>(57)</sup> and open space required refer to Planning scheme policy - Integrated design.</p>	<p>No acceptable outcome provided</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application does not comply with Performance Outcome PO33 as the proposed development is not provided with a hierarchy of Park and open space to meet the recreational needs of the community.</p> <p>The subject site is located further than 400m walking distance from the Lindsay Road sportsground. This existing open space area does not perform the role and function of a Local Recreation Park as identified within Planning Scheme Policy PSP - Integrated design. The development application does not propose to provide a Local Recreation Park meeting the desired standards of service as identified within Planning Scheme Policy PSP - Integrated design. The subject site is not proximate to an existing Local Recreation Park meeting the desired standards of service as identified within Planning Scheme Policy PSP - Integrated design.</p> <p>The subject site is located outside of the PIA and accordingly a hierarchy of Park and open space has not been identified to be provided to service the subject site in accordance with Council's LGIP. In the absence of a planning instrument addressing land use and infrastructure planning across the growth area, a hierarchy of Park and open space to meet the needs of users is not provided for.</p>	

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Performance Outcome	Acceptable Outcome
As the development proposal cannot comply with Performance Outcome PO33, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.	
<p><b>PO34</b> Park<sup>(57)</sup> is to be provided within walking distance of all new residential lots. Note - To determine maximum walking distances for Park<sup>(57)</sup> types refer to Planning scheme policy - Integrated design.</p>	No acceptable outcome provided
<i>Performance Outcome Assessment</i>	
<p>The development application does not comply with Performance Outcome PO34 as a Park is not provided within walking distance of all new residential lots.</p> <p>Planning Scheme Policy PSP- Integrated design identifies that all residential lots are to be within 400m walking distance of a Local Recreation Park, meeting the desired standards of service. The development proposal does not propose to provide a Park meeting the desired standards of service, nor are all proposed residential lots within 400m walking distance of an existing Local Recreation park meeting the Desired Standards of Service. The subject site is located outside of the PIA and accordingly Council's LGIP does not identify a future Local Park within the vicinity of the subject site. In the absence of a planning instrument addressing land use and infrastructure planning across the growth area, a Park provision within walking distance to all lots is not provided for.</p> <p>As the development proposal cannot comply with Performance Outcome PO34, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO35</b> Park<sup>(57)</sup> is of a size and design standard to meet the needs of the expected users  Note - To determine the size and design standards for Parks<sup>(57)</sup> refer to Planning scheme policy - Integrated design.</p>	No acceptable outcome provided
<i>Performance Outcome Assessment</i>	
<p>The proposed development does comply with Performance Outcome PO35 as the development proposal does not provide a Park of a size and standard to meet the needs of users.</p> <p>Planning Scheme Policy PSP - Integrated design identifies the desired standards of service for a Local Recreation Park. The desired standards of service for a Local Recreation Park include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• a minimum area of 0.5ha (100% unconstrained land);</li> <li>• located adjacent to a collector road or lower;</li> <li>• centrally located in a central, prominent, highly visible and accessible location within the catchment it services;</li> <li>• embellished with small play equipment, picnic areas, pedestrian pathways and drinking taps and the like.</li> </ul> <p>The proposed development does not provide a Park of a size and standard to meet the need, nor is it proximate to an existing or future identified Park that would meet the needs of the expected users.</p>	

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Performance Outcome	Acceptable Outcome
<p>As the development proposal cannot comply with Performance Outcome PO35, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO57</b> Reconfiguring a lot facilitates the retention of native vegetation by:</p> <ul style="list-style-type: none"> <li>a. incorporating native vegetation and habitat trees into the overall subdivision design, development layout, on-street amenity and landscaping where practicable;</li> <li>b. ensuring habitat trees are located outside a development footprint. Where habitat trees are to be cleared, replacement fauna nesting boxes are provided at the rate of 1 nest box for every hollow removed. Where hollows have not yet formed in trees &gt; 80cm in diameter at 1.3m height, 3 nest boxes are required for every habitat tree removed.</li> <li>c. providing safe, unimpeded, convenient and ongoing wildlife movement;</li> <li>d. avoiding creating fragmented and isolated patches of native vegetation.</li> <li>e. ensuring that biodiversity quality and integrity of habitats is not adversely impacted upon but are maintained and protected;</li> <li>f. ensuring that soil erosion and land degradation does not occur;</li> </ul> <p>ensuring that quality of surface water is not adversely impacted upon by providing effective vegetated buffers to water bodies</p>	<p>No acceptable outcome provided</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development does not comply with Performance Outcome PO57 as the proposal does not seek to retain native vegetation, inclusive of habitat trees, into the overall subdivision design. The application proposes to clear all existing vegetation and does not propose to offset the lost habitat values.</p> <p>As the development proposal cannot comply with Performance Outcome PO57, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO58</b></p>	<p><b>AO58</b></p>

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Performance Outcome	Acceptable Outcome
<p>Noise attenuation structure (e.g. walls, barriers or fences):</p> <p>a. contribute to safe and usable public spaces, through maintaining high levels of surveillance of parks, streets and roads that serve active transport purposes (e.g. existing or future pedestrian paths or cycle lanes etc);</p> <p>b. maintain the amenity of the streetscape.</p> <p>Note - A noise impact assessment may be required to demonstrate compliance with this PO. Noise impact assessments are to be prepared in accordance with Planning scheme policy - Noise.</p> <p>Note - Refer to Planning Scheme Policy – Integrated design for details and examples of noise attenuation structures</p>	<p>Noise attenuation structures (e.g. walls, barriers or fences):</p> <p>a. are not visible from an adjoining road or public area unless;</p> <p>i. adjoining a motorway or rail line; or</p> <p>ii. adjoining part of an arterial road that does not serve an existing or future active transport purpose (e.g. pedestrian paths or cycle lanes) or where attenuation through building location and materials is not possible.</p> <p>b. do not remove existing or prevent future active transport routes or connections to the street network;</p> <p>c. are located, constructed and landscaped in accordance with Planning scheme policy - Integrated design.</p> <p>Note - Refer to Planning Scheme Policy – Integrated design for details and examples of noise attenuation structures.</p> <p>Note - Refer to Overlay map – Active transport for future active transport routes.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application does not comply with Performance Outcome 58 as a Noise Impact Assessment has not been submitted as part of the application and as a result the requirement for the provision of noise attenuation structures and their alignments have not been determined as part of the application.</p> <p>As the development proposal does not comply with Performance Outcome PO58, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO59</b></p> <p>Lots are designed to:</p> <p>a. minimise the risk from bushfire hazard to each lot and provide the safest possible siting for buildings and structures;</p> <p>b. limit the possible spread paths of bushfire within the reconfiguring;</p> <p>c. achieve sufficient separation distance between development and hazardous vegetation to minimise the risk to future buildings and structures during bushfire events;</p> <p>d. maintain the required level of functionality for emergency</p>	<p><b>E59</b></p> <p>Reconfiguring a lot ensures that all new lots are of an appropriate size, shape and layout to allow for the siting of future buildings being located:</p> <p>a. within an appropriate development footprint;</p> <p>b. within the lowest hazard locations on a lot;</p> <p>c. to achieve minimum separation between development or development footprint and any source of bushfire hazard of 20m or the distance required to achieve a Bushfire Attack Level BAL (as</p>

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Performance Outcome	Acceptable Outcome
<p>services and uses during and immediately after a natural hazard event.</p>	<p>identified under AS3959-2009), whichever is the greater;</p> <p>d. to achieve a minimum separation between development or development footprint and any retained vegetation strips or small areas of vegetation of 10m or the distance required to achieve a Bushfire Attack Level BAL (as identified under AS3959-2009), whichever is the greater;</p> <p>e. away from ridgelines and hilltops;</p> <p>f. on land with a slope of less than 15%;</p> <p>g. away from north to west facing slopes.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The site is mapped as containing High potential bushfire hazard and potential impact buffer as identified on Overlay map - Bushfire hazard. The development application does not comply with Performance Outcome 59 as a Bushfire Management Plan has not been submitted as part of the application and as a result the bushfire risk on the site has not been identified and the safest possible siting for buildings and structures has not been identified as part of the application.</p> <p>As the development proposal does not comply with Performance Outcome PO59, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO63</b> No new boundaries are to be located within 2m of a High Value Area;</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposal cannot comply with Performance Outcome PO63 as the application involves the creation of new lot boundaries within 2m of mapped High value areas under Overlay map - Environmental areas.</p> <p>As the development proposal cannot comply with Performance Outcome PO36, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO87</b> Lots are designed to:</p> <ul style="list-style-type: none"> <li>a. minimise the extent of encroachment into the riparian and wetland setback;</li> <li>b. ensure the protection of wildlife corridors and connectivity;</li> <li>c. reduce the impact on fauna habitats;</li> <li>d. minimise edge effects;</li> </ul>	<p><b>AO87</b> Reconfiguring a lot ensures that:</p> <ul style="list-style-type: none"> <li>a. no new lots are created within a riparian and wetland setback;</li> <li>b. new public roads are located between the riparian and wetland setback and the proposed new lots.</li> </ul> <p>Note - Riparian and wetlands are mapped on Schedule 2, Section 2.5 Overlay Maps – Riparian and wetland setbacks.</p>

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Performance Outcome	Acceptable Outcome
e. ensure an appropriate extent of public access to waterways and wetlands	
<i>Performance Outcome Assessment</i>	
<p>The development application proposes the creation of a new lots within the mapped riparian and wetland setback without the provision of a new road between the proposed lot and the riparian setback. The development application is unable to comply with the Performance Outcome as proposal would compromise the extent of public access provided to the waterway and would in encroachment and edge effects to the mapped waterway of Gympie Creek Tributary.</p> <p>As the development proposal cannot comply with Performance Outcome PO87, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	

Performance Outcome	Acceptable Outcome
<b>Flood hazard overlay code</b>	
<p><b>PO18</b> Development is compatible with the intolerable or tolerable level of risk of the flood hazard applicable to the premises such that reconfiguring a lot for creating lots by subdividing another lot:</p> <ul style="list-style-type: none"> <li>a. in the High risk area, is only for the purposes of Park or Permanent plantation unless: <ul style="list-style-type: none"> <li>i. in the Rural residential zone where; the minimum lot size for each rural residential lot is provided outside the High risk area; or</li> <li>ii. in the Rural zone; or</li> </ul> </li> <li>b. in the Medium risk area, is only for the purposes of Park or Permanent plantation unless: <ul style="list-style-type: none"> <li>i. in the Centre zone, Industry zone, Recreation and open space zone, or Township zone, where not for a residential purpose or vulnerable use (flood and coastal); or</li> <li>ii. in the Rural zone; or</li> <li>iii. in the Rural residential zone, where the minimum lot size for each rural residential lot is provided</li> </ul> </li> </ul>	No acceptable outcome provided.



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Performance Outcome	Acceptable Outcome
<p>outside the Medium risk area; or</p> <p>iv. in any other zone, where all resultant lots are located outside the High risk or Medium risk area other than those for the purposes of Park or Permanent plantation; or</p> <p>c. In the Balance flood planning area, is consistent with the overall outcomes of the applicable zone and precinct.</p> <p>Note - The overall outcomes of this code identify the development outcomes which are intended so as to avoid or mitigate the intolerable or tolerable level of risk applicable to premises in the High risk area, Medium risk area and Low risk area of the Flood planning area.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposal does not comply with Performance Outcome PO18, as the application proposes to create a lot (part of lot 993) containing medium risk flood hazard, that is not proposed to be used only for the purposes of Park or Permanent plantation.</p> <p>As the development proposal cannot comply with Performance Outcome PO18, an assessment against the Purpose and Overall outcomes of the Flood Hazard Overlay Code is required.</p>	
<p><b>PO22</b> Development ensures that works complies with the requirements of <u>Table 8.2.2.4 'Fill Requirements'</u> and does not:</p> <ul style="list-style-type: none"> <li>a. directly, indirectly and cumulatively cause any increase in water flow velocity or level;</li> <li>b. increase the potential for erosion, scour or flood damage either on the premises or other premises, public land, watercourses, roads or infrastructure or elsewhere in the floodplain;</li> <li>c. change the timing of the flood wave or impact on flood warning times;</li> <li>d. adverse impacts on the local drainage and the flood conveyance of a waterway;</li> <li>e. increased flood inundation of surrounding properties;</li> </ul>	<p>No acceptable outcome provided.</p>

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Performance Outcome	Acceptable Outcome
<p>f. any reduction in the flood storage capacity of the floodplain and any clearing of native vegetation.</p> <p>Note - To demonstrate achievement of the performance outcome, an engineering report is to be prepared by a suitably qualified person. Guidance on the matters to be addressed in the report is provided in the Planning scheme policy Flood Hazard, Coastal Hazard and Overland Flow.</p>	
<i>Performance Outcome Assessment</i>	
<p>Performance Outcome PO22 (Table 8.2.2.4) prohibits the placement of fill within the Medium Risk Flood Hazard area. The proposed Road 9 design does not comply as the batters and fill are within the Medium Risk Flood Hazard area.</p> <p>As the development proposal cannot comply with Performance Outcome PO22, an assessment against the Purpose and Overall outcomes of the Flood Hazard Overlay Code is required.</p>	

2.4.4 Overall Outcome Assessment

The development proposal does not comply with the Performance Outcomes of the Reconfiguring a Lot Code, Emerging community code, Transition precinct stated in section 2.4.3 above. Therefore, the development proposal is required to be assessed against the applicable Overall Outcomes of the Reconfiguring a Lot code as follows:

9.4.1.3.2.1 Reconfiguring a lot code, Emerging community zone, Transition precinct		
Overall Outcomes	Complies Y/N	Comments
<p>2.b. Reconfiguring a lot in the Emerging community zone - Transition precinct, where creating developed lots achieves the following:</p> <ul style="list-style-type: none"> <li>i. for land within the Morayfield South urban area identified on 'Figure 9.4.1.3.2.1 Morayfield South urban area', reconfiguration does not compromise the areas ability to achieve a minimum site density of 45 dwellings per ha and lots of a size and dimension to accommodate medium - high density development;</li> <li>ii. for land in all other areas, a variety of residential lot sizes and a net residential density of between 11-25 lots per hectare;</li> <li>iii. neighbourhoods that are designed to provide well-</li> </ul>	No	<p>The proposed development is inconsistent with the Overall Outcome 2 b. for the following reasons:</p> <ul style="list-style-type: none"> <li>i. Not applicable. The subject site is not located within the identified Morayfield South urban area.</li> <li>ii. The proposed development does not achieve a variety of residential lot sizes as required for a Next Generation neighbourhood.</li> <li>iii The proposed neighbourhood is not designed to provide a well-connected, safe and convenient open space network, as:                             <ul style="list-style-type: none"> <li>A) the proposed development does not provide an open space network and the</li> </ul> </li> </ul>

