



REPORT

Coordination Committee Meeting

Tuesday 13 February 2018

commencing at 10.38am

Strathpine Chambers
220 Gympie Road, Strathpine

ENDORSED GM20180213

CHAIRPERSON'S REPORT

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

COUNCILLOR ALLAN SUTHERLAND (MAYOR)
CHAIRPERSON
COORDINATION COMMITTEE

Adoption Extract from General Meeting – 13 February 2018 (Page 18/149)

**12.1 Coordination Committee Meeting - 13 February 2018
(Pages 18/151 - 18/260)**

RESOLUTION

Moved by Cr James Houghton

Seconded by Cr Adrian Raedel

CARRIED 13/0

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

LIST OF ITEMS

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REPORT DETAIL	

4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr Peter Flannery)

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

6 LIFESTYLE & AMENITY SESSION (Cr Matt Constance)

7 ECONOMIC DEVELOPMENT & TOURISM SESSION (Cr Julie Greer)

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COMMITTEE RECOMMENDATION

CLOSURE

ATTENDANCE & APOLOGIES

Attendance:

Committee Members:

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

Officers:

Chief Executive Officer	(Mr Daryl Hitzman)
Director Executive & Property Services	(Ms Anne Moffat)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Planning & Economic Development	(Mr Stewart Pentland)
Manager Development Services	(Ms Kate Isles)
Team Leader Planning	(Mr Marco Alberti)
Manager Engineering	(Mr David Meyer)
Senior Planner	(Mr Blayne Magnar)
Accounting Services Manager	(Mr Denis Crowe)
Meeting Support Officer	(Hayley Kenzler)

Apologies:

Nil

The Mayor is the Chairperson of the Coordination Committee.

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

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

1 GOVERNANCE SESSION

(Cr Allan Sutherland, Mayor)

**ITEM 1.1
COUNCIL POLICIES - REGIONAL**

Meeting / Session: 1 GOVERNANCE

Reference: A16533952 : 2 February 2018 - Refer Supporting Information A16420886 & A15962310

Responsible Officer: HK, Executive Support Officer (EPS Executive Services)

Executive Summary

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

The purpose of this report is to seek Council's consideration of two Policies, as follows:

- 2150-018 - Film Production on Council-controlled Land;
 - 2150-074 - Drug and Alcohol;
- and the rescission of Policy 12-2150-061 - Use of the Moreton Bay Region Business Database.

COMMITTEE RECOMMENDATION

Moved by Cr Julie Greer

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 13/0

1. That the following policies, be adopted, as appearing in the supporting information to this report:
 - a) 2150-018 - Film Production on Council-controlled Land; and
 - b) 2150-074 - Drug and Alcohol.
2. That Policy 12-2150-061 - Use of the Moreton Bay Region Business Database be rescinded.

ITEM 1.1 COUNCIL POLICIES - REGIONAL - A16533952 (Cont.)

OFFICER'S RECOMMENDATION

1. That the following policies, be adopted, as appearing in the supporting information to this report:
 - a) 2150-018 - Film Production on Council-controlled Land; and
 - b) 2150-074 - Drug and Alcohol.
2. That Policy 12-2150-061 - Use of the Moreton Bay Region Business Database be rescinded.

REPORT DETAIL

1. Background

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

2. Explanation of Item

As part of Council's review process, it has been necessary to update the following two policies for relevance, references made to legislation and other administrative amendments:

- 2150-018 - Film Production on Council-controlled Land - 2 August 2016
- 2150-074 - Drug and Alcohol - 8 October 2013.

It has also been identified that Policy 12-2150-061 - Use of the Moreton Bay Region Business Database is no longer relevant to Moreton Bay Regional Council and is recommended for rescission. The Moreton Bay Region Business Database is now managed separately by Moreton Bay Region Industry and Tourism. As Council is no longer responsible for the maintenance of this data, it is necessary to rescind the associated Policy.

3. Strategic Implications

3.1 Legislative/Legal Implications

Council's Policies are established and maintained in accordance with the *Local Government Act 2009*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

This report seeks the adoption of amended Policies 2150-018 - Film Production on Council-controlled Land and 2150-074 - Drug and Alcohol, and the rescission of Policy 12-2150-061 - Use of the Moreton Bay Region Business Database.

3.4 Risk Management Implications

These Policies ensure that Council fulfils all relevant legal obligations and the safety of its employees and residents of the Moreton Bay Region.

3.5 Delegated Authority Implications

There are no delegated authority implications associated with this report.

3.6 Financial Implications

Costs associated with Filming on Council-controlled land are in accordance with Council's Fees & Charges schedule.

3.7 Economic Benefit

Council supports Film Production and the economic benefit it provides to the Moreton Bay Region.

3.8 Environmental Implications

There are no environmental implications associated with this report.

ITEM 1.1 COUNCIL POLICIES - REGIONAL - A16533952 (Cont.)

3.9 Social Implications

There are no social implications associated with this report.

3.10 Consultation / Communication

Councillors and the Executive Management team.

ATTENDANCE

Ms Kate Isles and Mr Marco Alberti attended the meeting at 10.41am for discussion on Item 2.1.

2 PLANNING & DEVELOPMENT SESSION

(Cr Mick Gillam)

ITEM 2.1

DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10

APPLICANT: NBN C/- Aurecon Australasia
OWNER: Mr David King & Dian King

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A16458786 : 15 January 2018 – Refer Supporting Information A16463291
Responsible Officer: RC, Senior Development Planner (PED Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	NBN C/- Aurecon Australasia
Lodgement Date:	26 May 2017
Properly Made Date:	5 June 2017
Confirmation Notice Date:	5 June 2017
Information Request Date:	21 June 2017
Info Response Received Date:	19 October 2017
Decision Due Date	7 February 2018
No. of Submissions:	Properly Made: One (1) Not Properly Made: Nil

PROPERTY DETAILS	
Division:	10
Property Address:	40 Albert Road, DRAPER 4520
RP Description	Lot 2 RP 866726
Land Area:	33,070m ²
Property Owner	Mrs Dian L King and Mr David A King

STATUTORY DETAILS	
Planning Legislation:	<i>Sustainable Planning Act 2009</i>
Planning Scheme:	Moreton Bay Regional Council Planning Scheme
Planning Locality / Zone	Rural Residential Zone
Level of Assessment:	Impact Consistent

The applicant seeks a Development Permit for a Material Change of Use for a Telecommunications facility at 40 Albert Road, Draper. The site is located within the Rural Residential zone with a site area of 33,070m². The site contains an existing Dwelling and associated infrastructure.

The proposed Telecommunications facility includes a 45.00 metre monopole, five parabolic antennas affixed to the monopole and six panel antenna affixed to the headframe achieving a maximum height of 46.00 metres. The proposed facility is a part of the NBN network. The Telecommunications facility will provide wireless internet connectivity (broadband) to the surrounding residents as well as providing a critical connection point between multiple adjoining fixed wireless facilities via the transmission network.

Access to the Telecommunications facility is from Albert Road, via an existing driveway past the Dwelling to the rear of the site near Eatons Crossing Road. An access restriction strip prevents access from Eatons Crossing Road.

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

The site is mapped as MSES - Matters of State Environmental Significance and the applicant seeks to clear approximately 373m² of native vegetation to support the development.

The application was publicly advertised with one properly made submission received. The proposed development is consistent with the intent of the MBRC Planning Scheme, and is recommended to be approved, subject to conditions.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Peter Flannery

CARRIED 13/0

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

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

OFFICER'S RECOMMENDATION

- A. That in accordance with the *Sustainable Planning Act 2009*, the development application for a Material Change of Use - Development Permit for a Telecommunication Facility at 40 Albert Road, Draper, described as Lot 2 RP866726 be approved, subject to the following plans/documents and conditions:

Approved Plans and Documents			
Plan / Document Name	Reference Number	Prepared By	Dated
Overall Site Plan	4MCH-51-03-DRAP-C2 Revision 03	Aurecon	26.04.2017
Site Setout Plan	4MCH-51-03-DRAP-C3 Revision 06	Aurecon	26.04.2017
Site Elevations and Details	4MCH-51-03-DRAP-C4 Revision 06	Aurecon	26.04.2017
NBN Antenna Configuration and Setout Plan	4MCH-51-03-DRAP-C4 Revision 05	Aurecon	26.04.2017
Vegetation management plan	Reference 247473 Revision 1	Aurecon	12 October 2017
Ecological Assessment Report	Reference 247473 Revision 1	Aurecon	12 October 2017

Conditions

CONDITION	TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT	
DEVELOPMENT PLANNING	
1	Approved Plans and/or Documents
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.
2	DPU Minimum set
	Ensure a minimum setback of 10.00 metres from the fenced compound (the facility) and the boundary of Lot 2 RP202551 (<i>access restriction strip - Eatons Crossing Road</i>). Note: Nothing in this Condition prevents a greater setback from Lot 2 RP202551 Eatons Crossing Road.
3	Amenity of the Area
	Carry out the use so that there is no detrimental effect on the amenity of any person or property, resulting from the emission of noise, vibration, odour, air pollutants, glare, waste water, waste products, grit, oil or otherwise.
4	Colour of Telecommunications Facility
	Ensure that the telecommunication facility and associated equipment shelter is painted with a colour that blends with

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	<p>the adjacent bushland vegetation and complies with the colour range detailed as follows unless otherwise approved by Council in writing:</p> <p>(a) Registered Colourbond 'Pale Eucalypt' non-reflective paint:</p> <p style="text-align: center;">OR</p> <p>(b) Acceptable colours from Australian Standard AS2700s - 1996 or equivalent that are appropriate for highly visible surfaces as they are considered to be harmonious with the natural landscape listed below:</p> <ul style="list-style-type: none"> (i) G52 -Eucalyptus (ii) N32 - Green Gray (iii) N35 - Light Grey (iv) G53 - Banksia (v) G54 - Mist Green (vi) G56 - Sage Green (vii) N45 - Koala Gray (viii) Y63 - Khaki (ix) G55 - Lichen 	
5	Warning Sign	
	Install a warning information sign at the entrance to the lease area to prevent unauthorized entry.	Prior to commencement of the use and to be maintained at all times.
6	Security Fencing	
	<p>Erect a security fence, with a maximum height of 2.4m, along all sides of the lease area.</p> <p>Fencing is to ensure it doesn't contribute to entrapment of native fauna within the site.</p>	Prior to commencement of the use and to be maintained at all times.
7	Noise	
	<p>Ensure air conditioning equipment is located, designed, installed and maintained to achieve a component noise level of 0dB(A) above background noise level when measured at an affected building for a noise sensitive use.</p> <p>Notes: The component noise level for the equipment is to be measured as an $L_{A90, T}$.</p> <p>'Background Noise Level' means $L_{A90, T}$ being the A-weighted sound pressure level exceeded for 90 percent of the time period not less than 15 minutes using fast response.</p>	Prior to the commencement of use and to be maintained at all times.