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9.4.1.3.2.1 Reconfiguring a lot code, Emerging community zone, Transition precinct		
Overall Outcomes	Complies Y/N	Comments
<p>connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that provide high levels of accessibility between residences, open space areas and places of activity;</p> <p>iv. intent and purpose of the Transition precinct outcomes identified in Part 6.</p>		<p>existing network is not designed to accommodate a residential neighbourhood as the area is located outside the PIA; and</p> <p>B) the proposed development does not provide linkages for active transport networks and road infrastructure of a suitable standard to existing networks or activity places.</p> <p>iv. The proposed development does not achieve the intent and purpose of the Transition precinct outcomes identified in Part 6 (refer assessment below).</p>
<p>2.d. Reconfiguring a lot avoids areas subject to constraint, limitation, or environmental values. Where reconfiguring a lot cannot avoid these identified areas, it responds by:</p> <p>i. adopting a ‘least risk, least impact’ approach when designing, siting and locating development to minimise the potential risk to people, property and the environment;</p> <p>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</p> <p>iii. maintaining environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of environmental offsets, landscaping and facilitating safe wildlife movement through the environment;</p> <p>iv. protecting native species and protecting and enhancing native species habitat;</p> <p>v. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects</p>	No	<p>The development application does not comply with Overall outcome 2.d. as the proposed development does not avoid areas subject to constraint, limitation or environmental values.</p> <p>The application seeks to create new lot boundaries within mapped high value areas. The proposal seeks to remove the existing values of the site and does not propose to offset those values proposed to be removed.</p>

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9.4.1.3.2.1 Reconfiguring a lot code, Emerging community zone, Transition precinct		
Overall Outcomes	Complies Y/N	Comments
<p>and buildings of heritage and cultural significance;</p> <p>vi. establishing effective separation distances, buffers and mitigation measures associated with major infrastructure to minimise adverse effects on sensitive land uses from noise, dust and other nuisance generating activities;</p> <p>vii. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of major infrastructure;</p> <p>viii. ensuring effective and efficient disaster management response and recovery capabilities.</p>		

9.4.1.2. Purpose of the Reconfiguring a lot code		
Overall Outcomes	Complies Y/N	Comments
<p>2. The purpose of the code will be achieved through the following overall outcomes:</p> <p>a. Reconfiguring a lot creates a diversity of lot sizes, dimensions and arrangements consistent with the intended densities, uses, configurations and character of the applicable zone and precinct while not adversely impacting on lawful uses, values or constraints present.</p> <p>b. Reconfiguring a lot delivers the social, cultural and recreational needs of the community by ensuring:</p> <p>i. a range of lot sizes are delivered to assist in affordable housing opportunities;</p> <p>ii. the lots have convenient, direct and easy pedestrian and bicycle access to commercial and local employment opportunities;</p>	No	<p>The proposed development is inconsistent with the purpose of the Reconfiguring a Lot code as it conflicts with the overall outcomes of the Code.</p> <p>The proposed development is inconsistent with Overall Outcome 2.a. as the reconfiguring does not create a diversity of lot sizes, dimensions and arrangements consistent with the intended densities and configurations of the Emerging community zone, Transition precinct.</p> <p>The proposed development is inconsistent with Overall Outcome 2.b.ii. as connectivity for pedestrian and bicycles to commercial and local employment opportunities is not achieved and there are no</p>

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<p>iii. Accessible, publicly available open space areas located within walking distance to all residential lots in the General Residential Zone;</p> <p>iv. lots allow future uses to have casual surveillance of public / communal space (such as road and open space areas), have communal meeting / recreational areas conveniently located and accessible using all modes of transport and create a sense of place commensurate with the intents for the applicable zone and precinct;</p>		<p>infrastructure plans for this to be achieved given that the subject site is outside the PIA and pedestrian and bicycle pathways are not currently provided or planned for the area surrounding the subject site.</p> <p>The proposed development is inconsistent with Overall Outcome 2.b.iii. as open space areas are not located within walking distance of all residential lots, proposed to be of a density consistent with the General Residential zone.</p>
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Overall Outcome 2.b.iv. of the Reconfiguring a lot code, Emerging community zone, Transition precinct requires that Reconfiguring a lot in the Emerging community zone - Transition precinct, where creating developed lots, achieves the intent and purpose of the Transition precinct outcomes identified in Part 6. Accordingly, an assessment against the purpose an intent of the Emerging community zone code is as follows:

6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
<p>1. The purpose of the Emerging community zone code is to:</p> <p>a. identify land that is suitable for urban purposes and conserve land that may be suitable for urban development in the future;</p> <p>b. manage the timely conversion of non-urban land to urban purposes;</p> <p>c. prevent or discourage development that is likely to compromise appropriate longer term land use.</p>	<p>No</p>	<p>The proposed development is inconsistent with Purpose 1.a. as the subject site is not currently identified as suitable for urban development as the detailed land use and infrastructure planning has not been completed for the Morayfield South growth area. The proposed development seeks to implement an ultimate residential development which preempts the structure planning which is currently being carried out as anticipated by the Planning Scheme Amendment and which will identify the land use and infrastructure planning for the Morayfield South growth area.</p> <p>The proposed development is inconsistent with Purpose 1.b. as the proposed conversion of non-urban land to urban purposes is premature, as the subject site is outside the PIA and necessary infrastructure to support the conversion is not currently planned and the existing infrastructure networks are not to an appropriate</p>

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
		<p>standard or capacity to support the conversion.</p> <p>The proposed development is inconsistent with Purpose 1.c. as it is not possible to determine the longer-term land uses or infrastructure requirements, without undertaking the planning of the growth area over the full development horizon. On this basis, the proposed development makes more difficult the land use and infrastructure planning which is necessary for the provision of infrastructure required to support the appropriate land use outcomes for both the Morayfield South growth area and other anticipated development outside the Morayfield South growth area.</p> <p>The proposed development is therefore inconsistent with the intent and purpose of the Emerging community zone code set out in this Purpose statement.</p>
<p>2. The Emerging community zone has 2 precincts which have the following purpose;</p> <p>b The Transition precinct is to:</p> <p>i. identify and conserve land that may be suitable for urban development in the future, allowing interim uses that will not compromise the best longer term use of the land;</p> <p>ii. provide mechanisms to promote and implement an appropriate mix of dwelling types, consistent with a next generation neighbourhood across the transition precinct once this land is developed and serviced with all local government networks including water and sewer and is suitable for urban development.</p>	No	<p>The proposed development is inconsistent with Purpose 2.b.i. as the land use and infrastructure planning has not been completed for the Morayfield South growth area and it is premature for a development proposal to implement an ultimate residential use in the absence of detailed land use and infrastructure planning for the growth area. The proposed development is not for an interim use and in any event without detailed land use and infrastructure planning it is not possible to ascertain whether the proposed development is compromising or making more difficult the form of the land use and infrastructure planning for the growth area.</p> <p>The proposed development is premature, and is inconsistent with Purpose 2.b.ii. as the Planning</p>

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
<p>Once serviced by all local government networks, including water and sewer the Transition precinct is to provide a mix of dwelling types to support densities that are moderately higher than traditional suburban areas. Housing forms include predominantly detached dwellings on a variety of lot sizes with a greater range of attached dwellings and low to medium rise apartment buildings. These areas will have convenient access to centres, community facilities and higher frequency public transport.</p>		<p>Scheme Amendment, planning instruments and land use and infrastructure planning necessary to promote and implement a next generation neighbourhood have not been completed or adopted by Council. The subject site is not serviced with all local government networks to a standard or capacity which is suitable for urban development and the development proposal does not demonstrate that all local government networks can be provided to the proposed urban community in accordance with the appropriate standards and required capacity.</p> <p>The development proposal is deficient in that it does not provide for all local government networks to the development according to Council's standards of provision for:</p> <ol style="list-style-type: none"> <li>1. External Road (Clark Road);</li> <li>2. Local park provision; and</li> <li>3. Stormwater management.</li> </ol> <p>The proposed development may compromise or make more difficult the form of the land use and infrastructure planning for the subject site.</p> <p>The land use and infrastructure planning and the preparation and adoption of a planning instrument for the Morayfield South growth area has not been completed and therefore the proposed development makes more difficult the form of the land use and infrastructure planning for the Morayfield South growth area.</p> <p>The proposed development is therefore inconsistent with the intent and purpose of the Emerging community zone code, Transition precinct set out in Overall Outcome 2.b.</p>



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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
3. The Emerging Community zone seeks to implement the policy direction set in Part 3, Strategic Framework.	No	The proposed development conflicts with the Strategic Framework of the Planning Scheme (refer section 2.4 of this report).

8.2.2.2 Purpose – Flood hazard overlay code		
Overall Outcomes	Complies Y/N	Comments
<p>2. The purpose of the Flood hazard overlay code will be achieved through the following overall outcomes:</p> <p>c. Development in the Medium risk area manages and mitigates the tolerable risk of flood hazard by ensuring that:</p> <p>iii. reconfiguring a lot for creating lots by subdividing another lot is only for the following:</p> <p>c. in any other zone, where all resultant lots are located outside the High risk or Medium risk area other than those for the purposes of Park(57) or Permanent plantation(59).</p> <p>iv. earthworks do not occur except where associated with a previous approval</p>	No	<p>The development application proposes to create a lot (part Lot 993) containing medium risk flood hazard as shown on Overlay map - Flood hazard that is not proposed to be used only for the purposes of Park or Permanent plantation.</p> <p>Proposed Road 9 is proposed adjacent to the mapped Medium risk flood hazard as shown on Overlay map - Flood hazard. The development proposal does not comply with overall outcome (2)(v) as batters and fill associated with proposed road 9 extend within the mapped medium risk flood hazard.</p> <p>The development proposal is therefore inconsistent with the intent and purpose of the Flood hazard overlay code.</p>

Based on the assessment above, the development proposal is inconsistent with the Overall Outcomes of the applicable codes. Therefore, in accordance with section 1.7.2 of the Planning Scheme, an assessment against the Strategic Framework is set out in section 2.4.1 of this report.

2.4.5 Local Government Infrastructure Plan

The subject site is located outside the PIA which is identified in the LGIP. The PIA is an area that Council has designated for the coordination, prioritisation and sequencing of infrastructure for 10-15 years of growth. Its aim is to identify the areas where infrastructure can be provided most efficiently to support development.



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Urban development is not prohibited outside the PIA, however, it is Council's responsibility to determine whether development outside the PIA will burden the community over the medium and long term. Where this can be quantified, the legislation enables the local government to establish an additional charge and decide the application.

Where a development forms part of a future growth front, such as the Emerging community area at Morayfield South, the assessment of the infrastructure should consider the development of the entire future growth front. Council uses this information to inform the necessary coordination, prioritisation and sequencing of infrastructure to ensure efficient and cost-effective provision.

Council has commenced the preparation of the necessary land use and infrastructure planning to identify the infrastructure needed to support the development of the Morayfield South Emerging Community Area. This planning is intended to inform the coordination, prioritisation and sequencing of the necessary infrastructure.

The applicant has provided a suite of information purported to be the necessary land use and infrastructure planning for the Morayfield South Emerging Community Area. The information provided is considered inadequate to meet the requirements of Council when deciding the ultimate development yield and the extent, location and timing of the necessary infrastructure to service the whole of the Emerging Community Area.

The applicant has not provided adequate information about the land use and infrastructure planning for Council to make a reasonable assessment of the cost/impact on the community as a result of the development.

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 subject site is impacted by the Flood Hazard Overlay with the medium risk flood hazard area over an existing water course through a western portion of the development. The development application proposes that Road 9 and the stormwater treatment devices are clear of the overlay however the unused land has been indicated as balance lots. The Flood Hazard Overlay Code PO18 limits land uses within the medium risk flood hazard area to park or permeant plantation.

The applicant has proposed a 3.342 m widening to Clark Road to allow for an upgrade to a District Collector road (26.8 m preferred reserve width). The Reconfiguring a Lot Code (Emerging Community Zone - Transition Precinct) PO29 requires the development to (b.) ensure the orderly and efficient continuation of the active transport network. The Planning Scheme Overlay Map - Road Hierarchy identifies Clark Road along the development frontage as a sub arterial road with a preferred reserve width requirement of 31 m.

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The Reconfiguring a Lot Code (Emerging Community Zone - Transition Precinct) PO17 requires the development to maintain the connections of Figure 1 - Morayfield South. The plan indicates an active transport route generally aligning with Road 9 from Robbs Road (south) to Clark Road (north). PO18 requires the street layout to provide for active transport for pedestrians and cyclists. PSP - Integrated design Appendix A (section 5) requires a development <3km from a centre to have a shared off-road facility width of 3.5 m (the shared off-road facility is triggered due to the Contemporary Residential road not containing cycle lanes). The development application proposes a 1.0 m western verge reduction to Road 9 due to the park frontage however this has further impacted on the road's ability to contain the attributes required by the planning scheme. The Road 9 width does not address the requirements of an active transport route.

The Works Code PO24 requires intersections to be located to provide safe and convenient movements for users. E24.2 lists an intersection spacing for a local collector road (contemporary residential) on the same side of 100 m. Only Road 12 & 13 intersections satisfy this requirement.

Road 14 is proposed to connect to the east with a future north/south road (Contemporary residential (19.5 m wide) contained within an adjoining development (DA/34253/2017/V3RL)). Council has determined that this future road is to provide a District Collector function with a reserve width of minimum 26.8 m.

The Reconfiguring a Lot Code (Emerging Community Zone - Transition Precinct) PO18 requires street block sizes to have a maximum walkable perimeter of 500 m. The street block containing Lots 519 - 551 has a boundary perimeter of approximately 517 m.

Laneway lots 436, 443, 453, 485 & 493 require boundary truncations to maintain the verge width at the intersections with the Living Residential Roads.

AS2890.1 Section 3.2.3 regulates driveway locations in proximity to intersections. The driveway locations indicated on corner lots 372, 387, 427 & 452 do not satisfy this requirement.

### *Earthworks*

Road 9 has been filled to provide the required flood immunity with batters into the indicated balance lot to the west. A portion of this batter is located within the medium flood hazard area which conflicts with the Flood Hazard Overlay Code PO22.

The Works Code PO8 requires earthworks to consider the stability and maintenance of batters. The submitted Typical Road Cross Sections (Drawing GH2039/2/R1) indicates Road 9 batters with a grade of 1:2.5 which does not satisfy PO8.

### *Traffic and Transport*

PSP - Integrated Design Appendix A section 11 requires a Road 9 intersection with Clark Road to be either left in/left out access or signalised. The development application proposes an all movements with basic turn treatments which does not address a signalised minor collector and sub-arterial intersection including turning lanes with appropriate land dedication.

### *Stormwater Management and Drainage Discharge*

The flood and engineering drawings are to reference the Flood Hazard Overlay boundaries and not just the 1% AEP extents.