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
8	Development Footprint	
	Ensure that the extent of all development on site is contained within the approved Development Footprint, unless variations are approved in writing by the Council. The Development Footprint has been established to address encroachment within a high value area (MSES).	To be maintained at all times.
9	No Net Loss of Fauna Habitat	
	Development does not result in the net loss of fauna habitat. Where development does result in the loss of a Habitat Tree, development will provide replacement fauna nesting boxes at the following rate: (a) One (1) nest box for every hollow removed; or (b) Where hollows have not yet formed in trees greater than 80cm in diameter at 1.3m height, three (3) nest boxes are required for every habitat tree removed.	Prior to the commencement of use.
10	Extent of Vegetation Clearing	
	Clearing of native vegetation must be limited to that which is approved and detailed within Figure 2 of the Vegetation Management Plan dated 12 October 2017.	Prior to and during site works and to be maintained.
11	Disposal of Cleared Vegetation	
	Chip, shred or tub grind cleared native vegetation and spread as mulch or dispose of at an authorised waste facility. Any hollows observed in cleared vegetation must be salvaged and installed as nest boxes in trees within the property.	At all times.
12	Stockpiles of Construction and Landscaping Materials	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, roadway or into any drain, wetland or watercourse.	During site works.
13	Temporary Exclusion Fencing	
	Delineate areas where vegetation is proposed to be retained with exclusion fencing to prevent accidental felling. Clearing is to be undertaken in accordance with AS 4970-2009 Protection of Trees on Development Sites.	During site works.
14	Replacement Planting Plan Required	

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
A	Submit to Council for approval a Replacement Planting Plan. The plan must be prepared by a suitably qualified person and address the replacement of the thirty-eight (38) individual trees (native vegetation) being removed. The plan is to detail: <ul style="list-style-type: none"> (a) the use of advanced nursery stock; (b) species are to be consistent with that being removed; (c) the maintenance period is to be for a twelve (12) month period as a minimum; (d) Replacement of failed replacement planting within the first twelve month period; and (e) weed management in disturbed areas associated with the development, including the access road (twelve month period). 	Prior to site works commencing.
B	Implement the requirements of the approved plan.	During site works and to be maintained.
15	Disturbed Ground - Rehabilitated	
A	All disturbed areas of the site associated with the telecommunication facility, are to be rehabilitated. To avoid any confusion, this includes the access way, the disturbance area west of the proposed compound identified in Figure 3 - Disturbance footprint area of the Ecological Assessment Report. Disturbed areas not suitable to receive replacement plantings are to be rehabilitated to 80% cover with native grasses and/or ground covers consistent with the relevant regional ecosystem.	During site works and to be maintained.
B	Submit a Rehabilitation Plan detailing the response to A including a minimum twelve month maintenance period and weed management. The submitted Rehabilitation Plan may incorporate the Replacement Planting Plan.	Prior to site works commencing.
C	Implement the requirements of the approved plan.	
16	Replace Existing Council Infrastructure	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of construction works, to a standard which is consistent with Council's standards.	Prior to commencement of use.
17	Alterations and Relocation of Existing Services	
	Any alteration or relocation in connection with or arising from the development to any service, installation, plant, equipment or other item belonging to or under the control of the telecommunications authority, electricity authorities, the Council or other person engaged in the provision of public	Prior to commencement of use.

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

CONDITION		TIMING
MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT		
DEVELOPMENT PLANNING		
	utility services is to be carried with the development and at no cost to Council.	
18	Landslide Hazard Assessment	
A	A site specific geotechnical analysis shall be undertaken by a suitably qualified registered professional engineer Queensland (RPEQ) to demonstrate the development has minimal risk to the safety of people, property and hazardous materials manufactured or stored by landslide. Refer to Planning Scheme Policy - Landslide Hazard.	Prior to obtaining building permits for the proposed structures on the land.
B	Provide certification from a Registered Professional Engineer Queensland (RPEQ) to the Building Certifier that demonstrates the building work has been designed in accordance with the recommendations of the geotechnical stability assessment.	Prior to obtaining building permits for the proposed structures on the land.

ADVICES	
1	Aboriginal Cultural Heritage Act 2003
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. Under the Act, indigenous parties are key in assessing cultural heritage significance.</p> <p>The <i>Aboriginal Cultural Heritage Act 2003</i> establishes a Duty of Care for indigenous cultural heritage. This applies on all land and water, including freehold land. The Cultural Heritage Duty of Care lies with the person or entity conducting the activity.</p> <p>Penalty provisions apply for failing to fulfil the Cultural Heritage Duty of Care.</p> <p>Those proposing an activity that involves additional surface disturbance beyond that which has already occurred on the proposed site need to be mindful of the Duty of Care requirement.</p> <p>Details of how to fulfill the Duty of Care are outlined in the Duty of Care Guidelines gazetted with the Act.</p> <p>Council strongly advises that you contact the relevant state agency to obtain a copy of the Duty of Care Guidelines and further information on the responsibilities of developer under the terms of the <i>Aboriginal Cultural Heritage Act 2003</i>.</p>

- B. That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.
- C. That the following information be included in the Decision Notice:

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Development Permit for Telecommunications Facility.
Relevant Period of Approval	Material Change of Use – 4 years.
Section 331 Deemed Approval	Not applicable.
Superseded Planning Scheme	Not applicable.
Preliminary Approval Overriding the Planning Scheme	Not applicable.
Other Necessary Permits	Building Works – Development Permit.
Codes for Self-Assessable Development	Not applicable.
Conflict with Laws and Policies and Reasons for the Decision Despite the Conflict	Not applicable.
IDAS Referral Agencies	Department of Infrastructure Local Government and Planning.
Submissions	One (1) properly made submission.

REPORT DETAIL

1. Background

There is no previous record of any development application over the site.

2. Explanation of Item

2.1 Description of the Site and Surrounds

The site is improved by a Dwelling house and associated structures. Access to the facility is proposed to be from Albert Road via the existing driveway past the Dwelling, then along an existing internal track generally heading south towards Eatons Crossing Road within the middle of the property.

Directions	Planning Scheme Zone	Current Land Use
North	Rural Residential	Dwelling
South	Rural Residential	Dwelling
East	Rural Residential	Dwelling
West	Rural Residential	Dwelling

2.2 State Planning Instrument Assessment

2.2.1 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.

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Name	Designation	Applicable Requirements
South East Queensland Koala Conservation State Planning Regulatory Provisions	Priority Koala Assessable Development Area	The site is located in a Priority Koala Assessable Development Area. An assessment as to how the development satisfies the provisions in the State Planning Regulatory Provisions has been undertaken, and the proposal is consistent. In this instance, under the <i>South East Queensland Koala Conservation State Planning Regulatory Provisions, Table 6, 2(a.)</i> clearing of native vegetation that will result in a total cleared area of less than 500m ² is not triggered as assessable development.
Southeast Queensland Regional Plan 2009-2031 (SEQRP) State Planning Regulatory Provisions - May 2014 Version	Rural Living Area	The development proposal is for a Material Change of Use in the Regional Landscape and Rural Production Area. An assessment against the applicable assessment criteria of the SEQRP has been undertaken, and the proposal is consistent. The proposal is not for an Urban Purpose and therefore complies.

2.2.2 State Planning Policy

On 16 November 2015, notification was given to Council that all State Interests had been integrated into the Moreton Bay Regional Council 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 <input type="checkbox"/> No	None	Not applicable

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

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

2.3.1 Strategic Framework

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

2.3.2 Assessment of Applicable Codes

Code Compliance Summary

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

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

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

Applicable Codes	Compliance with Overall Outcomes	Performance Outcomes assessment is required against
Zone/ Local Plan Code		
Rural Residential Zone Code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PO3, PO81, PO82, PO88, PO92

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

2.3.3 Performance Outcome Assessment

Performance Outcome	Acceptable Outcome
Rural residential Zone Code	
PO3 Building and structure height: <ul style="list-style-type: none"> a. is consistent with the low rise built form and open area character and amenity values anticipated in the Rural residential zone; b. does not unduly impact on access to sunlight, overshadowing or privacy experienced by adjoining properties; c. is not visually dominant or overbearing; d. does not adversely affect the operation of aviation facilities at Mt Glorious (See Overlay map - Major infrastructure) by adopting design or on-site management measures that: <ul style="list-style-type: none"> i. ensures a physical line-of-sight between transmitting or receiving devices. ii. ensure electromagnetic fields do not interfere with the functioning of the aviation facility. 	AO3 Unless otherwise specified in this code, the building height of all buildings and structures does not exceed 5m.
<i>Performance Outcome Assessment</i>	
The applicant seeks to construct a 45.00-metre-high monopole with a maximum equipment height of 46.00 metres. By its very nature the proposed facility is not consistent with low rise built form anticipated in the Rural Residential zone.	
In this instance, the proposed development cannot comply or be conditioned to comply with the Performance Outcome. An assessment against the Overall Outcomes of the Rural Residential Zone Code is required.	
PO81	AO81.2 In all other areas towers do not exceed 35m in height.

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

Performance Outcome	Acceptable Outcome
<p>The Telecommunications facility does not have an adverse impact on the visual amenity of a locality and is:</p> <ul style="list-style-type: none"> a. high quality design and construction; b. visually integrated with the surrounding area; c. not visually dominant or intrusive; d. located behind the main building line; e. below the level of the predominant tree canopy or the level of the surrounding buildings and structures; f. camouflaged through the use of colours and materials which blend into the landscape; g. treated to eliminate glare and reflectivity; h. landscaped; i. otherwise consistent with the amenity and character of the zone and surrounding area. 	<p>AO81.4 All structures and buildings are setback behind the main building line and a minimum of 10m from side and rear boundaries, except where in the Industry and Extractive industry zones, the minimum side and rear setback is 3m.</p> <p>Where there is no established building line the facility is located at the rear of the site.</p>
<i>Performance Outcome Assessment</i>	
<p>The applicant seeks an alternative outcome to Acceptable Outcome AO81.2 of the Rural residential zone Code. It is proposed to establish a 45.00m monopole on the site with maximum height of 46.00m, in lieu of a maximum height nominated at AO81.2 of 35.0m.</p> <p>The recommendations of this report include conditions requiring colours and materials of the structure to be commensurate with the natural tones of the area and treated to eliminate glare. This will limit the visual impact of this prominent structure. Despite this, the proposed facility will exceed the predominant tree canopy.</p> <p>In this instance, the proposed development cannot comply or be conditioned to comply with the Performance Outcome. An assessment against the Overall Outcomes of the Rural Residential Zone Code is required.</p> <p>In relation to AO81.4, the submitted plans do not include a dimensioned setback to the rear boundary of the site. A recommendation of this report is that the siting of the facilities achieves a setback to the rear boundary of a minimum 10.00 metres.</p>	
<p>PO82 Lawful access is maintained to the site at all times that does not alter the amenity of the landscape or surrounding uses.</p>	<p>AO82 An Access and Landscape Plan demonstrates how 24 hour vehicular access will be obtained and maintained to the facility in a manner that is appropriate to the site's context.</p>
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes an alternative outcome to Acceptable Outcome AO82 of the Rural Residential zone Code. The application does not include an Access and Landscape Plan demonstrating 24-hour access.</p> <p>It is proposed to gain access to the facility by utilising the existing driveway on site serving the existing Dwelling. This represents lawful access to the property as well as the facility, and provides unobstructed access at all times. This access does not alter the amenity or landscape of the surrounding uses.</p>	