*ITEM 2.1 DEVELOPMENT APPLICATION DA/34554/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (11 INTO 173 LOTS + 8 BALANCE LOTS + DETENTION BASIN + EASEMENTS IN 7 STAGES), LOCATED AT 51-65 AND 77 CLARK ROAD AND 54-100 ROBBS ROAD, MORAYFIELD - DIVI - A16439338 (Cont.)*

The SMP indicates Catchment 2 discharging to the east and into a swale flowing north which conflicts with the engineering drawings which indicates the catchment discharging by a constructed swale within a balance lot to the south. No point of discharge has been determined for the swales or easements indicated over the balance lot.

#### 2.6.1.2 Environmental Health

##### *Noise*

There are twenty four (24) proposed lots facing Clark Road which is a designated sub arterial road. Planning Scheme Policy - Noise requires traffic noise to be considered for all lots within 50 meters of a current or future designated sub arterial road. Additionally, any acoustic barrier facing a road must be recessed onto the subject property to allow landscaped screening to a depth specified in Table 6, Planning scheme policy - Integrated design - Appendix D. The applicant incorrectly stated in response to an information request that Clark Road only meets the requirements of a district collector road and therefore an acoustic report is not necessary.

It is not clear what potential acoustic issues there are for habitable rooms and the private open space for each of the lots facing Clark Road. It is also not clear how or if any acoustic impacts can be managed at each dwelling. If an acoustic barrier is required, for example, the layout of the allotments may need to change to accommodate landscaped screening.

From an environmental health perspective, the development application cannot be approved in its current form.

#### 2.6.1.3 Environmental Planning

Council requested further information on how the development proposal complies with:

- Performance Outcome PO57 of the Reconfiguring a Lot Code (Emerging Community Zone - Transition Precinct) which requires the retention of native vegetation by incorporating native vegetation and habitat trees into the subdivision design;
- Performance Outcome PO63 of the Reconfiguring a Lot Code (Emerging Community Zone - Transition Precinct) which requires that no new lot boundaries are created within 2m of a mapped high value area;
- Performance Outcome PO87 which requires that lot design minimises the encroachment into mapped waterways and ensures the protection of wildlife corridors and minimise edge effects.
- Performance Outcomes PO59-62 which requires an assessment of the bushfire hazard.

The information response relied upon an ecological assessment that forms part of the initial constraints assessment associated with the Structure Planning Work currently being undertaken by Council that has not yet been finalised and has not been accepted by the Council. A response to the requirements of the Planning Scheme has not been provided. Furthermore, a vegetation management plan, habitat tree management plan, nest box management plan and bushfire management plan have not been provided as requested by Council.

From an environmental planning perspective, the development application cannot be approved in its current form.

#### 2.6.1.4 Strategic Planning

The development proposal will not achieve the outcomes sought in the Strategic Framework with regard to the following:

*ITEM 2.1 DEVELOPMENT APPLICATION DA/34554/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (11 INTO 173 LOTS + 8 BALANCE LOTS + DETENTION BASIN + EASEMENTS IN 7 STAGES), LOCATED AT 51-65 AND 77 CLARK ROAD AND 54-100 ROBBS ROAD, MORAYFIELD - DIVI - A16439338 (Cont.)*

- infrastructure planning for the area to determine how the area can be developed efficiently to create a cohesive and sustainable urban community;
- providing an appropriate and suitable variety of lot sizes in each place type;
- the provision of diversity of housing types in each place type;
- meeting the minimum net residential density in the Urban Neighbourhood place type;
- providing for future low density development in the Urban Neighbourhood place type.

In the absence of detailed structure planning, the development proposal will not achieve the purpose of the Emerging Community Zone as it fails to properly and effectively manage the timely conversion of non-urban land. The development proposal will not meet the relevant overall outcomes as the subject site is not serviced by all networks, does not provide a suitable variety of lot sizes providing choice or affordability, and does not provide for well-connected, safe and convenient movement and open space networks.

Whilst the development proposal achieves the net residential density requirement, it does not achieve residential lot diversity. The development proposal does not provide the necessary mix of lot types to achieve a mix of dwelling types expected for a next generation neighbourhood area.

## *2.6.2 Referral Agencies*

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

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

### *2.6.2.2 Advice Agencies*

There were no Advice Agencies involved in assessing this application.

### *2.6.2.3 Third Party Agencies*

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

## **2.7 Public Consultation**

The development application is Code Assessable and accordingly there are no public notification requirements associated with the proposal.

## **2.8 Other Matters**

### *2.8.1 Proposed Amendments to the Moreton Bay Regional Council Planning Scheme*

Moreton Bay Regional Council commenced public notification of Planning Scheme Amendments on 21 August 2017 which closed on 6 October 2017. The Planning Scheme Amendment seeks to manage the development of future urban areas in the Emerging Community zone. Further detailed investigation of land uses and infrastructure planning is required to confirm that these future urban areas are suitable to accommodate future growth. Whole of catchment infrastructure solutions are required for the five networks of water, sewerage, transport, stormwater and community infrastructure, to ensure that the growth areas can be fully serviced in accordance with the relevant standards expected in an urbanised area.

The Planning Scheme Amendment includes the following:

1. introduce a new overlay map "Overlay map – Structure Plan areas" which identifies areas that are Structure Planned Areas and those which are Future Structure Plan Areas;
2. introduce definitions of "Service area" and "Non Service Area" reflecting the status of infrastructure availability of land in the Emerging community zone;

ITEM 2.1 DEVELOPMENT APPLICATION DA/34554/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (11 INTO 173 LOTS + 8 BALANCE LOTS + DETENTION BASIN + EASEMENTS IN 7 STAGES), LOCATED AT 51-65 AND 77 CLARK ROAD AND 54-100 ROBBS ROAD, MORAYFIELD - DIVI - A16439338 (Cont.)

3. introduce an amended level of assessment for reconfiguring a lot such that land within (see Table 5.6.1):
  - a. a Service area (being the area within a structure planned area which is located within the PIA and the water connection area and sewer connection area in the applicable Water netserv plan) is subject to code assessment; and
  - b. a Non-Service area (being an area within a structure plan area which is not a Service area) is subject to impact assessment; and
4. make reference to the establishment of a Coordinating Infrastructure Agreement (CIA) between major infrastructure service providers being Council, Unitywater and the State Government to relevantly provide for the planning, coordination, sequencing, delivery and operation of infrastructure to service the development of a structure plan area.

The Planning Scheme Amendment demonstrates Council's direction of planning and commitment to advancing the land use and infrastructure planning through the preparation of Structure Plans for the various growth areas in the Emerging community zone.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

The applicant has appeal rights in accordance with the *Sustainable Planning Act 2009*.

#### 3.2 Corporate Plan / Operational Plan

The proposal does not demonstrate well-planned growth - a sustainable and well-planned community as sought by the Corporate Plan.

#### 3.3 Policy Implications

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

#### 3.4 Risk Management Implications

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

#### 3.5 Delegated Authority Implications

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

#### 3.6 Financial Implications

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

#### 3.7 Economic Implications

The proposed development would make more difficult the ultimate decision as to the form of the Planning Scheme amendments and the related land use and infrastructure planning for the Morayfield South growth area.

#### 3.8 Environmental Implications

There are no environmental implications arising from refusing this development application.

#### 3.9 Social Implications

There are no social implications arising from refusing this development application.

#### 3.10 Consultation / Communication

Refer to clause 2.7.

**Perceived Conflict of Interest - Declaration**

Pursuant to s173(4) of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a perceived conflict of interest could exist in the following matter as the applicant was a contributor to the Mayor's election campaign, and retired from the meeting at 10.59am, taking no part in the debate or recommendation regarding same.

**ITEM 2.2**

**DEVELOPMENT APPLICATION DA/34873/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 99 LOTS IN 2 STAGES), LOCATED AT 263-267 AND 269-279 OAKLEY FLAT ROAD AND 75, 84 AND 88 BURBURY ROAD, MORAYFIELD - DIVISION 12**

**APPLICANT: TRASPUNT NO. 14 PTY. LTD. C/- LANDPARTNERS PTY LTD**  
**OWNER: TRASPUNT NO. 14 PTY. LTD., MR. BRUCE MACFARLANE AND MRS. WENDY MACFARLANE AND MR. MALCOLM WHEELOCK AND MRS. WILMA WHEELOCK**

Meeting / Session: 2 PLANNING & DEVELOPMENT  
Reference: A16443730 : 17 January 2018 – Refer Supporting Information A16443731; A16449580  
Responsible Officer: GH, Principal Development Planner (PED, Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Traspunt No.14 Pty. Ltd. C/- Landpartners Pty. Ltd.
<b>Lodgement Date:</b>	28 August 2017
<b>Properly Made Date:</b>	28 August 2017
<b>Confirmation Notice Date:</b>	8 September 2017
<b>Information Request Date:</b>	25 September 2017
<b>Info Response Received Date:</b>	22 December 2017
<b>Decision Due Date</b>	6 February 2018
<b>No. of Submissions:</b>	N/A

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	12
<b>Property Address:</b>	263-267 & 269-279 Oakey Flat Road & 75, 84 & 88 Burbury Road, Morayfield
<b>RP Description</b>	Lot 1 on RP79449, Lots 14 & 18 on RP178819, Lot 4 on RP196576 & Lot 5 on RP804516
<b>Land Area:</b>	9.322ha (Development footprint - 4.956ha)
<b>Property Owner</b>	Traspunt No. 14 Pty. Ltd. Mr. Bruce MacFarlane and Mrs. Wendy MacFarlane Mr. Malcolm Wheelock and Mrs. Wilma Wheelock
<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Planning Act 2016</i>
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme (Version 3 - effective 3 July 2017)
<b>Planning Locality / Zone</b>	Emerging community zone, Transition precinct
<b>Level of Assessment:</b>	Code Assessment

ITEM 2.2 DEVELOPMENT APPLICATION DA/34873/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 99 LOTS IN 2 STAGES), LOCATED AT 263-267 AND 269-279 OAKEY FLAT ROAD AND 75, 84 AND 88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16443730 (Cont.)

This development application seeks development approval for a Reconfiguring a Lot - Development for Subdivision (5 into 99 lots in 2 stages), located at 263-267 & 269-279 Oakey Flat Road and 75, 84 & 88 Burbury Road, Morayfield and described as Lot 1 on RP79449, Lots 14 & 18 on RP178819, Lot 4 on RP196576 & Lot 5 on RP804516.

The subject site is included within the Urban footprint under the South East Queensland Regional Plan 2017 and is within the Emerging community zone, Transition precinct under the Moreton Bay Regional Council Planning Scheme (Planning Scheme). The subject site has an area of 9.322ha (proposed development footprint - 4.956ha).

The proposed Reconfiguring a Lot application is subject to Code Assessment within the Emerging community zone, Transition precinct. The development application conflicts with the purpose of the relevant codes of the Planning Scheme and is recommended to be refused.

### COMMITTEE RECOMMENDATION

Moved by Cr Koliانا Winchester

Seconded by Cr Julie Greer

CARRIED 11/1

*Cr Allan Sutherland (Mayor) had declared a conflict of interest and had left the meeting.*

*Cr Adrian Raedel voted against Committee's Recommendation*

- A. That Council, in accordance with the *Planning Act 2016*, refuses the development application for Reconfiguring a Lot - Development for Subdivision (5 into 99 lots in 2 stages), located at 263-267 & 269-279 Oakey Flat Road and 75, 84 & 88 Burbury Road, Morayfield and described as Lot 1 on RP79449, Lots 14 & 18 on RP178819, Lot 4 on RP196576 & Lot 5 on RP804516, for the following reasons of refusal.

#### Reasons for Refusal

1. The proposed development conflicts with the following aspects of the Moreton Bay Regional Council Planning Scheme:
  - 9.4.1.2 Purpose of the Reconfiguring a Lot Code
  - 9.4.1.3.2.1(2)(b)(d) - Purpose of the Reconfiguring a lot code, Emerging community, Transition precinct
  - 6.2.3.2 (1)(a)(b)(c) - Purpose of the Emerging community zone
  - 6.2.3.2 (2)(b) - Purpose of the Emerging community zone
  - 8.2.2.2(2)(c)(v) - Purpose of the Flood hazard overlay code
  - Performance Outcome PO7 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
  - Performance Outcome PO16 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
  - Performance Outcome PO17 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
  - Performance Outcome PO19 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
  - Performance Outcome PO27 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
  - Performance Outcome PO33 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
  - Performance Outcome PO34 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
  - Performance Outcome PO35 of the Reconfiguring a lot code, Emerging community zone, Transition precinct

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- **Performance Outcome PO46 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO57 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
- **Performance Outcome PO58 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
- **Performance Outcome PO63 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO20 of the Flood hazard overlay code**

**2. The proposal is inconsistent with the proposed amendments to the Moreton Bay Regional Council Planning Scheme (as publicly notified between 21 August 2017 and 6 October 2017) and makes more difficult the form of land use and infrastructure planning for the Morayfield South growth area.**

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

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Reconfiguring a Lot - Development for Subdivision (5 into 99 lots in 2 stages)
<b>Relevant Period of Approval</b>	Not Applicable - Refusal
<b>IDAS Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	Not applicable



ITEM 2.2 DEVELOPMENT APPLICATION DA/34873/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 99 LOTS IN 2 STAGES), LOCATED AT 263-267 AND 269-279 OAKEY FLAT ROAD AND 75, 84 AND 88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16443730 (Cont.)

OFFICER'S RECOMMENDATION

A. That Council, in accordance with the *Planning Act 2016*, refuses the development application for Reconfiguring a Lot - Development for Subdivision (5 into 99 lots in 2 stages), located at 263-267 & 269-279 Oakey Flat Road and 75, 84 & 88 Burbury Road, Morayfield and described as Lot 1 on RP79449, Lots 14 & 18 on RP178819, Lot 4 on RP196576 & Lot 5 on RP804516, for the following reasons of refusal.