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

Performance Outcome	Acceptable Outcome
In this instance, the proposed alternative outcome is accepted as achieving the Performance Outcome.	
<p>PO88 Development:</p> <ul style="list-style-type: none"> a. minimises the number of buildings and people working and living on a site exposed to bushfire risk; b. ensures the protection of life during the passage of a fire front; c. is located and designed to increase the chance of survival of buildings and structures during a bushfire; d. minimises bushfire risk from build up of fuels around buildings and structures; e. ensure safe and effective access for emergency services during a bushfire. 	<p>AO88.2 Buildings and structures have contained within the site:</p> <ul style="list-style-type: none"> a. a separation from classified vegetation of 20m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or fire fighting water supply of no more than 29, whichever is the greater; b. a separation from low threat vegetation of 10m or the distance required to achieve a bushfire attack level (BAL) at the building, roofed structure or fire fighting water supply of no more than 29, whichever is the greater; c. a separation of no less than 10m between a fire fighting water supply extraction point and any classified vegetation, buildings and other roofed structures; d. an area suitable for a standard fire fighting appliance to stand within 3m of a fire fighting water supply extraction point; and e. an access path suitable for use by a standard fire fighting appliance having a formed width of at least 4m, a cross-fall of no greater than 5%, and a longitudinal gradient of no greater than 25%: <ul style="list-style-type: none"> i. to, and around, each building and other roofed structure; and ii. to each fire fighting water supply extraction point. <p>Note - The meaning of the terms classified vegetation and low threat vegetation as well as the method of calculating the bushfire attack level are as described in Australian Standard AS 3959</p>
<i>Performance Outcome Assessment</i>	
The proposed facility is located adjacent to existing vegetation and does not achieve the separation distances outlined above.	

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

Performance Outcome	Acceptable Outcome
<p>The structure is designed to be resilient to bushfire damage and does not increase the bushfire risk as there is no sparks, open flame or undue heat.</p> <p>The use, for a Telecommunications facility, does not increase the number of people living or working within the area and therefore will not increase the risk or impact of the natural hazard. The cables associated with the facility are proposed to be enclosed within a galvanised casing and ensure that the equipment cabinet and meter board (for electricity) are designed to resist ember penetration.</p> <p>Enforcing a cleared vegetation separation area around the Telecommunications facility would require the removal of existing vegetation, that is otherwise proposed to be maintained to aid in the screening of the proposed facility and minimise the impacts of development on the locality.</p> <p>The development complies with Performance Outcome PO88 and is accepted in this instance.</p>	
<p>PO92 Development avoids locating in a High Value Area or a Value Offset Area. Where it is not practicable or reasonable for development to avoid establishing in these areas, development must ensure that:</p> <ol style="list-style-type: none"> a. the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area is maintained and not lost or degraded; b. on-site mitigation measures, mechanisms or processes are in place demonstrating the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area are maintained. For example, this can be achieved through replacement, restoration or rehabilitation planting as part of any proposed covenant, the development of a Vegetation Management Plan, a Fauna Management Plan, and any other on-site mitigation options identified in the Planning scheme policy - Environmental areas*. <p>* Editor's note - This is not a requirement for an environmental offset under the Environmental Offsets Act 2014.</p>	<p>No Acceptable Outcome provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The southern part of site is mapped as MSES - Matters of State Environmental Significance. The applicant seeks to clear approximately 373m² of a native bushland, including 28 non-juvenile Koala Habitat Trees. As part of the material in support of the development the applicant included an ecological assessment and vegetation management plan.</p> <p>Appropriately conditioned to include revegetation of the site to achieve “no-net loss” of 28 non-juvenile Koala Habitat Trees and management of the construction phase of the development to protect fauna habitat, the development accords with the Performance Outcome.</p>	

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

2.3.4 Overall Outcome Assessment

The development proposal does not comply with Performance Outcome PO3 and PO81 of the Rural Zone Code. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows:

Rural Residential Zone Code - Section 6.2.11		
Overall Outcomes	Complies Y/N	Comments
a. A range of larger lots used primarily for residential (lifestyle) activities with limited provision of infrastructure. Residential uses are limited to a single dwelling house per allotment. A secondary dwelling is permitted provided it functions and appears subordinate to the principal dwelling house.	Yes	The Telecommunications facility represents a limited provision of infrastructure, consistent with the Overall Outcome.
b. The ongoing operation of existing rural uses and primary production activities is retained. Rural uses and primary production activities establish where they do not adversely impact on the use, character and amenity values of adjoining properties.	Yes	The siting of the Telecommunications facility will not compromise the function of the existing land use, being a domestic Dwelling.
c. Development maintains a distinct and recognisable transition between more intensively urbanised areas of the region, and the region's largely undeveloped rural hinterland.	Yes	The proposal will not disrupt the transition between more urbanised areas and largely undeveloped rural areas.
d. Development does not detrimentally impact upon the low density, low intensity and open area character and amenity associated with the Rural residential zone.	Yes	The proposed Telecommunications facility consists of a 46.0 metre tower (when measured from the natural ground) inclusive of the panel antennas. It is of a slim monopole construction that allows for visual permeability. It is acknowledged that the structure is significantly taller than the existing surrounding built form and the existing vegetation, however this has been reduced by the siting of the facility to the rear of the site and in proximity to existing mature trees and within a landscape of varied topography to help reduce the visual intrusion.
e. Development does not fragment, pre-empt or compromise the potential for development in areas identified as potential future growth fronts for urban purposes beyond the life of the planning scheme.	Yes	The proposal will not compromise future development opportunities of the land, nor the existing use of the land for a dwelling house.
f. Development does not adversely affect the operation of aviation facilities at Mt Glorious (See Overlay map -	N/A	N/A

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

Rural Residential Zone Code - Section 6.2.11		
Overall Outcomes	Complies Y/N	Comments
Infrastructure buffers). This aviation facility comprise a VHF beacon.		
g. Home based business establish where the scale and intensity of the activity does not detrimentally impact upon the low density, low intensity and open area character and amenity associated with the Rural residential zone.	N/A	N/A
h. Retail and commercial activity group uses establish within existing Neighbourhood Hubs (see Overlay map - Community activities and neighbourhood hubs). Redevelopment or development within existing Neighbourhood Hubs occurs where: <ul style="list-style-type: none"> i. development does not result in nuisance or amenity impacts on adjoining residents or the wider streetscape; ii. development is small scale, low intensity and consistent with the rural residential character and amenity associated with the particular Neighbourhood hub; and iii. development associated with retail and commercial activity group activities does not involve the expansion of existing Neighbourhood hubs onto adjoining lots. 	N/A	N/A
i. Community activity group uses establish within existing Community Activities locations (see Overlay map - Community activities and neighbourhood hubs). Community activity group activities may only establish on lots that immediately adjoin existing Community activities and neighbourhood hubs only. Redevelopment or development within existing Community Activities locations, or on lots immediately adjoining Community activities and neighbourhood hubs occurs where: <ul style="list-style-type: none"> i. development does not result in nuisance or amenity impacts on adjoining residents or the wider streetscape; and ii. development is small scale, low intensity and consistent with the rural residential character and amenity 	N/A	N/A

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

Rural Residential Zone Code - Section 6.2.11		
Overall Outcomes	Complies Y/N	Comments
associated with the particular Community Activities location.		
j. Development generating high volumes of traffic or involving heavy vehicle traffic movements are located on roads of a standard and capacity to accommodate traffic demand.	N/A	The proposed development being a Telecommunications facility will not generate high volumes of traffic to or from the site.
k. Development does not result in the establishment of industrial activities.	Yes	Industry uses are not proposed.
<p>l. General works associated with the development achieves the following:</p> <ul style="list-style-type: none"> i. a high standard of electricity, telecommunications, roads, sewerage, water supply and street lighting services is provided to new developments to meet the current and future needs of users of the site; ii. the development manages stormwater to: <ul style="list-style-type: none"> A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters; B. prevent stormwater contamination and the release of pollutants; C. maintain or improve the structure and condition of drainage lines and riparian areas; D. avoid off-site adverse impacts from stormwater. iii. the development does not result in unacceptable impacts on the capacity on the capacity and safety of the external road network; iv. the development ensures the safety, efficiency and useability of access ways and parking areas; v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment. 	Yes	<p>The proposed works include the provision of a new underground electricity line to the proposed Telecommunications facility; maintaining the amenity on site.</p> <p>Stormwater discharge from the development will not have an impact on downstream receiving waters, cause contamination or have any other impacts.</p> <p>The development will not generate traffic numbers that will unacceptably impact the safety and capacity of the external road network.</p> <p>The proposed access to and from the site is safe and efficient.</p> <p>A detailed outline of the construction process has been included within the application and complies.</p>
m. Activities associated with a use do not cause a nuisance by way of	Yes	The recommendations of this report include a condition to ensure the

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

Rural Residential Zone Code - Section 6.2.11		
Overall Outcomes	Complies Y/N	Comments
aerosols, fumes, light, noise, odour, particles or smoke;		ongoing compliance with this requirement.
n. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.	Yes	The use is not a noise-generating use. Albeit, the recommendations of this report include a condition to ensure the ongoing compliance with this requirement.
o. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	N/A	The use is not a noise-sensitive use.
p. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.	N/A	Development is not within a water supply buffer.
q. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by: <ul style="list-style-type: none"> i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment; ii. ensuring no further instability, erosion or degradation of the land, water or soil resource; iii. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012. iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through: 	Yes	<p>The development adopts a least risk / least impact approach by concentrating the development within an existing disturbed area of the site.</p> <p>The development will not result in the further instability or degradation of the land.</p>

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

Rural Residential Zone Code - Section 6.2.11		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> A. the provision of replacement, restoration, rehabilitation planting and landscaping; B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes; C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014. v. protecting native species and protecting and enhancing species habitat; vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance; vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities; viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat; ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure; x. ensuring effective and efficient disaster management response and recovery capabilities; xi. where located in an overland flow path: <ul style="list-style-type: none"> A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety; B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks 		

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Rural Residential Zone Code - Section 6.2.11		
Overall Outcomes	Complies Y/N	Comments
<p>to property associated with the overland flow;</p> <p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
<p>r. Development in the Rural residential zone includes one or more of the following:</p> <ul style="list-style-type: none"> • Telecommunications Facility 	Yes	Proposal is for a Telecommunications facility and complies.

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

2.4 Trunk Infrastructure

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

2.4.1 *Levied Charge*

In accordance with section 7(a), Table 2 of the CR, a Levied Charge is not applicable for Council's Trunk Infrastructure Networks as the development proposal is Exempt.