**Reasons for Refusal**

**1. The proposed development conflicts with the following aspects of the Moreton Bay Regional Council Planning Scheme:**

- **9.4.1.2 Purpose of the Reconfiguring a Lot Code**
- **9.4.1.3.2.1(2)(b)(d) - Purpose of the Reconfiguring a lot code, Emerging community, Transition precinct**
- **6.2.3.2 (1)(a)(b)(c) - Purpose of the Emerging community zone**
- **6.2.3.2 (2)(b) - Purpose of the Emerging community zone**
- **8.2.2.2(2)(c)(v) - Purpose of the Flood hazard overlay code**
- **Performance Outcome PO7 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO16 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO17 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO19 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO27 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO33 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO34 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO35 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO46 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO57 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
- **Performance Outcome PO58 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
- **Performance Outcome PO63 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO20 of the Flood hazard overlay code**

**2. The proposal is inconsistent with the proposed amendments to the Moreton Bay Regional Council Planning Scheme (as publicly notified between 21 August 2017 and 6 October 2017) and makes more difficult the form of land use and infrastructure planning for the Morayfield South growth area.**

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

*ITEM 2.2 DEVELOPMENT APPLICATION DA/34873/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 99 LOTS IN 2 STAGES), LOCATED AT 263-267 AND 269-279 OAKLEY FLAT ROAD AND 75, 84 AND 88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16443730 (Cont.)*

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Reconfiguring a Lot - Development for Subdivision (5 into 99 lots in 2 stages)
<b>Relevant Period of Approval</b>	Not Applicable - Refusal
<b>IDAS Referral Agencies</b>	There are no Referral Agencies
<b>Submissions</b>	Not applicable

**REPORT DETAIL**

**1. Background**

On 22 April 2016, a prelodgement meeting (PRE/3345) was held with the applicant to discuss a proposal for a Reconfiguring a Lot - Development Permit for Subdivision (3 into 87 Lots). The applicant was advised that:

- The Emerging community zone covers areas throughout the Moreton Bay Region that are not currently recognised or developed as urban environments, but may be suitable for future urban uses over the next 10 to 20 years.
- The Transition precinct identifies land suitable for future urban development, but is subject to infrastructure servicing limitations or site constraints. Requirements in the Transition precinct are divided into two types of development, that occurring on a developable (unserviced) lot or a developed (fully serviced) lot. Generally, all land in the Transition precinct could initially be considered a developable lot. Once the land has been reconfigured and all necessary infrastructure provided, it is then considered to be developed.
- Limited infrastructure network planning has been done for this area;
- The subject site is not within the priority infrastructure area (PIA). The development of these areas at this time is inconsistent with the planning assumptions used to support the Local Government Infrastructure Plan (LGIP). Limited trunk infrastructure planning has been prepared for these areas and no trunk infrastructure has been identified within the LGIP infrastructure schedules that is designed to support development of the Emerging Community areas outside the PIA.
- The subject site is not serviced by all local government networks including sewer;
- Whilst the subject site is identified for urban development in the future, infrastructure and constraint issues need to be resolved before this area is included in the General residential zone. Development of these areas prior to their inclusion in the General residential zone would be subject to bring forward costs and would not be subject to any infrastructure offsets;
- Further integrated land use and infrastructure planning will be undertaken in the Morayfield South area prior to its inclusion in the urban corridor. This further planning work will determine how the area can be developed efficiently to create a cohesive and sustainable urban community.
- For a development proposal to be considered by Council, detailed investigations to ensure that resultant lots will be classified as Developed (fully serviced) lots is required. At present no areas identified in the Emerging community zone meet this definition. Considerable work is required either being led by Council/Unitywater as part of a planned program of work or via proponents who are wishing to bring forward proposals in these areas.

The applicant was also advised that should the applicant wish to bring forward proposals (ahead of the Council/Unitywater planned program of work), then it is encouraged that the applicant carry out the above listed investigations in line with the Detailed Prelodgement Process - Emerging Community Zone. A copy of the Detailed Prelodgement Process was provided to the applicant as an attachment to the prelodgement meeting minutes.

*ITEM 2.2 DEVELOPMENT APPLICATION DA/34873/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 99 LOTS IN 2 STAGES), LOCATED AT 263-267 AND 269-279 OAKEY FLAT ROAD AND 75, 84 AND 88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16443730 (Cont.)*

On 19 December 2008, Council approved a Material Change of Use – Development Permit for Child Care Centre (75 places) over 263-267 Oakey Flat Road, Morayfield (Lot 18 RP178819) (DA/16299/2007/DA). This development approval was not acted upon and has since lapsed.

**2. Explanation of Item**

**2.1 Proposal Details**

It is proposed to reconfigure the existing five (5) allotments into 98 urban residential lots + a balance Lot + detention basin lots in two (2) stages as follows:

<b>Stage</b>	<b>Number of Residential Lots</b>	<b>Stage Area</b>	<b>Length of new road</b>
<b>1</b>	<b>56</b>	<b>2.865ha</b>	<b>625m</b>
<b>2</b>	<b>42 + balance lot</b>	<b>2.349ha</b>	<b>435m</b>

The proposed urban residential lots range in land area from 205m<sup>2</sup> to 892m<sup>2</sup>. The balance Lot (lot 37) to be created as part of Stage 2, has an area of 2,575m<sup>2</sup> and is proposed to be further developed as part of a future development application. The proposal includes existing Lots 4 on RP196576 and 5 on RP804516, located on the western side of Burbury Road, as detention basin lots (combined area of 4.108ha) for stormwater management purposes.

The overall net residential density of proposed development is 19.77 lots per hectare (excluding balance areas and detention basin lots), consistent with the density targets sought by the Planning Scheme, being between 11 and 25 lots per hectare.

The application proposes a mix of five (5) lot types throughout the development as follows:

<b>Lot Type (frontage width)</b>	<b>Number</b>	<b>Percentage</b>
Type A (7.5m)	16	16.4%
Type B (>7.5m -10m)	27	27.6%
Type C (>10-12.5m)	17	17.3%
Type D (>12.5-18m)	37	37.7%
Type E (>18-32m)	1	1%

The proposed mix of lot types and variety of residential lot sizes and frontage widths is consistent with a diverse medium density neighbourhood, as identified by the Planning Scheme.

The applicant has provided a Plan of Development for all lots with a frontage width of less than 12.5m, showing mandatory built to boundary wall and driveway locations. The submitted Plan of Development has adequately demonstrated that group construction achieves an integrated streetscape solution as contemplated by the Planning Scheme.

Access to the development is proposed via a new contemporary residential (local collector) road with a reserve width of 15.5m (ultimately to be 19.5 with additional road reserve provided from the adjoining site to the south), forming a new intersection with Burbury Road. A second access to the development is proposed via driveway access, contained within a 17m wide road reserve, providing access to three residential lots. No access is proposed from Oakey Flat Road. Oakey Flat Road is identified as a Council arterial road on Overlay map - Road hierarchy and in accordance with Planning Scheme Policy PSP - Integrated design has a preferred road reserve width of 31m. The applicant has proposed to provide road widening of 0.41m (78m<sup>2</sup>) along the full Oakey Flat Road frontage of subject the site.

*ITEM 2.2 DEVELOPMENT APPLICATION DA/34873/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 99 LOTS IN 2 STAGES), LOCATED AT 263-267 AND 269-279 OAKLEY FLAT ROAD AND 75, 84 AND 88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16443730 (Cont.)*

The proposal does not seek to dedicate any public park land to service the proposed residential neighbourhood. The submitted proposal plans indicate that existing lots Lots 4 on RP196576 and 5 on RP804516 (combined area of 4.108ha, located on the western side of Burbury Road, are to be utilised for stormwater management purposes, however these lots have not been identified to be dedicated to Council as drainage reserve. Regardless, this stormwater management area would not provide for the recreation needs of future residents and would not meet the desired standards of service for a Local recreation park as identified within Planning Scheme Policy - PSP - Integrated design (refer section 2.4 for further discussion).

### *2.1.2 Emerging community zone, Transition precinct*

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

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

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

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

### *2.1.3 Progress of MBRC Structure Planning / Proponent-led Structure Planning*

Council has commenced structure planning for the Morayfield South Emerging Community area and this work is on-going.

As discussed in section 1 of this report, the applicant was advised at the initial prelodgement meeting with Council (22 April 2016) that:

- The subject site is not within the PIA. The development of these areas at this time is inconsistent with the planning assumptions used to support the LGIP. Limited trunk infrastructure planning has been prepared for these areas and no trunk infrastructure has been identified within the LGIP infrastructure schedules that is designed to support development of the Emerging Community areas outside the PIA.
- The subject site is not serviced by all local government networks including sewer;

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- Whilst the subject site is identified for urban development in the future, infrastructure and constraint issues need to be resolved before this area is included in the General residential zone. Development of these areas prior to their inclusion in the General residential zone would be subject to bring forward costs and would not be subject to any infrastructure offsets;
- Further integrated land use and infrastructure planning will be undertaken in the Morayfield South area prior to its inclusion in the urban corridor. This further planning work will determine how the area can be developed efficiently to create a cohesive and sustainable urban community.
- For a development proposal to be considered by Council, detailed investigations to ensure that resultant lots will be classified as Developed (fully serviced) lots is required. At present no areas identified in the Emerging community zone meet this definition. Considerable work is required either being led by Council/Unitywater as part of a planned program of work or via proponents who are wishing to bring forward proposals in these areas.
- The applicant was also advised that should the applicant wish to bring forward proposals (ahead of the Council/Unitywater planned program of work), then it is encouraged that the applicant carry out the above listed investigations in line with the Detailed Prelodgement Process - Emerging Community Zone. A copy of the Detailed Prelodgement Process was provided to the applicant as an attachment to the prelodgement meeting minutes.

The applicant has not put forward a proponent-led structure plan for Council's consideration and has not undertaken the planning investigations as identified within the Detailed Prelodgement Process - Emerging community zone. This Detailed Prelodgement Process - Emerging community zone was put together to assist proponents that wished to bring forward Council's program of planning work, in a collaborative process with both Council and Unitywater.

In response, the applicant has stated that there is no requirement in the assessment benchmarks of the Planning Scheme that require a detailed structure plan for the Morayfield South growth area. The applicant has made representations that the development can be serviced by all infrastructure network by stating:

- *Figure 6.2.3.2.2 - Morayfield South* of the MBRC Planning Scheme demonstrates that Council has undertaken road planning as it provides the structure detail and network connection for the area.
- Park networks are proposed to be provided in accordance with the MBRC Planning Scheme and in accordance with Structure Plans provided by others.
- Sewer and water networks services are available and are in accordance with the network servicing required by Unitywater and are the jurisdiction of Unitywater.

It is noted that the purpose of the Emerging community zone (as identified within 6.2.3.2 of the Planning Scheme) is to:

- a. identify land that is suitable for urban purposes and conserve land that may be suitable for urban development in the future;
- b. manage the timely conversion of non-urban land to urban purposes;
- c. prevent or discourage development that is likely to compromise appropriate longer term land use.

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The subject site is not currently identified as suitable for urban development as the detailed land use and infrastructure planning has not been completed for the Morayfield South growth area. The proposed development seeks to implement an ultimate residential development which pre-empts the structure planning which is currently being carried by Council which will identify the land use and infrastructure planning for the Morayfield South growth area. The subject site is outside the PIA and necessary infrastructure to support the conversion is not currently planned for and the existing infrastructure networks are not to an appropriate standard or capacity to support the conversion. It is not possible to determine the longer-term land uses or infrastructure requirements, without undertaking the planning of the growth area over the full development horizon. On this basis, the proposed development makes more difficult the land use and infrastructure planning which is necessary for the provision of infrastructure required to support the appropriate land use outcomes for both the Morayfield South growth area and other anticipated development outside the Morayfield South growth area.

Council has recently completed a first draft of the infrastructure cost framework for the Morayfield South Structure Plan Area. This cost assessment is based on cost estimates to provide the actual infrastructure required to service the growth front, over the life of the growth front (30 years), pro-rata for the percentage impact the growth front will have on the infrastructure required. In the absence of finalised land use and infrastructure planning and the preparation and adoption of a planning instrument for the Morayfield South emerging community area, Council has not determined that the provision of infrastructure can be provided efficiently and cost-effectively to the Morayfield South Structure Plan Area.

2.2 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	Emerging community zone	Dwelling houses on rural residential lots
South	Emerging community zone	Dwelling houses on rural residential lots
East	Emerging community zone	Dwelling houses on rural residential lots
West	Emerging community zone	Dwelling houses on rural residential lots

2.3 Assessment Benchmarks related to the Planning Regulation 2017

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

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2.3.1 State Planning Policy

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

<b>Assessment benchmark - livable communities</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmark - mining and extractive resources</b>		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - water quality</b>		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from <ul style="list-style-type: none"> <li>(a) altered stormwater quality and hydrology</li> <li>(b) waste water</li> <li>(c) the creation or expansion of non-tidal artificial waterways</li> <li>(d) the release and mobilization of nutrients and sediments.</li> </ul> (2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)                     (3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.
<b>Assessment benchmarks - natural hazards, risk and resilience</b>		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable
<b>Assessment benchmarks - strategic airports and aviation facilities</b>		

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Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

### 2.3.2 South East Queensland Regional Plan

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

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

The application was properly made on 28 August 2017 and is accordingly assessed in accordance with the Planning Scheme.

An assessment against the relevant parts of the Planning Scheme is set out below.

### 2.4.1 Assessment of Applicable Codes

#### Code Compliance Summary

The assessment below identifies whether 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 applicable code and the proposed outcome does not satisfy the corresponding Performance Outcome.

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Development Codes</b>		
9.4.1.3.2 - Reconfiguring a lot code, Emerging community zone code, Transition precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO7, PO16, PO17, PO19 PO27 PO33, PO34, PO35, PO46, PO57, PO58, PO63
<b>Overlay Codes</b>		
8.2.2 - Flood hazard overlay code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO20

The assessment of the development proposal against the Performance Outcomes of the applicable code(s) is discussed below in section 2.4.2.



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2.4.2 Performance Outcome Assessment

Performance Outcome	Example
<b>9.4.1.3.2 - Reconfiguring a lot code, Emerging community zone, Transition precinct</b>	
<p><b>PO7</b> Lots that facilitate medium to high density residential uses (freehold or community titles) are located in proximity to recreational opportunities, commercial and community facilities and public transport nodes.</p>	<p><b>E7.1</b> Lots with frontages of 7.5 metres or less are located within 200 metres of:</p> <ul style="list-style-type: none"> <li>• a park; or</li> <li>• a public transport stop or station; or</li> <li>• a higher order centre, district centre, local centre or neighbourhood hub (refer Overlay map - Community activities and neighbourhood hubs).</li> </ul>
<i>Performance Outcome Assessment</i>	
<p>The development application proposes lots with 7.5m frontage widths (Lot Type A) which are not located within 200m of a park, public transport stop or station or higher order centre, district centre, local centre or neighbourhood hub.</p> <p>The development proposal does not comply with the corresponding Performance Outcome as the application proposes lots that facilitate medium to high density residential uses that are not located in proximity to recreational opportunities, commercial and community facilities and public transport nodes.</p> <p>As the development proposal does not comply with Performance Outcome PO7, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO16</b> Street layouts are designed to connect to surrounding neighbourhoods by providing an interconnected street, pedestrian and cyclist networks that connects nearby centres, neighbourhood hubs, community facilities, public transport nodes and open space to residential areas for access and emergency management purposes. The layout ensures that new development is provided with multiple points of access. The timing of transport works ensures that multiple points of access are provided during early stages of a development.</p>	<p>No acceptable outcome provided.</p>
<i>Performance Outcome Assessment</i>	
<p>The development application does not comply with Performance Outcome PO16 as the proposed Reconfiguring a Lot does not provide for interconnected street, pedestrian and cyclist networks that connect to the following:</p> <ul style="list-style-type: none"> <li>• nearby centres and neighbourhood hubs;</li> <li>• community facilities;</li> <li>• public transport nodes;</li> <li>• areas of open space.</li> </ul>	

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Performance Outcome	Example
<p>As the development proposal does not comply with Performance Outcome PO16, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO17</b> Development maintains the connections shown on: a. 'Figure 1 - Morayfield South' - Morayfield South; b. 'Figure 2 - Narangba East' - Narangba East.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Figure 1 - Morayfield South identifies a future active transport route along the south boundary of 269-279 Oakley Flat Road and 75 Burbury Road and along the northern boundary of 84 Burbury Road.</p> <p>The development proposal, in particular the location of the stormwater detention basin (inclusive of batters) contained within 84 Burbury Road, has not made allowance for the active transport route and the proposal may compromise the desired alignment of this future active transport route.</p> <p>As the development proposal does not comply with Performance Outcome PO17, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO19</b> Street layouts create convenient and highly permeable movement networks between lower and higher order roads, whilst not adversely affecting the safety and function of the higher order road.</p> <p>Note - Refer to Planning scheme policy - Neighbourhood design for guidance on how to achieve compliance with this outcome.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application proposes a portion of a Contemporary Residential road located within the southern boundary that would ultimately connect Robbs Road to the east with J Dobson Road to the west. This road typology and alignment is not in accordance with the Council's current planning which locates the connecting road south of the development boundary and identifies this road as a District collector road (26.8m) road reserve. This planning was shown in the proposed Planning Scheme amendment publicly notified between 21 August 2017 and 6 October 2017 (Planning Scheme Amendment). The road as proposed will prejudice the function of the ultimate planned road network. In addition, Planning Scheme Policy PSP - Integrated Design Appendix A Section 4 limits direct lot vehicle access to a District Collector road (Robbs - J Dobson) to rear access or consolidated access only. The proposal has direct lot access on this road. Allowing direct lot access will compromise the future function and safety of the road.</p> <p>As the development proposal does not comply with Performance Outcome PO19, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	

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Performance Outcome	Example
<p><b>PO27</b> The road network has sufficient reserve and pavement widths to cater for the current and intended function of the road in accordance with the road type in accordance with Planning scheme policy - Integrated design.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Council has not yet progressed planning for the ultimate upgrade to Oakey Flat Road to determine frontage road dedication required by the development.</p> <p>The development application proposes to include a portion of a Contemporary Residential (19.5m road reserve width) road within the southern boundary that would ultimately contribute to connecting Robbs Road in the east with J Dobson Road in the west. This road typology and alignment is not in accordance with the Council's Planning Scheme Amendment which locates the connecting road south of the development boundary and identifies the road as a District collector road (26.8m). The road as proposed will prejudice the function of the Council's ultimate planned road network.</p> <p>As the development proposal cannot comply with Performance Outcome PO27, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO33</b> A hierarchy of Park and open space is provided to meet the recreational needs of the community</p> <p>Note - To determine the extent and location of Park and open space required refer to Planning scheme policy - Integrated design.</p>	<p>No acceptable outcome provided</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application does not comply with Performance Outcome PO33 as the proposed development is not provided with a hierarchy of Park and open space to meet the recreational needs of the community.</p> <p>The development application does not propose to provide a Local Recreation Park meeting the desired standards of service identified within Planning Scheme Policy PSP - Integrated design. The subject site is not proximate to an existing Local Recreation Park meeting the desired standards of service identified within Planning Scheme Policy PSP - Integrated design.</p> <p>The subject site is located outside of the PIA and accordingly detailed planning for a hierarchy of Park and open space to service the subject site and surrounding area has not been undertaken for the purpose of Council's LGIP. In the absence of a planning instrument addressing land use and infrastructure planning across the growth area, a hierarchy of Park and open space to meet the needs of users is not provided for.</p> <p>As the development proposal does not comply with Performance Outcome PO33, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO34</b> Park is to be provided within walking distance of all new residential lots.</p>	<p>No acceptable outcome provided</p>

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Performance Outcome	Example
<p>Note - To determine maximum walking distances for Park types refer to Planning scheme policy - Integrated design.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application does not comply with Performance Outcome PO34 as a Park is not provided within walking distance of all new residential lots.</p> <p>Planning Scheme Policy PSP- Integrated design identifies that all residential lots are to be within 400m walking distance of a Local Recreation Park, meeting the desired standards of service. The development proposal does not propose to provide a Park meeting the desired standards of service, nor are all proposed residential lots within 400m walking distance of an existing Local Recreation Park meeting the desired standards of service. The subject site is located outside of the PIA and accordingly Council's LGIP does not identify a future Local Recreational Park within the vicinity of the subject site. In the absence of a planning instrument addressing land use and infrastructure planning across the growth area, a Park provision within walking distance to all lots is not provided for.</p> <p>As the development proposal does not comply with Performance Outcome PO34, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO35</b> Park is of a size and design standard to meet the needs of the expected users</p> <p>Note - To determine the size and design standards for Parks refer to Planning scheme policy - Integrated design.</p>	<p>No acceptable outcome provided</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed development does not comply with Performance Outcome PO35 as the development proposal does not provide a Park of a size and standard to meet the needs of users.</p> <p>Planning Scheme Policy PSP - Integrated design identifies the desired standards of service for a Local Recreation Park. The desired standards of service for a Local Recreation Park include, but are not limited to the following:</p> <ul style="list-style-type: none"> <li>• a minimum area of 0.5ha (100% unconstrained land);</li> <li>• located adjacent to a collector road or lower;</li> <li>• centrally located in a central, prominent, highly visible and accessible location within the catchment it services;</li> <li>• embellished with small play equipment, picnic areas, pedestrian pathways and drinking taps and the like.</li> </ul> <p>The proposed development does not provide a Park of a size and standard to meet the need, nor is it proximate to an existing or future identified Park that would meet the needs of the expected users.</p> <p>As the development proposal cannot comply with Performance Outcome PO35, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO46</b> Stormwater management facilities are located</p>	<p>No example provided.</p>

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Performance Outcome	Example
outside of riparian areas and prevent increased channel bed and bank erosion.	
<i>Performance Outcome Assessment</i>	
<p>The development application does not comply with Performance Outcome PO46 as the application proposes stormwater management facilities within a riparian area. The development application proposes a 'stormwater management area' over 84 Burbury Road (Lot 4 on RP196576) and 88 Burbury Road (Lot 5 on RP804516). The location of the proposed bio-retention basin and detention basin is located in an area mapped under Overlay map - Environmental areas as containing a W3 waterway and waterway buffer.</p> <p>The proposed stormwater management facilities are proposed within the Sheepstation Creek Tributary, a riparian area, and would have the potential to increase channel bed and bank erosion, both internal and external to the site.</p> <p>As the development proposal does not comply with Performance Outcome PO46, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO57</b> Reconfiguring a lot facilitates the retention of native vegetation by:</p> <ol style="list-style-type: none"> <li>a. incorporating native vegetation and habitat trees into the overall subdivision design, development layout, on-street amenity and landscaping where practicable;</li> <li>b. ensuring habitat trees are located outside a development footprint. Where habitat trees are to be cleared, replacement fauna nesting boxes are provided at the rate of 1 nest box for every hollow removed. Where hollows have not yet formed in trees &gt; 80cm in diameter at 1.3m height, 3 nest boxes are required for every habitat tree removed.</li> <li>c. providing safe, unimpeded, convenient and ongoing wildlife movement;</li> <li>d. avoiding creating fragmented and isolated patches of native vegetation.</li> <li>e. ensuring that biodiversity quality and integrity of habitats is not adversely impacted upon but are maintained and protected;</li> <li>f. ensuring that soil erosion and land degradation does not occur;</li> <li>g. ensuring that quality of surface water is not adversely impacted upon by providing effective vegetated buffers to water bodies</li> </ol>	No acceptable outcome provided
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
<p>The proposed development does not comply with Performance Outcome PO57 as the proposal does not seek to retain native vegetation, inclusive of habitat trees, into the overall subdivision design. The application proposes to clear all existing vegetation and does not propose to offset the lost habitat values.</p> <p>As the development proposal cannot comply with Performance Outcome PO57, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO58</b> Noise attenuation structure (e.g. walls, barriers or fences):</p> <p>a. contribute to safe and usable public spaces, through maintaining high levels of surveillance of parks, streets and roads that serve active transport purposes (e.g. existing or future pedestrian paths or cycle lanes etc);</p> <p>b. maintain the amenity of the streetscape.</p> <p>Note - A noise impact assessment may be required to demonstrate compliance with this PO. Noise impact assessments are to be prepared in accordance with Planning scheme policy - Noise.</p> <p>Note - Refer to Planning Scheme Policy – Integrated design for details and examples of noise attenuation structures</p>	<p><b>E58</b> Noise attenuation structures (e.g. walls, barriers or fences):</p> <p>a. are not visible from an adjoining road or public area unless;</p> <p>i. adjoining a motorway or rail line; or ii. adjoining part of an arterial road that does not serve an existing or future active transport purpose (e.g. pedestrian paths or cycle lanes) or where attenuation through building location and materials is not possible.</p> <p>b. do not remove existing or prevent future active transport routes or connections to the street network;</p> <p>c. are located, constructed and landscaped in accordance with Planning scheme policy - Integrated design.</p> <p>Note - Refer to Planning Scheme Policy – Integrated design for details and examples of noise attenuation structures.</p> <p>Note - Refer to Overlay map – Active transport for future active transport routes.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development application does not comply with Performance Outcome PO58 as a Noise Impact Assessment has not been submitted as part of the application and as a result the requirement for the provision of noise attenuation structures and their alignments have not been determined as part of the application.</p> <p>As the development proposal does not comply with Performance Outcome PO58, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p><b>PO63</b> No new boundaries are to be located within 2m of a High Value Area</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	

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Performance Outcome	Example
<p>The development application does not comply with Performance Outcome PO63 as the application involves the creation of new lot boundaries within 2m of mapped High value areas under Overlay map - Environmental areas.</p> <p>As the development proposal does not comply with Performance Outcome PO63, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	

8.2.2 - Flood hazard overlay code	
<p><b>PO20</b> Development ensures that infrastructure (excluding a road):</p> <ul style="list-style-type: none"> <li>a. is located outside of the High risk flood hazard area and Medium risk flood hazard area; or</li> <li>b. is otherwise located in the High risk flood hazard area or Medium risk flood hazard area to function during and after all flood hazard events up to and including the Defined Flood Event.</li> </ul>	No example provided.
Performance Outcome Assessment	
<p>The development application does not comply with Performance Outcome PO20 as the proposed development includes stormwater management infrastructure within the mapped medium risk flood hazard as identified on Overlay map - Flood hazard.</p> <p>As the development proposal does not comply with Performance Outcome PO20, an assessment against the Purpose and Overall outcomes of the Flood hazard overlay code is required.</p>	

2.4.3 Overall Outcome Assessment

The development proposal does not comply with the Performance Outcomes of the Reconfiguring a Lot Code, Emerging community zone, Transition precinct stated in section 2.4.2 above. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the Reconfiguring a Lot code as follows:

9.4.1.3.2.1 Reconfiguring a lot code, Emerging community zone, Transition precinct		
Overall Outcomes	Complies Y/N	Comments
<p>2.b. Reconfiguring a lot in the Emerging community zone - Transition precinct, where creating developed lots achieves the following:</p> <ul style="list-style-type: none"> <li>i. for land within the Morayfield South urban area identified on 'Figure 9.4.1.3.2.1 Morayfield South urban area', reconfiguration does not compromise the areas ability to achieve a minimum site density</li> </ul>	No	<p>The proposed development is inconsistent with the Overall Outcome 2 b. for the following reasons:</p> <ul style="list-style-type: none"> <li>i. Not applicable. The subject site is not located within the identified Morayfield South urban.</li> <li>ii. The proposed development achieves a variety of residential</li> </ul>

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9.4.1.3.2.1 Reconfiguring a lot code, Emerging community zone, Transition precinct		
Overall Outcomes	Complies Y/N	Comments
<p>of 45 dwellings per ha and lots of a size and dimension to accommodate medium - high density development;</p> <p>ii. for land in all other areas, a variety of residential lot sizes and a net residential density of between 11-25 lots per hectare;</p> <p>iii. neighbourhoods that are designed to provide well-connected, safe and convenient movement and open space networks through interconnected streets and active transport linkages that provide high levels of accessibility between residences, open space areas and places of activity;</p> <p>iv. intent and purpose of the Transition precinct outcomes identified in Part 6.</p>		<p>lot sizes as required for a Next Generation neighbourhood.</p> <p>iii The proposed neighbourhood is not designed to provide a well-connected, safe and convenient open space network, as:</p> <p>A) the proposed development does not provide any open space network and the existing network is not designed to accommodate a residential neighbourhood as the area is located outside the PIA; and</p> <p>B) the proposed development does not provide linkages for active transport networks and road infrastructure of a suitable standard to existing networks or activity places.</p> <p>iv. The proposed development does not achieve the intent and purpose of the Transition precinct outcomes identified in Part 6 (refer assessment below).</p>
<p>2.d. Reconfiguring a lot avoids areas subject to constraint, limitation, or environmental values. Where reconfiguring a lot cannot avoid these identified areas, it responds by:</p> <p>i. adopting a 'least risk, least impact' approach when designing, siting and locating development to minimise the potential risk to people, property and the environment;</p> <p>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</p> <p>iii. maintaining environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of environmental offsets, landscaping and facilitating</p>	No	<p>The development application does not comply with Overall outcome 2.d. as the proposed development does not avoid areas subject to constraint, limitation or environmental values.</p> <p>The application seeks to create new lot boundaries within mapped high value areas. The proposal seeks to remove the existing values of the site and does not propose to offset those values proposed to be removed.</p>



ITEM 2.2 DEVELOPMENT APPLICATION DA/34873/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 99 LOTS IN 2 STAGES), LOCATED AT 263-267 AND 269-279 OAKEY FLAT ROAD AND 75, 84 AND 88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16443730 (Cont.)

9.4.1.3.2.1 Reconfiguring a lot code, Emerging community zone, Transition precinct		
Overall Outcomes	Complies Y/N	Comments
<p>safe wildlife movement through the environment;</p> <p>iv. protecting native species and protecting and enhancing native species habitat;</p> <p>v. 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>vi. establishing effective separation distances, buffers and mitigation measures associated with major infrastructure to minimise adverse effects on sensitive land uses from noise, dust and other nuisance generating activities;</p> <p>vii. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of major infrastructure;</p> <p>viii. ensuring effective and efficient disaster management response and recovery capabilities.</p>		

9.4.1.2. Purpose of the Reconfiguring a lot code		
Overall Outcomes	Complies Y/N	Comments
<p>2. The purpose of the code will be achieved through the following overall outcomes:</p> <p>a. Reconfiguring a lot creates a diversity of lot sizes, dimensions and arrangements consistent with the intended densities, uses, configurations and character of the applicable zone and precinct while not adversely impacting on lawful uses, values or constraints present.</p> <p>b. Reconfiguring a lot delivers the social, cultural and recreational</p>	No	<p>The proposed development is inconsistent with the purpose of the Reconfiguring a Lot code as it conflicts with the overall outcomes of the Code.</p> <p>The proposed development is inconsistent with Overall Outcome 2.b.ii. as connectivity for pedestrian and bicycles to commercial and local employment opportunities is not achieved and there are no infrastructure plans for this to be</p>

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<p>needs of the community by ensuring:</p> <ul style="list-style-type: none"> <li>i. a range of lot sizes are delivered to assist in affordable housing opportunities;</li> <li>ii. the lots have convenient, direct and easy pedestrian and bicycle access to commercial and local employment opportunities;</li> <li>iii. Accessible, publicly available open space areas located within walking distance to all residential lots in the General Residential Zone;</li> <li>iv. lots allow future uses to have casual surveillance of public / communal space (such as road and open space areas), have communal meeting / recreational areas conveniently located and accessible using all modes of transport and create a sense of place commensurate with the intents for the applicable zone and precinct;</li> </ul>		<p>achieved given that the subject site is outside the PIA and pedestrian and bicycle pathways are not currently provided or planned for the area surrounding the subject site.</p> <p>The proposed development is inconsistent with Overall Outcome 2.b.iii. as open space areas are not located within walking distance of all residential lots, proposed to be of a density consistent with the General Residential zone.</p>
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Overall Outcome 2.b.iv. of the Reconfiguring a lot code, Emerging community zone, Transition precinct requires that Reconfiguring a lot in the Emerging community zone - Transition precinct, where creating developed lots achieves the intent and purpose of the Transition precinct outcomes identified in Part 6.