2.4.2 *Additional Trunk Infrastructure Costs*

In accordance with section 650 of the *Sustainable Planning Act 2009*, an additional payment condition may be imposed if the proposed development;

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

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

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

2.5 Recording of particular approvals on the MBRC Planning Scheme

Not Applicable in this instance.

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

2.6 Referrals

2.6.1 *Council Referrals*

2.6.1.1 *Development Engineering*

Site Access

Access to the site is proposed via an existing driveway on Albert Road which is a cul-de-sac. Traffic for this facility will only approach and leave from the south. Sight distances for drivers in this location are good.

Landslide

The site is mapped in the Landslide Hazard Area. Slope of the land appears to exceed 15%. The recommendations of this report include a condition regarding assessment of landslide hazard.

2.6.1.2 *Environmental Planning*

SEQ Koala Conservation - State Planning Regulatory Provisions

As part of the material in support of the development the applicant undertook an assessment of the extent of vegetation clearing to support the development. The applicant advised that clearing will result in the removal of 38 native trees including 28 non-juvenile Koala habitat trees over a total site area of approximately 373m². Under the South East Queensland Koala Conservation State Planning Regulatory Provisions, Table 6, 2(a.) clearing of native vegetation that will result in a total cleared area of less than 500m² is not triggered as assessable development.

A recommendation of this report are conditions requiring a revegetation management plan to be submitted to Council to ensure a "no net loss" of native trees prior to works commencing on site.

In this instance, appropriately conditioned, the development can be supported.

2.6.2 *Referral Agencies*

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

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

- (a) Matters relating to State-Controlled Roads. Council was advised on 1 August 2017 that DILGP has no objection to the development application and no requirements.

A recommendation of this report is a copy of the Decision Notice be forward to SARA for their records.

2.6.2.2 *Advice Agencies*

There were no Advice Agencies involved in assessing this application.

2.6.2.3 *Third Party Agencies*

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

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2.7 Public Consultation

2.7.1 *Public Notification Requirements under the Sustainable Planning Act 2009*

- (a) Public Notification was served on all adjoining landowners on 31 October 2017.
- (b) The development application was advertised in the Village Pump on 3 November 2017.
- (c) A notice in the prescribed form was posted on the relevant land on 6 November 2017 and maintained for a period of 15 business days until 30 November 2017.

2.7.2 *Submissions Received*

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

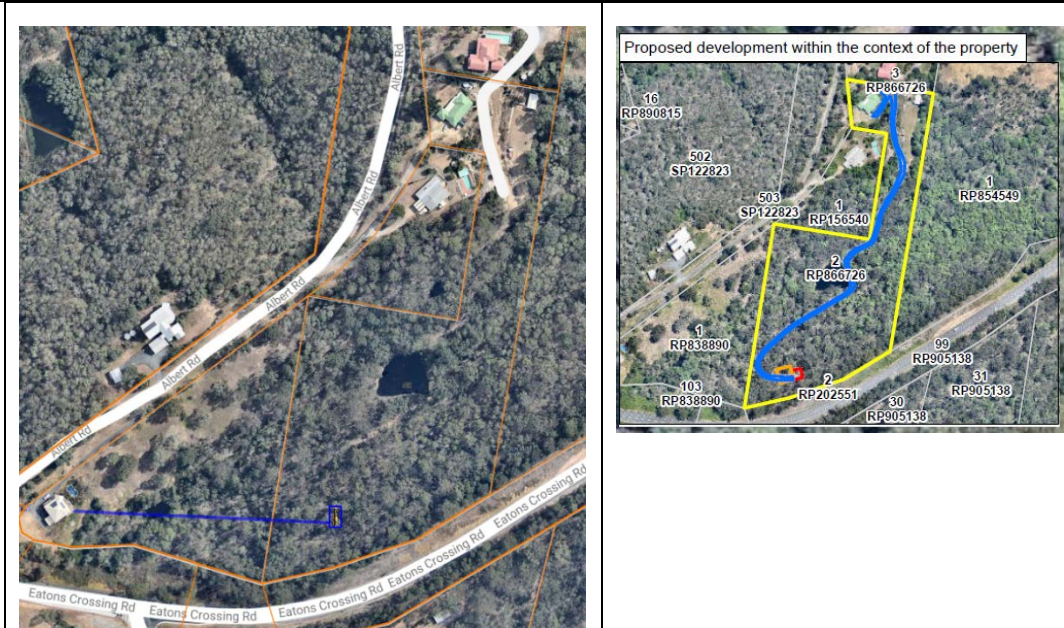
Type		Number of Signatures	Number of Submissions
Properly Made	Letter, Email, Fax		One (1)
	Petition		
Not Properly Made	Letter, Email, Fax		
	Petition		One (1)
Total			

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

Assessment of Submissions
<p>Issue</p> <ul style="list-style-type: none"> • <i>Unreasonable impacts on views and vistas to property at 20 Albert Road Draper</i> The telecommunications tower will be in direct line of site and visible from a number of primary recreation areas of our property, including our garden that is on the south - eastern side of the property shown in figure 1, and the swimming pool area and the paddock area. <p><i>The main view of the property faces east (towards the ocean) and the development will therefore be in direct line of site.</i></p> <p><i>Based on the evidence above we DO believe that the facility will have an unreasonable impact on our views which will have a negative impact on the property value of our house as well as impacting the lifestyle and the key reasons for purchasing this property.</i></p> <p><i>We strongly hope council can see the impact that this proposal will have on our house and family and ask that council insist on a more appropriate location.</i></p> <p><i>If this development does go ahead we will seek legal advice regarding compensation for reduction in property value and living and will be seeking advice from real estate experts from the local area.</i></p>
<p>Discussion</p> <p>The applicant seeks to establish a 45.00 metre monopole with a maximum equipment height of 46.00 metres located towards the southern boundary of the site adjoining Eatons Crossing Road. Access to the Telecommunication facility will be via an internal access track from Albert Road via the existing Dwelling.</p> <p>The proposed Telecommunication Facility is to be located approximately 170 metres east of the nearest Dwelling (Lot 1 RP838890), being the submitter to the proposed Telecommunications facility</p>

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

Assessment of Submissions



The impact on visual amenity by a Telecommunications facility is always subjective although the applicant's material in support of the development confirms the proposed Telecommunications facility will be visible from the submitter's dwelling at a distance of 170 metres.



An assessment against the Rural residential zone code has concluded the proposed development cannot achieve Acceptable Outcome (AO81.2) being;

In all other areas towers do not exceed 35m in height,

Or the corresponding Performance Outcome (PO81) being;

Telecommunications facility does not have an adverse impact on the visual amenity of a locality and is:

- a. *high quality design and construction;*
- b. *visually integrated with the surrounding area;*
- c. *not visually dominant or intrusive;*

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

Assessment of Submissions
<p>d. <i>located behind the main building line;</i></p> <p>e. <i><u>below the level of the predominant tree canopy or the level of the surrounding buildings and structures;</u></i></p> <p>f. <i>camouflaged through the use of colours and materials which blend into the landscape;</i></p> <p>g. <i>treated to eliminate glare and reflectivity;</i></p> <p>h. <i>landscaped;</i></p> <p>i. <i>otherwise consistent with the amenity and character of the zone and surrounding area.</i></p> <p>However, an assessment against the Overall Outcomes of the Rural Residential zone Code demonstrates the Telecommunications facility complies with the Rural Residential zone Code and is recommended to be supported subject to appropriate conditions requiring colours and materials of the structure to be commensurate with the natural tones of the area and treated to eliminate glare. Undertaking these measures will reduce the visual impact of the structure.</p> <p>Further to the above, the preservation of uninterrupted views and vistas (where amenity will remain) and perceived reductions in property values are not a town planning consideration.</p> <p>This is not sufficient grounds for refusal of the application.</p>
<p><u>Issue</u></p> <ul style="list-style-type: none"> • <i>Inappropriate use of MSES land; and</i> • <i>Excessive clearing resulting in reduction of habitat for various flora and fauna.</i> <p><i>We do not believe that removing 38 trees (28 of which are Koala Habitat trees) is an acceptable level of loss for this facility.</i></p> <p><i>Koalas and a variety of other wildlife are active in the area and we believe that during the build of the development, bringing in large earthmoving equipment will have an unacceptable impact on land that requires protection.</i></p>
<p><u>Discussion</u></p> <p>The southern part of site is mapped as MSES - Matters of State Environmental Significance. The applicant seeks to clear approximately 373m² of a native bushland that includes 28 non-juvenile Koala Habitat Trees. As part of the material in support of the development the applicant included an ecological assessment and vegetation management plan.</p> <p>Appropriately conditioned to include revegetation of the site to achieve “no-net loss” of 28 non-juvenile Koala Habitat Trees and management of construction to protect fauna habitat, the development achieves the relevant Performance Outcomes of the Rural Residential zone Code.</p> <p>This is not sufficient grounds for refusal of the application.</p>

2.7.3 Notice of Compliance

The Notice of Compliance was received by Council on 4 December 2017. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Chapter 6, Part 4, Division 2 of the *Sustainable Planning Act 2009*.

2.8 Other Matters
None identified.

ITEM 2.1 DA/34354/2017/V2U - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR TELECOMMUNICATION FACILITY - DIVISION 10 - A16458786 (Cont.)

3. Strategic Implications

3.1 Legislative/Legal Implications

The applicant (and submitter) have appeal rights in accordance with the *Sustainable Planning Act 2009*.

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

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

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 Benefit

The development supports the connectivity of the fixed broadband network within the rural residential zone.

3.8 Environmental Implications

The cleared area will be revegetated to offset the loss of the 28 non-juvenile habitat trees to be removed. This will be carried out in accordance with the approved vegetation management plans and ecological assessment submitted in support of the proposal.

3.9 Social Implications

Contributes to the penetration of broadband network connectivity enabling more reliable signal to local residents.

3.10 Consultation / Communication

Refer to section 2.7.

Conflict of Interest - Declaration

Pursuant to s173(4) of the *Local Government Act 2009*, Cr Darren Grimwade declared a conflict of interest in the following matter as the applicant was a contributor to the Councillor's election campaign, and retired from the meeting at 10.45am, taking no part in the debate or recommendation regarding same.

Conflict of Interest - Declaration

Pursuant to s173(4) of the *Local Government Act 2009*, Cr Adrian Raedel declared a conflict of interest in the following matter as the applicant was a contributor to the Councillor's election campaign, and retired from the meeting at 10.45am, taking no part in the debate or recommendation regarding same.

ITEM 2.2

DEVELOPMENT APPLICATION DA/34978/2017/V2C - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 96 RAYNBIRD ROAD, NARANGBA - DIVISION 11

**APPLICANT: AUSTRALIAN NATIONAL HOMES PTY. LTD.
C/- REEL PLANNING PTY. LTD.
OWNER: DUNDALE PTY. LTD. TTE.**

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A16518022 : 13 February 2018 – Refer Supporting Information A16518030, A16549878, A16549835, A16549875 & A16553622
Responsible Officer: GH, Principal Planner (Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Australian National Homes Pty Ltd C/- Reel Planning Pty Ltd
Lodgement Date:	20 September 2017
Properly Made Date:	28 September 2017
Confirmation Notice Date:	10 October 2017
Information Request Date:	24 October 2017
Info Response Received Date:	6 November 2017
Decision Due Date	19 February 2018
No. of Submissions:	Properly Made: 216 Not Properly Made: 36

PROPERTY DETAILS	
Division:	11
Property Address:	96 Raynbird Road, Narangba
RP Description	Lot 100 on SP297314, Lot 101 on SP297314
Land Area:	44.765ha (application area approximately 4.826ha)
Property Owner	Dundale Pty. Ltd. Tte.

STATUTORY DETAILS	
Planning Legislation:	<i>Planning Act 2016</i>
Planning Scheme:	Moreton Bay Regional Council Planning Scheme

ITEM 2.2 DEVELOPMENT APPLICATION DA/34978/2017/V2C - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 96 RAYNBIRD ROAD, NARANGBA - DIVISION 11 - A16518022 (Cont.)

Planning Locality / Zone	General residential zone, Next generation neighbourhood precinct
Level of Assessment:	Impact Assessment

This application seeks a Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct (the development) on land located at 96 Raynbird Road, Narangba and described as Lot 100 and Lot 101 on SP297314. It is proposed to vary the Moreton Bay Regional Council Planning Scheme to allow future development to be assessed and decided against the assessment benchmarks (with minor variations sought to the tables of assessment only) of the Centre zone, Local centre precinct, as contained within the Planning Scheme.

The application was publicly advertised with 252 submissions received, consisting of 216 properly made submissions and 36 not properly made submissions. The proposed development conflicts with the Moreton Bay Regional Council Planning Scheme and is recommended to be refused.

COMMITTEE RECOMMENDATION

Moved by Cr Matt Constance

Seconded by Cr Peter Flannery

CARRIED 10/1

Cr Brooke Savge voted against Committee's Recommendation

- A. That Council, in accordance with the *Planning Act 2016*, refuses the development application for Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct on land located at 96 Raynbird Road, Narangba and described as Lot 100 and Lot 101 on SP297314, 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:
 - i. Strategic Framework 3.6 Settlement Pattern and Urban Form - 3.6.1 Strategic Outcomes - Network of Centres;
 - ii. Strategic Framework 3.13.3 Element - North Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area - 3.13.3.4 - Specific Outcomes - Settlement Pattern and Urban Form
 - iii. Strategic Framework - 3.14 MBRC Place Model - 3.14.9.4 Specific Outcomes - Settlement Pattern and Urban Form
 - iv. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome a.
 - v. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome b.
 - vi. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome c.
 - vii. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome d.
 - viii. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome h.
 - ix. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome i.
 - x. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome j.
 - xi. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome k.

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- xii. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome l.
 - xiii. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome m.
 - xiv. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome p.
 - xv. Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome q.
 - xvi. Centre zone code, Local centre precinct, 6.2.1.6.1, Performance Outcome PO1;
 - xvii. Centre zone code, Local centre precinct, 6.2.1.6.1, Performance Outcome PO2;
 - xviii. Centre zone code, Local centre precinct, 6.2.1.6.1, Performance Outcome PO7;
 - xix. Centre zone code, Local centre precinct, 6.2.1.6.1, Performance Outcome PO40;
 - xx. Centre zone code, Local centre precinct, 6.2.1.6.1, Performance Outcome PO76;
2. The proposed development conflicts with the State Planning Policy SPP (July 2017) Assessment Benchmark - Mining and extractive industry.
 3. The proposed variations sought would materially affect the community’s ability to make a properly made submission on later development applications.
 4. The proposed development has not demonstrated planning need for the proposed development.
 5. The proposed development would have an unacceptable economic and other adverse impacts on the existing and approved centres within the network.
- B. That all external Referral Agencies for the development application be provided with a copy of the Council’s Decision Notice.
- C. That the following information be included in the Decision Notice:

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct
Relevant Period of Approval	Not Applicable - Refusal
IDAS Referral Agencies	Department of Local Government, Infrastructure and Planning
Submissions	216 properly made submissions

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OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, refuses the development application for Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct on land located at 96 Raynbird Road, Narangba and described as Lot 100 and Lot 101 on SP297314, 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:**
 - i. **Strategic Framework 3.6 Settlement Pattern and Urban Form - 3.6.1 Strategic Outcomes - Network of Centres;**
 - ii. **Strategic Framework 3.13.3 Element - North Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area - 3.13.3.4 - Specific Outcomes - Settlement Pattern and Urban Form**
 - iii. **Strategic Framework - 3.14 MBRC Place Model - 3.14.9.4 Specific Outcomes - Settlement Pattern and Urban Form**
 - iv. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome a.**
 - v. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome b.**
 - vi. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome c.**
 - vii. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome d.**
 - viii. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome h.**
 - ix. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome i.**
 - x. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome j.**
 - xi. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome k.**
 - xii. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome l.**
 - xiii. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome m.**
 - xiv. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome p.**
 - xv. **Centre zone code, Local centre precinct 6.2.1.6.1 - Purpose - Local centre precinct - Overall outcome q.**
 - xvi. **Centre zone code, Local centre precinct, 6.2.1.6.1, Performance Outcome PO1;**
 - xvii. **Centre zone code, Local centre precinct, 6.2.1.6.1, Performance Outcome PO2;**
 - xviii. **Centre zone code, Local centre precinct, 6.2.1.6.1, Performance Outcome PO7;**
 - xix. **Centre zone code, Local centre precinct, 6.2.1.6.1, Performance Outcome PO40;**
 - xx. **Centre zone code, Local centre precinct, 6.2.1.6.1, Performance Outcome PO76;**
2. **The proposed development conflicts with the State Planning Policy SPP (July 2017) Assessment Benchmark - Mining and extractive industry.**
3. **The proposed variations sought would materially affect the community's ability to make a properly made submission on later development applications.**

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- 4. **The proposed development has not demonstrated planning need for the proposed development.**
 - 5. **The proposed development would have an unacceptable economic and other adverse impacts on the existing and approved centres within the network.**
- B. That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.
- C. That the following information be included in the Decision Notice:

Decision Notice information

	Details to Insert
Application Type	Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct
Relevant Period of Approval	Not Applicable - Refusal
IDAS Referral Agencies	Department of Local Government, Infrastructure and Planning
Submissions	216 properly made submissions

REPORT DETAIL

1. Background

On 7 November 2011, Council's delegate approved a Material Change of Use - Development Permit for a Telecommunications facility (DA/25970/2011/DA). This telecommunication facility has since been constructed and is located on the north-eastern boundary of Lot 100 on SP297314, adjacent to Oakey Flat Road.

On 12 December 2011, a prelodgement meeting (PLB/1130) was held to discuss a proposal for a Shopping Centre with approximately 3,750m² supermarket, 440m² fast food/service station and 1,675m² of specialty shops under the Caboolture *ShirePlan*.

On 9 August 2013, a prelodgement meeting (PLA/1746) was held to discuss a proposal for a Material Change of Use - Preliminary Approval for Master-planned residential community and convenience retail and Reconfiguring a Lot - Development Permit under the Caboolture *ShirePlan*.

On 20 June 2017, a development application (DA/34474/2017/V3B) for Reconfiguring a Lot - Development Permit for Boundary Realignment (2 into 2 Lots) was lodged with Council. This application was approved by Council's delegate on 17 July 2017 and the resultant lots have since been created.

On 5 July 2017, a prelodgement meeting (PRE/4040) was held to discuss a proposal for Reconfiguring a Lot - Development Permit for Subdivision (2 into 551 Lots + Park) under the Moreton Bay Regional Council Planning Scheme.

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2. Explanation of Item

2.1 Proposal Details

The application seeks a Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct on land located at 96 Raynbird Road, Narangba and described as Lot 100 and Lot 101 on SP297314. The part of the site to which the variation request relates is proposed over the entirety of Lot 100 on SP297314 (4.476ha) and approximately 3,500m² of south-eastern portion of Lot 101 on SP297314 adjacent to Raynbird Road (proposed application area approximately 4.826ha).

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

The variation request seeks to apply the assessment benchmarks as contained within the Moreton Bay Regional Council Planning Scheme as they relate to the centre zone with minor variations to remove uses from the Tables of assessment which have been identified by the applicant as being inappropriate within a local centre. Specifically, the following use have been excluded from the proposed table of assessment and would be made Impact Assessable:

- Bar;
- Car wash;
- Dual occupancy;
- Funeral parlour;
- Hospital;
- Hotel;
- Major sport, recreation and entertainment facility;
- Motor sport facility;
- Outdoor sales;
- Parking station;
- Research and technology industry;
- Retirement facility;
- Rooming accommodation;
- Short-term accommodation;

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

2.2 Description of the Site and Surrounds

Directions	Planning Scheme Zone	Current Land Use
North	General residential zone, Next generation neighbourhood precinct	Oakey Flat Road Reserve (Gravel Reserve), approved Neighbourhood hub (DA/31076/2015/V23C) and approved (not yet in effect) Local centre (DA/31076/2017/V2K).
South	General residential zone, Suburban neighbourhood precinct	Highlands Estate Park, Dwelling houses
East	Recreation and Open Space, General residential zone, Suburban neighbourhood precinct	Tuckeroo Street Park, Dwelling houses

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Directions	Planning Scheme Zone	Current Land Use
West	General residential zone, Next generation neighbourhood precinct	Vacant land

2.3 Assessment and Deciding the Development Application

The applicant has made a development application which seeks a Material Change of Use - Preliminary Approval (Variation Approval) for land uses consistent with the Centre zone, Local centre precinct on land located at 96 Raynbird Road, Narangba and described as Lot 100 and Lot 101 on SP297314.