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

6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
<p>1. The purpose of the Emerging community zone code is to:</p> <ul style="list-style-type: none"> <li>a. identify land that is suitable for urban purposes and conserve land that may be suitable for urban development in the future;</li> <li>b. manage the timely conversion of non-urban land to urban purposes;</li> <li>c. prevent or discourage development that is likely to compromise appropriate longer term land use.</li> </ul>	<p>No</p>	<p>The proposed development is inconsistent with Purpose 1.a. as the subject site is not currently identified as suitable for urban development as the detailed land use and infrastructure planning has not been completed for the Morayfield South growth area. The proposed development seeks to implement an ultimate residential development which pre-empts the structure planning which is currently being carried out as anticipated by the Planning Scheme Amendment and which will identify the land use and infrastructure planning for the Morayfield South growth area.</p>

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
		<p>The proposed development is inconsistent with Purpose 1.b. as the proposed conversion of non-urban land to urban purposes is premature, as the subject site is outside the PIA and necessary infrastructure to support the conversion is not currently planned and the existing infrastructure networks are not to an appropriate standard or capacity to support the conversion.</p> <p>The proposed development is inconsistent with Purpose 1.c. as it is not possible to determine the longer-term land uses or infrastructure requirements, without undertaking the planning of the growth area over the full development horizon. On this basis, the proposed development makes more difficult the land use and infrastructure planning which is necessary for the provision of infrastructure required to support the appropriate land use outcomes for both the Morayfield South growth area and other anticipated development outside the Morayfield South growth area.</p> <p>The proposed development is therefore inconsistent with the intent and purpose of the Emerging community zone code set out in this Purpose statement.</p>
<p>2. The Emerging community zone has 2 precincts which have the following purpose;</p> <p>b The Transition precinct is to:</p> <p>i. identify and conserve land that may be suitable for urban development in the future, allowing interim uses that will not compromise the best longer term use of the land;</p> <p>ii. provide mechanisms to promote and implement an appropriate mix of dwelling</p>	No	<p>The proposed development is inconsistent with Purpose 2.b.i. as the land use and infrastructure planning has not been completed for the Morayfield South growth area and it is premature for a development proposal to implement an ultimate residential use in the absence of detailed land use and infrastructure planning for the growth area. The proposed development is not for an interim use and in any event without detailed land use and infrastructure</p>

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
<p>types, consistent with a next generation neighbourhood across the transition precinct once this land is developed and serviced with all local government networks including water and sewer and is suitable for urban development.</p> <p>Once serviced by all local government networks, including water and sewer the Transition precinct is to provide a mix of dwelling types to support densities that are moderately higher than traditional suburban areas. Housing forms include predominantly detached dwellings on a variety of lot sizes with a greater range of attached dwellings and low to medium rise apartment buildings. These areas will have convenient access to centres, community facilities and higher frequency public transport.</p>		<p>planning it is not possible to ascertain whether the proposed development is compromising or making more difficult the form of the land use and infrastructure planning for the growth area.</p> <p>The proposed development is premature, and is inconsistent with Purpose 2.b.ii. as the Planning Scheme Amendment, planning instruments and land use and infrastructure planning necessary to promote and implement a next generation neighbourhood have not been completed or adopted by Council. The subject site is not serviced with all local government networks to a standard or capacity which is suitable for urban development and the development proposal does not demonstrate that all local government networks can be provided to the proposed urban community in accordance with the appropriate standards and required capacity.</p> <p>The development proposal is deficient in that it does not provide for all local government networks to the development according to Council’s standards of provision for:</p> <ol style="list-style-type: none"> <li>1. External Road;</li> <li>2. Local park provision; and</li> <li>3. Stormwater management.</li> </ol> <p>The proposed development may compromise or make more difficult the form of the land use and infrastructure planning for the subject site.</p> <p>The land use and infrastructure planning and the preparation and adoption of a planning instrument for the Morayfield South growth area has not been completed and therefore the proposed development makes more difficult the form of the land use and infrastructure planning</p>

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
		for the Morayfield South growth area.  The proposed development is therefore inconsistent with the intent and purpose of the Emerging community zone code, Transition precinct set out in Overall Outcome 2.b.

8.2.2.2 Purpose – Flood hazard overlay code		
Overall Outcomes	Complies Y/N	Comments
<p>2. The purpose of the Flood hazard overlay code will be achieved through the following overall outcomes:</p> <p>c. Development in the Medium risk area manages and mitigates the tolerable risk of flood hazard by ensuring that:</p> <p>v. earthworks do not occur except where associated with a previous approval.</p>	<b>No</b>	<p>The development application proposes a stormwater management area within medium risk flood hazard as shown on Overlap map - Flood hazard that involves the construction of bio retention and detention basin, including associated earthworks and batters.</p> <p>The development proposal does not comply with overall outcome (2)(v) as earthworks are proposed within the mapped medium risk flood hazard.</p> <p>The development proposal is therefore inconsistent with the intent and purpose of the Flood hazard overlay code.</p>

Based on the assessment above, the proposal is inconsistent with the Overall Outcomes of the applicable codes within the Planning Scheme.

#### 2.4.5 Local Government Infrastructure Plan

The subject site is located outside the PIA which is identified in the LGIP. The PIA is an area that Council has designated for the coordination, prioritisation and sequencing of infrastructure for 10-15 years of growth. Its aim is to identify the areas where infrastructure can be provided most efficiently to support development.

Urban development is not prohibited outside the PIA, however, it is Council's responsibility to determine whether development outside the PIA will burden the community over the medium and long term. Where this can be quantified, the legislation enables the local government to establish an additional charge and decide the application.

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Where a proposed development forms part of a future growth front, such as the Emerging community area at Morayfield South, the assessment of the infrastructure should consider the development of the entire future growth front. Council uses this information to inform the necessary coordination, prioritisation and sequencing of infrastructure to ensure efficient and cost-effective provision.

Council has commenced the preparation of the necessary land use and infrastructure planning to identify the infrastructure needed to support the development of the Morayfield South Emerging Community Area. This planning is intended to inform the coordination, prioritisation and sequencing of the necessary infrastructure.

The applicant has provided information purported to be the necessary land use and infrastructure planning for the Morayfield South Emerging Community Area. The information provided is considered inadequate to meet the requirements of Council when deciding the ultimate development yield and the extent, location and timing of the necessary infrastructure to service the whole of the Emerging Community Area.

The applicant has not provided adequate information about the land use and infrastructure planning for Council to make a reasonable assessment of the cost/impact on the community as a result of the development.

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*

Council road planning has identified a future connection from Robbs Road (east) to J Dobson Road (west). The development application identifies this connection through the development site however Council's alignment places the road south of the development. A final alignment has not been determined and the proposed development layout will prejudice this planning.

The development application classifies the Robbs - J Dobson road connection as a Contemporary Residential road (19.5 m wide local collector performing a function of connecting access streets to higher order roads) in place of Council's planned District Collector (26.8 m wide road performing a function of a major connection between suburbs or higher order roads). The Reconfiguring a Lot Code (Emerging Community Zone - Transition Precinct) PO27 requires the road network to have sufficient reserve width to cater for current and intended function. The connecting road has been identified as a District Collector under the proposed Planning Scheme Amendment and the submitted layout will prejudice this function.

Planning Scheme Policy - Integrated Design Appendix A Section 4 limits lot vehicle access to a District Collector road (Robbs - J Dobson) to rear or consolidated only. The development proposes direct lot access on the connection road and this will impact upon the future function of the road.

The applicant has proposed a 0.41 m Oakey Flat Road frontage dedication to allow future upgrade of the road (arterial) with a preferred reserve width of 31 m in accordance with PSP

ITEM 2.2 DEVELOPMENT APPLICATION DA/34873/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 99 LOTS IN 2 STAGES), LOCATED AT 263-267 AND 269-279 OAKEY FLAT ROAD AND 75, 84 AND 88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16443730 (Cont.)

- integrated Design Appendix A. Detailed design of the Oakey Flat Road upgrade has not yet been undertaken and the proposed frontage dedication does not take into consideration any intersection requirements. The Reconfiguring a Lot Code (Emerging Community Zone - Transition Precinct) PO27 requires the road network to have sufficient reserve width to cater for current and intended function. The proposed development layout will prejudice Council's future road planning.

#### *Stormwater Management and Drainage Discharge*

Council is currently undertaking regional stormwater master planning for the Morayfield South area however this has not yet been completed or adopted. At this stage the submitted Concept Stormwater Management Plan and Flood Impact Assessment Report cannot be assessed against the regional master plan and the layout will impact upon future works.

The lots to the west of Burbury Road proposed to contain the stormwater treatment are impacted by the Medium Risk Flood Hazard Overlay. The Flood Hazard Overlay Code PO20 requires infrastructure to be located outside of the Medium Risk Flood Hazard area. As indicated below the stormwater quality and quantity treatment is almost entirely located within the Medium Risk Flood Hazard area.

The development's proposed stormwater management area / lawful point of discharge is also physically separated (by road) from the development footprint, and proposed to be retained in private ownership. The application has also failed to demonstrate that the stormwater management area will be constructed and dedicated to council in time to adequately service the proposed development. The application has not adequately demonstrated the suitability of a lawful point of discharge on land held in private ownership.

The Robbs - J Dobson Road connection (26.8 m) if located south of the development boundary as planned by Council will be impacted by the location of the proposed detention basin as indicated below.

From an engineering perspective the application cannot be approved in its current form.

#### **2.6.1.2 Environmental Health**

##### *Noise*

Planning Scheme Policy - Noise requires traffic noise to be considered for all lots within 100 meters of a current or future designated arterial road. Additionally, any acoustic barrier facing a road must be recessed onto the subject property to allow landscaped screening to a depth specified in Table 6, Planning scheme policy - Integrated design - Appendix D. The applicant has not addressed these requirements and therefore it is not clear what potential acoustic issues are required to be addressed for habitable rooms and the private open space for each of the lots that may be affected by noise from Oakey Flat Road. It is also not clear how or if any acoustic impacts can be managed at each dwelling. If an acoustic barrier is required, for example, the layout of the allotments may need to be change to accommodate landscaped screening.

##### *Waste*

Proposed lots 88-91 face driveways that cannot be accessed by a 12.5m long HRV. The applicant has proposed bin pads to address this matter however they would be in locations that would block pedestrian access. A new location will need to be considered for the bin pads.

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From an environmental health perspective, the development application cannot be approved in its current form.

### **2.6.1.3 Environmental Planning**

Council requested further information on how the proposal complies with:

- Performance Outcome PO57 of the Reconfiguring a Lot Code (Emerging Community Zone - Transition Precinct) which requires the retention of native vegetation by incorporating native vegetation and habitat trees into the subdivision design;
- Performance Outcome PO64 which requires that lots are designed to ensure ecological values are not impacted but protected and maintained and that native vegetation is incorporated into the overall lots design;

In addition, Council's information request, required that the applicant prepare and submit to Council a vegetation management plan to demonstrate how the approximate 4,000m<sup>2</sup> of vegetation clearing within mapped high value areas was intended to be replaced and how areas of ecological significance are intended to be rehabilitated.

The information response stated that the subject site does not contain noteworthy vegetation or habitat values and that the subject site has been primarily cleared and maintained for rural residential purposes. The information response also stated that any tree retention on the subject site is impractical given earthworks and road access requirements. With respect to the mapped 'high value areas' on the proposed stormwater management area, the applicant has stated that there is the possibility to retain existing vegetation, subject to construction requirements. A vegetation management plan has not been provided as requested by Council.

The application does not comply with Performance Outcome PO63 of the Planning Scheme which requires that no new lot boundaries are located within 2m of a High value area. The application proposed to create new lots within the mapped MSES vegetation as identified on Overlay map - Environmental areas.

The application does not comply with Performance Outcome PO46 as the application proposed stormwater management facilities, inclusive of earthworks associated with the construction of a detention and bio-retention basin, within a mapped riparian area.

The development application does not comply with Performance Outcome PO57, PO46 and PO63 of the Reconfiguring a lot code, Emerging community zone, Transition precinct of the Planning Scheme. From an environmental planning perspective, the application cannot be approved in its current form.

### **2.6.1.4 Strategic Planning**

In the absence of detailed structure planning, the development proposal will not achieve the purpose of the Emerging Community Zone as it fails to properly and effectively manage the timely conversion of non-urban land. The development proposal will not meet the relevant overall outcomes as the subject site is not serviced by all networks and does not provide for well-connected, safe and convenient movement and open space networks.

## **2.6.2 Referral Agencies**

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

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



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### **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**

The development application is Code Assessable and accordingly there are no public notification requirements associated with the proposal.

## **2.8 Other Matters**

### ***2.8.1 Proposed Amendments to the Moreton Bay Regional Council Planning Scheme***

Moreton Bay Regional Council commenced public notification of Planning Scheme Amendment on 21 August 2017 which closed on 6 October 2017. The Planning Scheme Amendment seeks to manage the development of future urban areas in the Emerging community zone. Further detailed investigation of land uses and infrastructure planning is required to confirm that these future urban areas are suitable to accommodate future growth. Whole of catchment infrastructure solutions are required for the five networks of water, sewerage, transport, stormwater and community infrastructure, to ensure that the growth areas can be fully serviced in accordance with the relevant standards expected in an urbanised area.