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

2.4 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

2.4.1 *State Planning Policy*

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
Yes	(1) Development within a resource/processing area of a KRA	The site is mapped as being adjacent to a Key resource

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	<p>will not impede the undertaking of an existing or future extractive industry development.</p> <p>(2) Development of sensitive land uses and other potentially incompatible land uses is avoided within the separation area for a resource/processing area of a KRA, if it could impede the extraction of the resource.</p> <p>(3) Development not associated with extractive industry in the transport route separation area of a KRA does not increase the number of people working or residing in the transport route separation area unless the development mitigates the impacts of noise, dust and vibration generated by the haulage of extractive materials along the transport route</p> <p>(4) Development adjacent to the transport route does not adversely affect the safe and efficient use of the transport route by vehicles transporting extractive resources.</p>	<p>area - Transport route (Raynbird Road) and is mapped as being within the Key resource area - Transport route separation area.</p> <p>The proposed variation request seeks to apply the Centre zone code, Local centre precinct provisions to the site to ultimately facilitate a future Local centre on the site which will result in people working and potentially residing in the transport route separation area. The applicant has not demonstrated that the impacts of noise, dust and vibrations generated by the haulage of extractive materials along the transport route would be mitigated as part of this application.</p> <p>The site subject to the variation request has frontage to Oakey Flat Road and Raynbird Road. Oakey Flat Road is mapped as a Council Arterial Road on Overlay map - Road hierarchy within the Moreton Bay Regional Council Planning Scheme. As part of any subsequent development application, opportunities for direct access to Oakey Flat Road will be limited. Accordingly, the primary access to the site would likely be required from Raynbird Road which is presently a transport route (hard rock haulage route associated with the Narangba Quarry). The application has not demonstrated that a future Local centre would not adversely affect the safe and efficient use of the transport route by vehicles transporting extractive</p>
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		resources as part of this application. The application has not demonstrated compliance with the State Planning Policy.
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
Yes	<p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <ul style="list-style-type: none"> (a) altered stormwater quality and hydrology (b) waste water (c) the creation or expansion of non-tidal artificial waterways (d) the release and mobilization of nutrients and sediments. <p>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	As this application is seeking a Material Change of Use - Preliminary Approval (Variation Approval) and does not propose Gross Floor Area or authorise development to occur, a Stormwater Management plan was not required as part of the application. This application proposes to establish a framework for future development applications and water quality will be assessed as part of those future applications.
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>(1) Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(2) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(3) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(4) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential</p>	<p>The site is mapped as containing Medium potential bushfire intensity and potential impact buffer.</p> <p>As this application is seeking a Material Change of Use - Preliminary Approval (Variation Approval) and does not propose Gross Floor Area or authorize development to occur, a bushfire management plan was not required as part of this application. This application proposes to set a framework for future development applications and bushfire management will be assessed as part of future development applications.</p>

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	<p>for damage on the site or to other properties.</p> <p>(5) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(6) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.4.2 South East Queensland Regional Plan

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

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

2.4.3 Schedule 10, Part 10 of the Regulation –Koala Habitat Area

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

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

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

2.5.1 Strategic Framework

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

Strategic Outcome	Complies	Assessment
3.6 Settlement Pattern and Urban Form		
<p>3.6.1 Strategic Outcomes - Network of Centres</p> <p><i>A strong network of activity centres with well designed public and civic spaces, and active frontages that provide a focal point for compact, self-contained and diverse communities and convenient access to an appropriate mix of</i></p>	No	<p>The application does not comply with Strategic Outcome 3.6.1 in the following regard:</p> <ul style="list-style-type: none"> The site's geographic location, bound by Oakey Flat Road (a Council Arterial Road) and Raynbird Road (an Extractive Industry - Transport Route), would be unable to achieve a 'Main street' for a future local centre as

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Strategic Outcome	Complies	Assessment
<p><i>businesses, services, community facilities, recreation, entertainment and employment opportunities and provided with convenient access by a quality public transport and active transport system.</i></p> <p>1. Include a broad mix of land uses in activity centres appropriate to each centre's role and function in the network - higher order centres (principal and major regional activity centres), district and local centres - and structure them as mixed-use centres in a predominantly main-street format to best serve their surrounding communities;</p> <p>6. Develop new viable local centres through possible new neighbourhood plans in appropriate locations in walkable neighbourhoods with street-fronting retail and non-retail commercial layouts instead of enclosed or parking-lot dominant retail formats;</p> <p>7. Provide activity centres with attractive, high-amenity public spaces at locations that encourage and support social interaction, casual meeting and healthy and active lifestyles;</p>		<p>defined by the Planning Scheme and as contemplated by Planning Scheme Policy PSP Neighbourhood design.</p> <ul style="list-style-type: none"> • The site's geographic location, bound by Oakey Flat Road (a Council Arterial Road) and Raynbird Road (an Extractive Industry - Transport Route), as well as site specific constraints being topography (mapped slope >15%), mapped waterway would result in a development unable to achieve active frontages and street fronting retail as contemplated by the Planning Scheme. The indicative site layout plan submitted with the application does not demonstrate a development centres around a main street with active frontages and street-fronting retail. • The application has not demonstrated the site, proposed to accommodate a future Local centre, is in a walkable location. The existing residential catchment to the south is not conducive to a walkable neighbourhood by way of the established pattern of development and continuous acoustic barrier/fencing adjacent to Raynbird Road and Oakey Flat Roads. The application has not demonstrated how a future local centre would integrate with a future Next generation neighbourhood to the west/north west. • The application has not demonstrated that a future Local centre would be viable in the proposed location having regard to existing, approved (inclusive of approved but not yet in effect) centres within the catchment. • The site's geographic location and site based constraints have the potential to restrict the ability to achieve an attractive, high amenity public spaces. The indicative site layout plan submitted with the application does not demonstrate that a high quality public space would be provided.

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Strategic Outcome	Complies	Assessment
3.13.3 Element - North Lakes-Redcliffe-Moreton Bay Rail corridor planning area		
3.13.3.4 Specific Outcomes - Settlement pattern and urban form	No	The application does not comply with Strategic Outcome 3.13.3.4 in the following regard:
11. Next generation neighbourhoods at Griffin, Mango Hill, Kallangur, Dakabin, Narangba and Burpengary East will be developed as well planned and attractive new residential neighbourhoods providing a diverse range of residential opportunities at densities that support the provision of community facilities and services and viable local centres. Local centres will generally be located on central intersections with good accessibility and visibility, in locations that support active transport and a network of well connected and attractive streets and open spaces within the neighbourhoods;		<ul style="list-style-type: none"> The application has not demonstrated that a future Local centre would be viable in the proposed location having regard to existing and approved (inclusive of approved but not yet in effect) centres within the catchment. The site proposed to accommodate a future Local centre is not located on a central intersection with accessibility and visibility in a location that would support active transport. The site is located on the south-eastern extremity of the Next generation neighbourhood located on the western side of Oakey Flat Road. The site proposed to accommodate a future Local centre is not provided with good accessibility and visibility with respect to the road hierarchy (including an Extractive industry - Transport route) and the topography of the land. The site proposed to accommodate a future Local centre is not conducive to support active transport uses as a result of the road hierarchy, established pattern of development, physical constraints such as established acoustic barriers/fencing to the residential area to the south of the site and absence of pathway network in proximity to the site.
3.14 MBRC Place Model (Next generation neighbourhood)		
3.14.9.4 Specific Outcomes - Settlement pattern and urban form	No	The application does not comply with Specific Outcome 3.14.9.4 in the following regard:
6. At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient		<ul style="list-style-type: none"> Within the catchment to which the site is located, there is an approved Material Change of Use - Development Permit for Restaurant, Shop and take Away Food Outlet (Council reference DA/31076/2015/V23C), located

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Strategic Outcome	Complies	Assessment
<p>locations for local centres and neighbourhood hubs are on main through streets or on central intersections and within a 15 minute walking distance and responsive to active transport;</p> <p>7. Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:</p> <ol style="list-style-type: none"> a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities; b. it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node; c. the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses; d. a new local centre or neighbourhood hub is to service an unserved catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood; e. they are appropriately designed to have high quality urban design outcomes 		<p>over Lot 958 Sovereign Drive, Narangba (958/SP283494) approximately 500m north of the site. This same site contains an approval (currently subject to appeal) for a Local centre consisting of 6,646m² and includes a full-line supermarket with a GFA of 3,946m² and an additional 2,700m² of retail and commercial uses (inclusive of a Service station). The approved Neighbourhood hub (or Local centre pending appeal resolution) at Lot 958 Sovereign Drive would service a 15 minute walkable neighbourhood for the next generation neighbourhood west of Oakey Flat Road, including the subject site.</p> <ul style="list-style-type: none"> • The site proposed to accommodate a future Local centre is not located on a central intersection, would not form a main street and is not responsive to active transport. The site is located on the south-eastern extremity of the Next generation neighbourhood located on the western side of Oakey Flat Road. The site proposed to accommodate a future Local centre is not responsive to active transport uses as a result of the road hierarchy, established pattern of development, physical constraints such as established acoustic barriers/fencing to the residential area to the south of the site and absence of pathway network in proximity to the site. • The existing development approval for a neighbourhood Hub (or Local centre) establishes a 15 minute walkable neighbourhood to service the expanding residential population on the south-western side of Oakey Flat Road, which includes the subject site. • Site based constraints (topography including landslide hazard and overland flow, mapped waterway and extractive industry transport route) have the potential to

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Strategic Outcome	Complies	Assessment
		compromise high quality design outcomes, as contemplated by the Planning Scheme, being achieved.

2.5.2 Assessment of Applicable Codes

Code Compliance Summary

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

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

It is noted this application is subject to Impact Assessment and is therefore assessable against the entire Moreton Bay Regional Council Planning Scheme. Despite the site being located within the General residential zone, Next generation neighbourhood precinct, the provisions of the zone code relate to neighbourhood hubs only. Overall Outcome 1(i) of the General residential zone code, Next generation neighbourhood precinct states that:

Retail and commercial uses that will result in a new or existing neighbourhood hub expanding to a scale and function consistent with a Local centre are to be assessed as if establishing a new Local centre. Refer to the Centre zone code for relevant assessment criteria.

Accordingly, an assessment has also been undertaken against the Centre zone code, Local centre precinct of the Moreton Bay Regional Council Planning Scheme.

Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
General residential zone Code, Next generation neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Refer assessment against overall outcomes of Local centre zone code as required by overall outcome i.
Centre zone code, Local centre precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1, PO2, PO7, PO40, PO76
Overlay Codes		
Flood hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

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

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2.5.3 Performance Outcome Assessment

Performance Outcome	Example
Centre zone code, Local centre precinct	
<p>PO1 Development in the Local centre precinct is of a size, scale, range of services commensurate with the role and function of this precinct within the centres network.</p> <p>Note - Refer to Moreton Bay centres network Table 6.2.1.1</p>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The applicant has not demonstrated that the site can accommodate a Local centre of a size, scale and range of services to service with an appropriate local catchment as contemplated by <i>Table 6.2.1.1 Moreton Bay centres network</i> of the Planning Scheme. Furthermore, the indicative site layout plan submitted as part of the common material has not demonstrated an appropriate mix and scale of use as contemplated for a Local centre.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	
<p>PO2 Development addresses and activates streets and public spaces by:</p> <ul style="list-style-type: none"> a. establishing and maintaining interaction, pedestrian activity and casual surveillance through appropriate land uses and building design (e.g. the use of windows or glazing and avoiding blank walls with the use of sleeving); b. ensuring buildings and individual tenancies address street frontages and other areas of pedestrian movement; c. new buildings adjoin or are within 3m of a primary street frontage, civic space or public open space; d. locating car parking areas behind or under buildings to not dominate the street environment; e. providing visual interest to the façade (e.g. windows or glazing, variation in colours, materials, finishes, articulation, recesses or projections); f. establishing or maintaining human scale. 	<p>E2.1 Development addresses the street frontage.</p> <p>E2.2 New buildings and extensions are built to the street alignment</p> <p>E2.3 At-grade car parking:</p> <ul style="list-style-type: none"> a. does not adjoin a main street or a corner; b. where at-grade car parking adjoins a street (other than a main street) or civic space it does not take up more than 40% of the length of the street frontage. <p>E2.4 Development on corner lots:</p> <ul style="list-style-type: none"> a. addresses both street frontages; b. expresses strong visual elements, including feature building entries. <p>E2.5 Development incorporates active uses adjacent to a street frontage, civic spaces, public open space or pedestrian thoroughfare.</p>

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Performance Outcome	Example
	<p>E2.6 The front facade of the building:</p> <ul style="list-style-type: none"> a. is made up of a minimum of 50% windows or glazing between a height of 1m and 2m; b. the minimum area of window or glazing is to remain uncovered and free of signage. <p>E2.7 Individual tenancies do not exceed a frontage length of 20m.</p> <p>E2.8 Large format retail uses (e.g. showroom, supermarket or discount department store) are sleeved by smaller tenancies (e.g. retail and similar uses).</p>
<i>Performance Outcome Assessment</i>	
<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p>	
<p>The application has not demonstrated that a development of a Local centre can address and activate the street frontages and public spaces, establish and maintain interaction, pedestrian activity and casual surveillance through appropriate building design. The site's geographic location, bound by Oakey Flat Road (a Council Arterial Road) and Raynbird Road (an Extractive industry - Transport route), would be unable to achieve a 'Main street' for a future local centre as defined by the Planning Scheme and as contemplated by Planning Scheme Policy PSP Neighbourhood design. The site's physical constraints including topography (mapped slope >15%), mapped waterway (Oakey Flat Road) and adjoining an extractive industry transport route (Raynbird Road) would compromise the achievement of active frontages and street fronting retail as contemplated by the Planning Scheme. The physical constraints would also have the potential to restrict the ability to achieve an attractive, high amenity public spaces to foster social interaction. Furthermore, the submitted indicative site plan and design intent statement identify the finished floor level of buildings adjoining Raynbird Road to be below the road with blank wall proposed facing Raynbird Road in response to site based constraints. The submitted indicative site plan and urban design intent shows an internalised shopping centre that does not appropriately address or activate the street frontages and does not facilitate pedestrian interaction.</p>	
<p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	
<p>PO7 Development contributes to an attractive and walkable street environment through the provision of streetscape features (e.g. footpaths, lighting, bins, furniture, landscaping, pedestrian crossings etc), as outlined in Planning scheme policy - Integrated design.</p>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	

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Performance Outcome	Example
<p>The application has not demonstrated a future development for a Local centre would contribute to an attractive walkable street environment. The existing residential catchment to the south is not conducive to a walkable neighbourhood by way of the established pattern of development and continuous acoustic barrier/fencing adjacent to Raynbird Road and Oakey Flat Road. The application has not demonstrated how a future local centre would integrate with a future Next generation neighbourhood to the west/north west. The submitted indicative site plan that forms part of the common material of the application does not propose any streetscape improvements to the existing street network. The submitted urban design intent statement proposes an 'internalised' main street and does not contribute to an attractive and walkable street environment along Oakey Flat Road and Raynbird Road.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	
<p>PO40 The layout of the development does not compromise:</p> <ul style="list-style-type: none"> a. the development of the road network in the area; b. the function or safety of the road network; c. the capacity of the road network. <p>Note - The road hierarchy is mapped on Overlay map - Road hierarchy</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The development triggers an Integrated Transport Assessment (ITA) as identified within Planning Scheme Policy - Integrated transport assessment. An ITA is required to address the traffic volume generated by the future development and access onto an arterial road. The ITA would also identify access locations and configuration, land dedication triggered by frontage road upgrades and intersection works necessitated by the development traffic. The applicant has not submitted an ITA for Council assessment and compliance with the Performance Outcome has not been demonstrated.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	
<p>PO76 Development avoids locating in a High Value Area or a Value Offset Area. Where it is not practicable or reasonable for development to avoid establishing in these areas, development must ensure that:</p> <ul style="list-style-type: none"> a. the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area is maintained and not lost or degraded; b. on-site mitigation measures, mechanisms or processes are in place demonstrating the quality and integrity of the biodiversity and ecological values inherent to a High Value Area and a Value Offset Area are maintained. For example, this can be achieved through replacement, restoration or rehabilitation planting as part of any proposed covenant, the development of a 	<p>No example provided.</p>

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Performance Outcome	Example
Vegetation Management Plan, a Fauna Management Plan, and any other on-site mitigation options identified in the Planning scheme policy - Environmental areas*.	
<i>Performance Outcome Assessment</i>	
<p>The site is mapped as being within a Value Offset area, with the mapped features being Matters of State Environmental Significance (MSES) Koala Offsets and Matters of Local Environmental Significance (MLES) waterway buffer (Burlingary Creek Tributary).</p> <p>The application has not demonstrated how development of the site would avoid locating in the mapped Value Offset Areas or how the ecological values of the site would be maintained and not lost or degraded. Furthermore it is noted the indicative site layout plan submitted as part of the common material shows the development footprint over the mapped Value Offset Areas.</p> <p>As the application has not demonstrated compliance with the Performance Outcome, an assessment against the Purpose of the Centre zone code, Local centre precinct is required.</p>	

2.5.4 Overall Outcome Assessment

The proposal is subject to Impact Assessment and an assessment against the applicable Overall Outcomes of the code as follows:

6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
a. Development is of a size, scale and range of services commensurate with the role and function of this precinct within the centres network.	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The applicant has not demonstrated that site can accommodate a Local centre of a size, scale and range of services to service with an appropriate local catchment as contemplated by <i>Table 6.2.1.1 Moreton Bay centres network</i> of the Planning Scheme. Furthermore, the indicative site layout plan submitted as part of the common material has not demonstrated an appropriate mix and scale of use as contemplated for a Local centre
b. Development contributes to a mix and the co-location of compatible uses, in a compact urban form.	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The application has not

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		provided sufficient detail to enable the Council to determine whether the development will contribute to the mix and the co-location of compatible uses, in a compact urban form. Furthermore the indicative site layout plan submitted as part of the common material has not demonstrated an appropriate mix of land uses and has not addressed site based constraints which may compromise the achievement of a compact urban form.
c. Development is of a sufficient intensity and land use mix to support public transport, active transport, improve land efficiency and support centre facilities.	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The application has not demonstrated the site can accommodate a development with a sufficient intensity and mix of land uses to support public transport, active transport, improve land efficiency and support centre facilities. Furthermore the indicative site layout plan submitted as part of the common material has not demonstrated a development with of a sufficient intensity and land use mix can be achieved on site to support public transport.
d. Medium density housing, in the form of low-rise multiple dwellings ⁽⁴⁹⁾ incorporating mixed uses where possible, is incorporated within local centres.	No	The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The application has not demonstrated the site is appropriate to support residential (sensitive) uses. A large portion of the site is mapped as being within the Extractive industry - Transport route separation area (100m buffer from Raynbird Road). The application has not demonstrated how the impacts of noise, dust and vibration generated by haulage of extractive materials along the haulage route

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		would be mitigated. Furthermore the indicative site layout plan submitted as part of the common material has not identified any residential land uses occurring on site.
h. Facilities, infrastructure and public realm improvements are provided to support active transport usage and contribute to improved pedestrian connectivity and walkability between key destinations.	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The application has not demonstrated that facilities, infrastructure and public realm improvements can be provided to support active transport usage and contribute to improved pedestrian connectivity and walkability between key destinations.</p> <p>The site, proposed to accommodate a future local centre, is not in a walkable location and the surrounding area is not serviced by a pathway network. The site is outside of the Priority Infrastructure Area (PIA) under Council's Local Government Infrastructure Plan and improvements to the pathway network are not planned. The application has not demonstrated how the development will be connected to the surrounding area and key destinations. demonstrated that the proposed located outside of the Priority Infrastructure Area.</p> <p>Furthermore the indicative site layout plan submitted as part of the common material does not propose any streetscape improvements to the existing street network. The submitted urban design intent statement proposes an 'internalised main street' and does not contribute to an attractive and walkable street environment along Oakey Flat Road and Raynbird Road.</p>
i. Pedestrian connections are provided to integrate the	No	The application is seeking a variation request to allow land uses

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
development with the street, public spaces and the surrounding area.		<p>in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The applicant has not demonstrated how the site, proposed to accommodate a future Local centre, can provide pedestrian connections to integrate with the surrounding area. The sites street frontages and the wider area are currently not provided with a pathway network to facilitate appropriate active transport movements. The site is located outside of the Priority Infrastructure Area (PIA) under Council's Local Government Infrastructure Plan (LGIP) and no future Trunk Active transport routes are proposed on the western side of Oakey Flat Road or along Raynbird Road. The established residential catchment on the southern side of Raynbird Road would be unable to be connected to the site by way of the established pattern of development and continuous acoustic barriers/fencing along Raynbird Road and Oakey Flat Road.</p>
j. Development encourages social activity through the provision of high quality civic and plaza spaces.	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.</p> <p>The application has not demonstrated that high quality civic and plaza spaces can be provided. The site's geographic location and site based constraints have the potential to restrict the ability to achieve an attractive, high amenity public spaces. The submitted indicative site layout plan which forms part of the common material does not identify a high quality civic and plaza spaces shown on the plans.</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
<p>k. The design, siting and construction of buildings within a local centre:</p> <ul style="list-style-type: none"> i. contributes to a high quality centre consistent with the desired character of the centre and surrounding area; ii. maintains a human scale, through appropriate building heights and form; iii. is centred around a main street; iv. provides attractive, active frontages that maximise pedestrian activity along road frontages and public spaces; v. provides for active and passive surveillance of the public spaces, road frontages and movement corridors; vi. does not result in internalised shopping centres with large external blank walls and tenancies only accessible from within the building; vii. locates tenancies at the street with car parking at the rear; viii. ensures expansive areas of surface car parking do not dominate road frontages or public spaces; ix. ensures parking, manoeuvring and servicing areas are designed, located and aesthetically treated to not be visually dominant features from the streetscape and public spaces; x. includes buffers or other treatments measures to respond to the interface with residential zoned land 	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The ultimate layout and design of the Local centre is yet to be determined.</p> <p>The site's geographic location bound by Oakey Flat Road (a Council Arterial Road) and Raynbird Road (an Extractive Industry - Transport Route) and site based constraints would compromise the ability to achieve a 'Main street' as defined by the Planning Scheme and as contemplated by Planning Scheme Policy PSP Neighbourhood design, for a Future Local Centre on the site. Similarly, the desired character of the centre and the ability to achieve attractive, active frontages as contemplated by the planning scheme and Planning Scheme Policy PSP - Centre and neighbourhood hub design, would be unable to be achieved due to site based constraints. The indicative site layout plan and design intent submitted with the application shows an internalized shopping centre with blank wall presented to the street and would no achieve active frontages that facilitate pedestrian activity.</p>
<p>i. Out-of-centre development, including centre expansion (into adjoining zones and precincts) or the establishment of a new centre only occurs where:</p> <ul style="list-style-type: none"> i. it maintains the scale and function of a local centre consistent with Table 6.2.1.1 including provision of one full line supermarket plus local speciality shops and lower order commercial uses; 	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The ultimate layout and design of the Local centre is yet to be determined.</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> ii. expansion strengthens the existing centre as an important local activity node, or for a new centre, strengthens the centres network within the region; iii. clear separation from existing higher order, district and local centres within the network are maintained to reduce catchment overlap and to establish 15 minute walkable neighbourhoods (generally, local centres should be separated from other centres by 2400m and neighbourhood hubs by 1600m, measured from the centre of each centre or neighbourhood hub); iv. for expansion, it is located on a highly accessible site, adjoining the existing centre not resulting in the fragmentation of the centre; v. for a new centre, it is located on a sub-arterial or collector road; vi. designed to include active frontages around a main street core; vii. expansion does not result in an elongated centre forming a ribbon of development along regional through roads. 		<p>The application does not comply with overall outcome in the following regard:</p> <ul style="list-style-type: none"> i. The Application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a development application for local centre. The application has not demonstrated that a Local centre of a scale and function as contemplated by Table 6.2.1.1 can be achieved on the site. ii. A proposed new Local centre in this proposed location <u>would undermine</u> the centres network within the Region. Within the catchment to which the site is located, there is an approved Material Change of Use - Development Permit for Restaurant, Shop and take Away Food Outlet (Council reference DA/31076/2015/V23C), located over Lot 958 Sovereign Drive, Narangba (958/SP283494). This approval would constitute a 'Neighbourhood hub' as defined by the Moreton Bay Regional Council Planning Scheme and is located approximately 500m north of the site. It is noted that over this same site at lot 957 Sovereign Drive, Council has recently issued a Development Permit has for a Local centre (currently subject to appeal). This approved centre complies with the scale and function of a Local centre as outlined within Table 6.2.1.1 – MBRC Centres network as the proposal a total Gross Floor Area (GFA) of 6,646m² and includes a full-line supermarket with a GFA of 3,946m² and an additional