The Planning Scheme Amendment includes the following:

1. introduce a new overlay map "Overlay map – Structure Plan areas" which identifies areas that are Structure Planned Areas and those which are Future Structure Plan Areas;
2. introduce definitions of "Service area" and "Non Service Area" reflecting the status of infrastructure availability of land in the Emerging community zone;
3. Introduce an amended Planning Scheme Policy PSP - Neighbourhood which includes an amended movement network diagram for Morayfield South.
4. introduce an amended level of assessment for reconfiguring a lot such that land within (see Table 5.6.1):
  - a. a Service area (being the area within a structure planned area which is located within the PIA and the water connection area and sewer connection area in the applicable Water netserv plan) is subject to code assessment; and
  - b. a Non-Service area (being an area within a structure plan area which is not a Service area) is subject to impact assessment; and
5. make reference to the establishment of a Coordinating Infrastructure Agreement (CIA) between major infrastructure service providers being Council, Unitywater and the State Government to relevantly provide for the planning, coordination, sequencing, delivery and operation of infrastructure to service the development of a structure plan area.

The Planning Scheme Amendment demonstrates Council's direction of planning and commitment to advancing the land use and infrastructure planning through the preparation of Structure Plans for the various growth areas in the Emerging community zone.

## **3. Strategic Implications**

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

The applicant has appeal rights in accordance with the *Planning Act 2016*.

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3.2 Corporate Plan / Operational Plan

The proposal does not demonstrate well-planned growth or a sustainable and well-planned community as sought by the Corporate Plan.

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Implications

The proposed development would make more difficult the ultimate decision as to the form of the Planning Scheme Amendment and the related land use and infrastructure planning for the Morayfield South growth area.

3.8 Environmental Implications

There are no environmental implications arising from refusing this development application.

3.9 Social Implications

There are no social implications arising from refusing this development application.

3.10 Consultation / Communication

Refer to clause 2.7.

## **ATTENDANCE**

Cr Allan Sutherland (Mayor) returned to the meeting at 11.02am after consideration of Item 2.2.

Ms Kate Isles and Mr Glenn Hammill left the meeting at 11.02am after Item 2.2.

Mr Denis Crowe attended the meeting at 11.02am for items 3.1 and 3.2.

**3 CORPORATE SERVICES SESSION**

**(Cr Adrian Raedel)**

**ITEM 3.1**

**MONTHLY REPORTING PACKAGE - NOVEMBER 2017 - REGIONAL**

*Meeting / Session:* 3 CORPORATE SERVICES  
*Reference:* A16342442 : 11 December 2017 - **Refer Supporting Information A16342372**  
*Responsible Officer:* DW, Coordinator Management Accounting (CEO Accounting Services)

**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 30 November 2017.

**COMMITTEE RECOMMENDATION**

**Moved by Cr Denise Sims**

**Seconded by Cr Matt Constance**

**CARRIED 13/0**

**That the Financial Reporting Package for the year to date period ending 30 November 2017 be received.**

ITEM 3.1 MONTHLY REPORTING PACKAGE - NOVEMBER 2017 - REGIONAL - A16342442 (Cont.)

## OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 30 November 2017 be received.

## **REPORT DETAIL**

### **1. Background**

The Financial Reporting Package for the month ending 30 November 2017 is contained within the supporting information to this report.

This package contains a number of financial statements with relevant commentary to provide a breakdown of key financial data and includes.

- ✓ Financial Statements
  - Statement of Comprehensive Income shows all income and expenditure as at the end of the November period.
  - The Statement of Financial Position highlights Council's position at the end of November and itemises assets, liabilities and community equity.
  - Statement of Cash Flows which represents the cash inflows and outflows during the month.
  - Statement of sources and applications of capital funding.
- ✓ Treasury Report
  - The Treasury Report highlights key areas of performance and compliance relating to Council's investments, borrowings and reserves.

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

The financial results for the month of November are complete. A commentary is provided on significant matters that occurred during the month.

### **3. Strategic Implications**

#### 3.1 Legislative/Legal Implications

Part 9, section 204 of the Local Government Regulation 2012, (regulation) states the following:

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

Compliance to the Council's Investment Policy is confirmed for the month of November.

#### 3.4 Risk Management Implications

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Council's financial performance and position. Those risks are documented and evaluated as part of the operational plan preparation in conjunction with the annual budget cycle.

*ITEM 3.1 MONTHLY REPORTING PACKAGE - NOVEMBER 2017 - REGIONAL - A16342442 (Cont.)*

3.5 Delegated Authority Implications

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

3.6 Financial Implications

As at the end of November 2017 Council's operating surplus is \$76.91 million and the capital expenditure incurred to date is \$54.82 million.

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Chief Executive Officer, Manager Financial and Project Services and Accounting Services Manager.

**ITEM 3.2**  
**MONTHLY REPORTING PACKAGE - DECEMBER 2017 - REGIONAL**

*Meeting / Session:* 3 CORPORATE SERVICES  
*Reference:* A16457353 : 15 January 2018 - **Refer Supporting Information A16457282**  
*Responsible Officer:* DW, Coordinator Management Accounting (CEO Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 31 December 2017.

**COMMITTEE RECOMMENDATION**

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**Moved by Cr Denise Sims**

**Seconded by Cr Mike Charlton (Deputy Mayor)**

**CARRIED 13/0**

**That the Financial Reporting Package for the year to date period ending 31 December 2017 be received.**

ITEM 3.2 MONTHLY REPORTING PACKAGE - DECEMBER 2017 - REGIONAL - A16457353 (Cont.)

## OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 31 December 2017 be received.

### **REPORT DETAIL**

#### **1. Background**

The Financial Reporting Package for the month ending 31 December 2017 is contained within the supporting information to this report.

This package contains a number of financial statements with relevant commentary to provide a breakdown of key financial data and includes.

- ✓ Financial Statements
  - Statement of Comprehensive Income shows all income and expenditure as at the end of the December period.
  - The Statement of Financial Position highlights Council's position at the end of December and itemises assets, liabilities and community equity.
  - Statement of Cash Flows which represents the cash inflows and outflows during the month.
  - Statement of sources and applications of capital funding.
- ✓ Treasury Report
  - The Treasury Report highlights key areas of performance and compliance relating to Council's investments, borrowings and reserves.

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

The financial results for the month of December are complete. A commentary is provided on significant matters that occurred during the month.

#### **3. Strategic Implications**

##### 3.1 Legislative/Legal Implications

Part 9, section 204 of the Local Government Regulation 2012, (regulation) states the following:

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

##### 3.2 Corporate Plan / Operational Plan

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

##### 3.3 Policy Implications

Compliance to the Council's Investment Policy is confirmed for the month of December.

##### 3.4 Risk Management Implications

The Council is subject to numerous risks associated with revenue and expenses that can impact upon Councils financial performance and position. Those risks are documented and evaluated as part of the operational plan preparation in conjunction with the annual budget cycle.

*ITEM 3.2 MONTHLY REPORTING PACKAGE - DECEMBER 2017 - REGIONAL - A16457353 (Cont.)*

3.5 Delegated Authority Implications

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

3.6 Financial Implications

As at the end of December 2017 Council's operating surplus is \$64.87 million and the capital expenditure incurred to date is \$68.11 million.

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Chief Executive Officer, Manager Financial and Project Services and Accounting Services Manager.

**ATTENDANCE**

Mr Denis Crowe left the meeting at 11.05am after consideration of items 3.1 and 3.2.

Mr Tim Gepp attended the meeting at 11.05am for item 3.3.



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**ITEM 3.3**  
**MBRC NETWORK CONNECTIVITY**

*Meeting / Session:* 3 CORPORATE SERVICES  
*Reference:* A16411746 : 2 January 2018  
*Responsible Officer:* TG, Information & Communication Technology Manager (CEOs Office)

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**Executive Summary**

Council has used fibre network connectivity for high-speed data transfer between Council's major sites since 2008. Smaller sites and mobile staff use a Telstra-managed network.

The fibre connectivity was procured through Pipe Networks using the State Government's SmartNet Panel arrangement under a Queensland Government Information Technology Contracting Framework (GITC).

The contract with Pipe Networks has formally expired, but continues on a month-to-month basis. A new contract will see a significant reduction in monthly fibre costs.

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**COMMITTEE RECOMMENDATION**

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Moved by Cr Koliana Winchester

Seconded by Cr Matt Constance

CARRIED 13/0

1. That an agreement be entered into with TPG Telecom for the provision of fibre network services for a total of \$516,000.
2. That the Chief Executive Officer be authorised to negotiate and enter into a contract with TPG Telecom for the provision of fibre network services for a total of \$516,000 over a 60-month period.

ITEM 3.3 MBRC NETWORK CONNECTIVITY - A16411746 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That an agreement be entered into with TPG Telecom for the provision of fibre network services for a total of \$516,000.
2. That authorisation be given to the Chief Executive Officer to negotiate and enter into a contract with TPG Telecom for the provision of fibre network services for a total of \$516,000 over a 60-month period.

**REPORT DETAIL**

**1. Background**

In 2008, Council entered into a contract with Pipe Networks for the provision of fibre network connectivity between Strathpine, Caboolture, Redcliffe and North Lakes Council precincts. Pipe Networks were on the SmartNet panel arrangement which was put in place by the State Government to allow for the purchase of data carriage and internet services by State Government departments. Council also had access to these State Government arrangements.

The contract comprised an initial \$330,000 one-off installation fee, with \$16,500 monthly ongoing costs (\$198,000 pa).

**2. Explanation of Item**

Fibre network connectivity provides high-speed data transfer between Council's major sites and access to alternate internet connectivity via both Strathpine and Caboolture locations. With the migration of Council's major IT applications to the cloud, internet connectivity will become more critical for all staff.

TPG Telecom, who acquired Pipe Networks in 2010, is on standing offer arrangement ICTSS-1070 for the provision of Dark Fibre Services, managed through the Department of Science, Information Technology and Innovation (expires 30 June 2018).

A significant saving can be made by entering into a new contract with TPG over a 60-month period. A significant advantage in using the existing provider is that there will be no establishment costs to provision the service as the installation costs were paid in 2008 (\$330,000).

<b>Fibre network link</b>	<b>Current monthly Costs</b>	<b>Proposed Monthly Cost over 60 months</b>
Strathpine to Caboolture	\$6250	\$3300
Strathpine to Redcliffe	\$6250	\$3300
Strathpine to North Lakes	\$4000	\$2000

Total commitment over a 60-month period will be \$516,000 (\$103,200 pa).

Current costs for the above links are \$198,000 pa. The new contract will see a saving of \$474,000 over the 60-month term of the agreement.

In accordance with section 235(f) of the *Local Government Regulation 2012*, as TPG Telecom is on standing offer arrangement ICTSS-1070 for the provision of Dark Fibre Services, managed through the Department of Science, Information Technology and Innovation, a contractual arrangement may be established without first inviting quotes or tenders.

*ITEM 3.3 MBRC NETWORK CONNECTIVITY - A16411746 (Cont.)*

**3. Strategic Implications**

3.1 Legislative/Legal Implications

Section 235(f) of the Local Government Regulation 2012 states that a local government may enter into a contractual arrangement without first inviting written quotes or tenders if the contract is made with, or under an arrangement with a government agency.

3.2 Corporate Plan / Operational Plan

Enabling Services: Financial services - accounting and financial operations, corporate policy and performance activities.

3.3 Policy Implications

Endorsement of this contract is in accordance with Council's Procurement Policy 10-2150-006.

3.4 Risk Management Implications

The use of fibre services minimises the risk of network outage over a vendor-managed network.

3.5 Delegated Authority Implications

Should Council agree, recommendation 2 provides the Chief Executive Officer with the delegated authority to negotiate terms and enter into a contract with TPG Telecom for the provision of fibre network services for a total of \$516,000 over a 60-month period.

3.6 Financial Implications

There are sufficient funds in the ICT budget to fund this contract. The new contract will result in a saving of \$474,000 over 60 months compared to current costs.

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Procurement Services and Legal Services.

**ATTENDANCE**

Mr Tim Gepp left the meeting at 11.06am after consideration of item 3.3.

**4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr Peter Flannery)**

**ITEM 4.1  
MORETON BAY REGION LOCAL DISASTER MANAGEMENT GROUP - MEETING  
MINUTES OF 6 DECEMBER 2017 - REGIONAL**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A16402879 : 22 December 2017 - **Refer Supporting Information A16402832**  
*Responsible Officer:* CP, Coordinator Disaster Management (ECM Directorate)

**Executive Summary**

The Moreton Bay Region Local Disaster Management Group (MBR LDMG) held its regular Ordinary meeting on 6 December 2017.

**COMMITTEE RECOMMENDATION**

**Moved by Cr Matt Constance**

**Seconded by Cr Mick Gillam**

**CARRIED 13/0**

**That the Moreton Bay Region Local Disaster Management Group meeting minutes of 6 December 2017 be adopted, as tabled.**

ITEM 4.1 MORETON BAY REGION LOCAL DISASTER MANAGEMENT GROUP - MEETING MINUTES OF 6 DECEMBER 2017 - REGIONAL - A16402879 (Cont.)

## OFFICER'S RECOMMENDATION

That the Moreton Bay Region Local Disaster Management Group meeting minutes of 6 December 2017 be adopted, as tabled.

## **REPORT DETAIL**

### **1. Background**

In accordance with section 29 of the *Disaster Management Act 2003*, a local government is required to establish a Local Disaster Management Group for its local government area.

Section 12 of the Disaster Management Regulation 2014 states that 'disaster management group meetings must be held at least once in every six months at the times and places decided by the chairperson of the group'.

To meet these minimum requirements, the MBR LDMG conducts Ordinary meetings every three months, generally during the months of February, May, August and November; however, the last meeting of the year was delayed to 6 December 2017 to cater for staff availability. Extraordinary meetings of the MBR LDMG, before, during or after disaster events, are held as required.

The minutes of the MBR LDMG Ordinary meeting of 6 December 2017 are attached (supporting information #1).

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

This report is provided for the purpose of advising Council as to the issues discussed and any meeting outcomes/action items. The meeting minutes are supporting information to this report.

### **3. Strategic Implications**

#### 3.1 Legislative/Legal Implications

It is a requirement under section 18 of the *Disaster Management Regulation 2014* that a disaster management group must keep minutes of its meetings.

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

No policy implications arising as a direct result of this report.

#### 3.4 Risk Management Implications

Council will undertake a review of its hazard identification and risk assessments with the Queensland Fire and Emergency Services commencing January 2018. This project will continue into the 2018/19 financial year.

#### 3.5 Delegated Authority Implications

No delegated authority implications arising as a direct result of this report.

#### 3.6 Financial Implications

No financial implications arising as a direct result of this report.

#### 3.7 Economic Benefit

No economic implications arising as a direct result of this report.

#### 3.8 Environmental Implications

No environmental implications arising as a direct result of this report.

*ITEM 4.1 MORETON BAY REGION LOCAL DISASTER MANAGEMENT GROUP - MEETING MINUTES OF 6 DECEMBER 2017 - REGIONAL - A16402879 (Cont.)*

3.9 Social Implications

Various projects being undertaken by the LDMG and supporting agencies to enhance community safety activities will continue to have a positive impact on the community in responding and recovering from future disaster events.

3.10 Consultation / Communication

Regular ongoing consultation/communication takes place between all members and advisors of the MBR LDMG, Redcliffe DDMG and various State government entities such as the Queensland Police Service, Queensland Fire and Emergency Services, the Office of the Inspector-General Emergency Management and the Queensland Reconstruction Authority.

## **ATTENDANCE**

Mr Syd Jerram attended the meeting at 11.08 am for item 4.2.

**ITEM 4.2**

**BURPENGARY - BURPENGARY / NEW SETTLEMENT ROADS AND  
DAKABIN/NARANGBA - OLD GYMPIE / BOUNDARY ROADS - INTERIM  
INTERSECTION UPGRADES - TENDER - DIVISIONS 2, 7 AND 11**

*Meeting / Session:* 4 ASSET CONSTRUCTION & MAINTENANCE  
*Reference:* A16413130 : 22 December 2017 - Refer **Confidential Supporting  
Information A16388974**  
*Responsible Officer:* CB, Senior Project Manager (ECM Project Management & Construction)

**Executive Summary**

Tenders were invited for both the 'Burpengary - Burpengary / New Settlement Roads - Interim Intersection Upgrade' project and the 'Dakabin/Narangba - Old Gympie / Boundary Roads - Interim Intersection Upgrade' project. The tender closed on 19 December 2017 with four conforming tenders received.

It is recommended that Council award the contract to AllenCon Pty Ltd for the sum of \$319,797.29 (excluding GST).

**COMMITTEE RECOMMENDATION**

Moved by Cr Denise Sims

Seconded by Cr Adam Hain

CARRIED 13/0

That the tender for 'Burpengary - Burpengary / New Settlement Roads - Interim Intersection Upgrade and the Dakabin/Narangba - Old Gympie / Boundary Roads - Interim Intersection Upgrade (MBRC007028)' projects be awarded to AllenCon Pty Ltd for the sum of \$319,797.29 (excluding GST).

ITEM 4.2 BURPENGARY - BURPENGARY / NEW SETTLEMENT ROADS AND DAKABIN/NARANGBA - OLD GYMPIE / BOUNDARY ROADS - INTERIM INTERSECTION UPGRADES - TENDER - DIVISIONS 2, 7 AND 11 - A16413130 (Cont.)

**OFFICER'S RECOMMENDATION**

That the tender for 'Burpengary - Burpengary / New Settlement Roads - Interim Intersection Upgrade and the Dakabin/Narangba - Old Gympie / Boundary Roads - Interim Intersection Upgrade (MBRC007028)' projects be awarded to AllenCon Pty Ltd for the sum of \$319,797.29 (excluding GST).

**REPORT DETAIL**

**1. Background**

**Project Location 1 - New Settlement Road/Burpengary Road, Burpengary**

The project is located at the intersection of Burpengary Road and New Settlement Road, Burpengary. The scope of this project includes the signalisation of the north and south Burpengary Road approaches to the roundabout. The objective of the project is to improve intersection capacity and reduce delays and congestion currently experienced in peak traffic periods.



**Figure 1 - location of works**

**Project Location 2 - Old Gympie Road/Boundary Road, Dakabin**

The project is located at the intersection of Boundary Road and Old Gympie Road, Dakabin/Narangba. The scope of this project includes the signalisation of the southern Old Gympie Road approach and the eastern Boundary Road approach to the roundabout. The objective of the project is to improve intersection capacity and reduce delays and congestion expected in peak traffic periods following completion of the Department of Transport and Main Roads (TMR) interchange upgrade.



ITEM 4.2 BURPENGARY - BURPENGARY / NEW SETTLEMENT ROADS AND DAKABIN/NARANGBA - OLD GYMPIE / BOUNDARY ROADS - INTERIM INTERSECTION UPGRADES - TENDER - DIVISIONS 2, 7 AND 11 - A16413130 (Cont.)



Figure 2 - location of works

Works on both projects are expected to commence in late February 2018 and take approximately eight weeks to complete, weather permitting.

**2. Explanation of Item**

Tenders for the 'Burpengary - Burpengary / New Settlement Roads - Interim Intersection Upgrade and the Dakabin/Narangba - Old Gympie / Boundary Roads - Interim Intersection Upgrade (MBRC007028)' projects closed on 19 December 2017 with four conforming tenders received.

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

RANK	TENDERER	EVALUATION SCORE
1	AllenCon Pty Ltd	95.65
2	Civlec (Trafflec) Pty Ltd	92.81
3	Pensar Utilities Pty Ltd	91.76
4	Civlec (Trafflec) Pty Ltd (Alternate)	85.70

**AllenCon Pty Ltd** submitted a comprehensive and well-presented tender. AllenCon Pty Ltd demonstrated their relevant experience, methodology, understanding on the project and capability in delivering the project.

**Civlec (Trafflec) Pty Ltd** submitted a comprehensive and well-presented tender, demonstrating relevant similar experience; however there were no additional benefits for the higher price.

*ITEM 4.2 BURPENGARY - BURPENGARY / NEW SETTLEMENT ROADS AND DAKABIN/NARANGBA - OLD GYMPIE / BOUNDARY ROADS - INTERIM INTERSECTION UPGRADES - TENDER - DIVISIONS 2, 7 AND 11 - A16413130 (Cont.)*

**Pensar Utilities Ptd Ltd** submitted a comprehensive and well-presented tender; however there were no additional benefits for the higher price.

**Civlec (Trafflec) Pty Ltd** also submitted an alternative methodology tender; however there were no additional benefits for the higher price.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

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

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

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

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

**3.4 Risk Management Implications**

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

*Financial Risks:*

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

*Construction Risks:*

- a. The contractor will provide a program of works, traffic management plan, and safety plan and will be required to fence off the areas where construction is being undertaken to meet relevant workplace health and safety requirements as part of the contract.
- b. The contractor has demonstrated their understanding of the project and the need to manage the impact of the works on pedestrians and vehicles in accordance with the tender conditions.

**3.5 Delegated Authority Implications**

No delegated authority implications arising as a direct result of this report.

**3.6 Financial Implications**

Council has allocated a total of \$1.05M - \$650,000 (project 105505) and \$400,000 (project 105885) in the revised 2017/18 Capital Works budget.

Civil works (project 105505 Old Gympie/Boundary Rd)	\$ 430,367 (completed Dec 2017)
Tender price (signalisation two locations)	\$ 319,797.29
Contingency (10%)	\$ 31,979.73
QLeave	\$ 1,744.00
	-----
Total project cost	\$ 353,521.02
	=====
Estimated ongoing operational/maintenance costs	\$ 8,000 per F/Y.

The budget amount for this project is sufficient.

*ITEM 4.2 BURPENGARY - BURPENGARY / NEW SETTLEMENT ROADS AND DAKABIN/NARANGBA - OLD GYMPIE / BOUNDARY ROADS - INTERIM INTERSECTION UPGRADES - TENDER - DIVISIONS 2, 7 AND 11 - A16413130 (Cont.)*

3.7 Economic Benefit

The completion of the projects will improve traffic flow and safety for road users through both intersections at Boundary Road and Old Gympie Road and Burpengary Road and New Settlement Road.

3.8 Environmental Implications

Environmental implications of the project are minimal as the works are an upgrade to existing infrastructure. The contractor will be required to submit an Environmental Management Plan and comply with relevant State Government environmental policies. The contractor will be required to manage sediment and erosion controls during construction and these measures will also be monitored by Council.

3.9 Social Implications

The completion of the project will improve safety for road users through both intersections at Boundary Road and Old Gympie Road and Burpengary Road and New Settlement Road.

3.10 Consultation / Communication

A communication plan will be developed for the project which will include the positioning of VMS boards on site prior to and throughout the works to notify road users. Adjacent residents and businesses will be notified of the works by a project notice prior to the works commencing. Owners of properties where driveway access may be affected during construction will be contacted prior to commencement of works and consultation will be ongoing throughout construction.

## **ATTENDANCE**

Mr Syd Jerram left the meeting at 11.13am after consideration of item 4.2.

**5 PARKS, RECREATION & SPORT SESSION**

**(Cr Darren Grimwade)**

No items for consideration.

**6 LIFESTYLE & AMENITY SESSION**

**(Cr Matt Constance)**

**ITEM 6.1**

**LIBRARIES SUPPLY SHELF READY AV ITEMS - REGIONAL**

*Meeting / Session:* 6 LIFESTYLE & AMENITY  
*Reference:* A16409942 : 15 January 2018 - **Refer Supporting Information A16459247**  
*Responsible Officer:* CG, Manager Customer and Cultural Services (CES)

**Executive Summary**

Council's Library Service currently procures audio visual (AV) items (DVDs and CDs) via a vendor arrangement. The cataloguing and end processing of AV items, to make them ready for loan, is undertaken by library staff. Customer wait times for AV items can be reduced and efficiencies achieved if AV items were catalogued and end processed by vendors prior to supply.

Accordingly, tenders were invited for the 'Libraries Supply of Shelf Ready DVDs and CDs (VP80423)' project. The tender closed on 20 October 2017 with five conforming quotations received.

It is recommended that Council award the contract (VP80423) for the period of two years to James Bennett Pty Ltd as this tender was evaluated as representing the best overall value to Council.

**COMMITTEE RECOMMENDATION**

**Moved by Cr Koliانا Winchester**

**Seconded by Cr James Houghton**

**CARRIED 13/0**

**That the tender for supply of shelf ready DVDs and CDs be awarded to James Bennett Pty Ltd for a period of two years.**

ITEM 6.1 LIBRARIES SUPPLY SHELF READY AV ITEMS - REGIONAL - A16409942 (Cont.)

OFFICER'S RECOMMENDATION

That the tender for supply of shelf ready DVDs and CDs be awarded to James Bennett Pty Ltd for a period of two years.

**REPORT DETAIL**

**1. Background**

Council provides a lending collection of approximately 480,000 physical items, including 55,000 DVDs and 13,000 CDs. DVDs and CDs are popular and high use collections which provide a selection of the best and most in-demand titles of broad appeal to the Moreton Bay community. Currently new AV items require cataloguing and end processing by library staff before they can be made available to customers for loan.

The provision of shelf ready AV items means all cataloguing and end processing is completed by the vendor prior to delivery to Council. Council tendered for the provision of shelf ready DVDs and CDs to achieve overall efficiencies in the procurement and management of the libraries AV collections and provide customers with improved levels of service.

Shelf ready DVDs and CDs are available to customers for loan as soon as they are received in a branch and reduce customer wait times for reserved items. The provision of shelf ready AV items also reduces staff time spent managing the items, allowing branch staff to focus on more responsive customer service and collections staff to concentrate on print and digital items; decreasing those collection's processing time and achieving improved availability to customers. Overall MBRL customers will experience new audio visual stock reaching library shelves in much shorter time frames, with 80% of new titles being available within 7 days of release.

**2. Explanation of Item**

Tenders were invited for 'Libraries Supply of Shelf Ready DVDs and CDs (VP80423)' project. The tender closed on 20 October 2017, with five conforming quotations received. These tenders were assessed by the evaluation panel in accordance with Council's Purchasing Policy and the requirements set out in the tender documents (*refer Confidential Supporting Information*). The tender sought a service provision of two years with two one-year options.

The below table indicates the outcome of the evaluation process:

RANK	TENDERER	EVALUATION SCORE
1	Peter Pal Library Supplier	Score: 100
2	James Bennett Pty Ltd	Score: 94.01
3	Digital Education Services Pty Ltd	Score: 93.09
4	KL Media	Score: 86.18
5	MDM Entertainment Pty Ltd	Score: 83.41

The following observations were made by the tender evaluation panel:

**Peter Pal Library Supplier** have been providing materials and services to libraries for over 35 years. They provided a detailed submission and demonstrated a clear understanding of the tender requirements. A detailed implementation plan was provided, including quality management processes. All services are provided in-house with experienced staff.

**James Bennett Pty Ltd** have been providing materials and services to libraries for over 40 years. They provided a detailed submission and demonstrated a clear understanding of the tender requirements. A detailed implementation plan was provided including quality management processes. All services are provided in-house with experienced staff.

*ITEM 6.1 LIBRARIES SUPPLY SHELF READY AV ITEMS - REGIONAL - A16409942 (Cont.)*

**Digital Education Services Pty Ltd** have been providing materials and services to libraries for over 30 years. They provided a detailed submission and demonstrated a clear understanding of the tender requirements. A detailed implementation plan was provided including quality management processes. All services are provided in-house with experienced staff.

**KL Media** have been providing materials and services to libraries for over 18 years. They provided a detailed submission and demonstrated a clear understanding of the tender requirements. An implementation plan was provided including quality management processes. Cataloguing and end processing is sub-contracted. KL Media currently supply DVDs and CDs to Council's Library Service.

**MDM Entertainment Pty Ltd** have been providing materials and services to libraries for over 10 years. They provided a detailed submission and demonstrated a clear understanding of the tender requirements. An implementation plan was provided including quality management processes. All services are provided in-house with experienced staff.

James Bennett Pty Ltd and Digital Education Services Pty Ltd each attended a clarification meeting to review specification requirements and clarify any remaining operational concerns.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

Due to the expected value of the contract being greater than \$200,000, Council called a public tender in accordance with the *Local Government Act 2009*.

#### 3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities.

#### 3.3 Policy Implications

This project/contract/initiative has been procured/sourced in accordance with the provisions of the following:

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

#### 3.4 Risk Management Implications

A risk assessment has been completed within the procurement planning stage (probity plan) to make an overall judgement of the procurement risks to ensure that the probity requirements are commensurate with the value, complexity, and sensitivity associated with this procurement.

The following issue was identified and the possible impact of this risk has been mitigated or minimised as detailed below.

*Financial:*

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

#### 3.5 Delegated Authority Implications

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

#### 3.6 Financial Implications

AV item (DVDs and CDs) purchases are budgeted within the Collections budget (20690.000.22019) which is funded by the Public Library Grant from the State Library of Queensland.

Cataloguing and end processing is budgeted within the Collections End Processing budget (20789.000.22004).

*ITEM 6.1 LIBRARIES SUPPLY SHELF READY AV ITEMS - REGIONAL - A16409942 (Cont.)*

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

The provision of a high-quality library service connects people with information, technology, experiences and each other and promotes communities that are connected, creative, innovative and economically successful.

3.10 Consultation / Communication

Director Community and Environmental Services.



**7 ECONOMIC DEVELOPMENT & TOURISM SESSION**

(Cr Julie Greer)

No items for consideration.

**8 GENERAL BUSINESS**

**ITEM 8.1  
SANDSTONE POINT HOTEL - CONCERT - REGIONAL  
(AS)**

Cr Allan Sutherland (Mayor) mentioned he had attended the concert held at Sandstone Point Hotel on 9 January 2018, in his capacity of Mayor of Moreton Bay Regional Council in relation to noise monitoring.

The Mayor noted the favourable comments he had received about this venue from attendees at the concert who were from the local and broader communities. The Mayor also noted the financial benefits that these events bring to the local community as well as to the region as a whole.

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**CLOSURE**

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There being no further business the Chairperson closed the meeting at 11.34am.