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>2,700m² of retail and commercial uses (inclusive of a Service station). The approved Neighbourhood hub (or Local centre pending resolution of appeal) would service the growth catchment of western Narangba. Approximately 1400m to the north-east on Young Road is the established Narangba Local Centre which includes the Narangba Valley shopping centre.</p> <p>The applicant has submitted an Economic Need and Impact Assessment to determine the impact on the existing and approved centre network. The applicant's assessment contends the impact on the centres network would be relatively minor. With respect to the approved Neighbourhood Hub on Lot 957 Sovereign Drive (approved but not yet constructed), the applicant contends that this Neighbourhood hub would be considered complementary to a new Local Centre as it would provide a lower order retail function than a Local centre. Due to the applicant's contention of a complementary function, the applicant forecasts that turnover of the approved neighbourhood hub will decline by less than 10% due to the introduction of a future Local centre.</p> <p>The applicant's Economic Need and Impact Assessment has been peer reviewed by an external third party which identifies the economic impact across the centres network would be as follows:</p> <ul style="list-style-type: none"> • Narangba Local Centre (incl. Narangba Valley

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>Shopping Centre): \$11.0 million;</p> <ul style="list-style-type: none"> • Burpengary activity centre: \$16.0 million; • Morayfield activity centre: \$13.0 million; • Sovereign Drive, Narangba neighbourhood Hub (approved): \$2 million; and • Narangba Station Village: \$1 million. • The remaining \$5 million would come from other centres. <p>The consequence of the above impact distribution would be that the impact on the Narangba Local Centre (Young Road) would be above 15% of turnover and the impact on the approved Narangba Neighbourhood Hub would be ~40% of assumed turnover. The impact on Narangba Local Centre (Young Road) would be ameliorated through population growth, but the anticipated impact on the approved Narangba Neighbourhood Hub would be such that either the Neighbourhood Hub would not proceed or would fail if developed. The peer review disagrees with the contention that the Local centre would be complementary to the approved Neighbourhood hub and the proposed Local centre would instead threaten the retail network.</p> <p>As a result, the proposed development would not strengthen the existing centres in the network, but rather has the potential to compromise the centres network. It should be noted that the applicant's economic impact assessment as not considered the impact on the approved Local centre over Lot 957 Sovereign Drive</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>(approved by Council but currently subject to appeal). The peer review undertaken by an independent consultant has however assessed the impact of both the Raynbird Road Local Centre and the Sovereign Drive Local centre proceeding (separated by approximately 500m). The assessed concludes that if both Local centres were to proceed, there would be significant catchment overlap and the resultant impact would be that there would be three (3) underperforming local centres within Narangba (including the existing Narangba Valley local centre at Young Road/Golden Wattle Drive). Accordingly, should the application proceed, the centres network would be compromised/</p> <p>iii. The proposal for a variation request to apply the Local centre precinct over the site (to facilitate a future local centre) cannot maintain clear separation from the existing and approved centres within the network.</p> <p>(a) The site is located approximately 500m north of an approved Neighbourhood Hub located at Lot 958 Sovereign Drive, Narangba. The proposal does not meet the minimum separation distance of 1600m as required by the overall outcome. It should also be noted there is a Development approval for a Local centre over the same site which is currently approved but the development approval is</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>current not in effect (submitter appeal period). The proposal would not meet the separation distance to a Local centre being 2400m.</p> <p>(b) The site is located approximately 1400m to the south-west of the existing Narangba Local Centre located on Young Road. The proposal does not meet the required separation distance of 2400m to another Local centre.</p> <p>As a result of the proposed Variation request, a future local centre or uses consistent with the Local centre zone located on the site would result in catchment overlap with approved and existing centres within the network.</p> <p>iv. Not applicable as the proposal is not for expansion of an existing centre.</p> <p>v. The site subject to the variation request is located on the corner of a Council arterial and district collector road.</p> <p>vi. The planning scheme defines a main street as <i>'a street having a primary role to facilitate and foster opportunities for formal and informal social and economic exchange framed within the realm of a civic space'</i>. The subject site is bounded by a Council arterial (Oakey Flat Road) and Council district collector (Raynbird Road) which is an Extractive Industry Transport Route.</p> <p>Any opportunity for direct access to Oakey Flat Road will</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		<p>be limited given its form and function as an arterial road. With respect to Raynbird Road, the assessment benchmarks under State Planning Policy (July 2017) requires development adjacent to the transport route does not adversely affect the safe and efficient use of the transport route by vehicles transporting extractive resources.</p> <p>Given the hierarchy of Oakey Flat Road, and the requirements of the SPP to ensure any development does not affect the safe and efficient use of the transport route, any future development cannot achieve active frontages around a main street core as defined in the MBRC Planning Scheme and as required by Overall Outcome (l)(vi).</p> <p>vii. Not applicable as the proposal is not for expansion of an existing centre.</p>
<p>m. General works associated with the development achieves the following:</p> <p>i. new development is provided with a high standard of services to meet and support the current and future needs of users of the site, including roads, street lighting services, telecommunications and reticulated electricity (underground wherever possible), water and sewerage (where available);</p> <p>ii. the development manages stormwater to:</p> <p>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</p>	No	<p>The applicant has not demonstrated through submission of an Integrated Transport Assessment that the development will provide a high standard of roads to meet and support the current and future users.</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
<p>B. prevent stormwater contamination and the release of pollutants;</p> <p>C. maintain or improve the structure and condition of drainage lines and riparian areas;</p> <p>D. avoid off-site adverse impacts from stormwater.</p> <p>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</p> <p>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</p> <p>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</p> <p>Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>		
<p>p. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.</p>	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The ultimate layout and design and mix of uses on the site is yet to be determined however noise sensitive uses such as child care centres and residential uses are contemplated by the planning scheme to occur within a Local centre.</p> <p>The application has not demonstrated the site is appropriate to support noise sensitive uses. A large portion of the site is mapped as being within the Extractive industry - Transport route separation area (100m buffer from Raynbird Road). The application has not</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
		demonstrated how the impacts of noise, dust and vibration generated by haulage of extractive materials along the haulage route would be mitigated.
<p>q. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <p>i. adopting a 'least risk, least impact' approach when designing, siting and locating development in any area subject to a constraint, limitation or environmental value to minimise the potential risk to people, property and the environment;</p> <p>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</p> <p>i. when located within a Water buffer area, complying with the Water Quality Vision and Objectives contained in the Seqwater Development Guidelines: Development Guidelines for Water Quality Management in Drinking Water Catchments 2012.</p> <p>ii. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:</p> <p>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</p> <p>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</p> <p>C. the requiring of environmental offsets in accordance with the Environmental Offsets Act 2014.</p>	No	<p>The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre. The ultimate layout and design and mix of uses on the site is yet to be determined.</p> <p>Despite this, the site contains area of constraint, limitation and environmental value that have not been adequately assessed and may not be able to be avoided which would ultimately affect the design, form and functionality of a future Local centre. The site containing:</p> <ul style="list-style-type: none"> • A mapped waterway (Burgengary Creek Tributary) and associated riparian and wetland setbacks adjacent to the Oakey Flat Road frontage of the site which may compromise the ability to achieve an active frontage in this location; • A mapped overland flow path through the centre of the site which may compromise the form and functionality of the centre; • Mapped areas of landslide hazard (slope >15%) which may compromise form, functionality and integration of a future local centre. • Mapped Extractive industry - Transport route separation area which extends 100m into the site which may compromise the mix of uses within the centre and compromise the achievement of attractive, active frontage along Raynbird Road.

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> v. protecting native species and protecting and enhancing species habitat; vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance; vii. establishing effective separation distances, buffers and mitigation measures associated with identified infrastructure to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities; viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat; ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure; x. ensuring effective and efficient disaster management response and recovery capabilities; xi. where located in an overland flow path: <ul style="list-style-type: none"> A. development siting, built form, layout and access responds to the risk presented by the overland flow and minimises risk to personal safety B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow; C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment; 		<p>The development application has not demonstrated how a future Local centre would avoid areas subject to constraint, limitation or environmental value. Furthermore, it is noted that the application seeks to make future development over the site subject to Code Assessment. The Centre zone code, Local centre precinct does not contain provisions relating to mapped Landslide hazard areas or the Extractive industry - Transport separation route and would be unable to be assessed through subsequent Code Assessable development applications.</p>

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6.2.1.6 - Overall Outcomes of the Centre zone code, Local centre precinct		
Overall Outcomes	Complies Y/N	Comments
D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.		

Based on the assessment above, the proposal is inconsistent with the overall outcomes of the assessment benchmarks. Therefore, in accordance with section 1.7.2 of the MBRC Planning Scheme, an assessment against the Strategic Framework is set out in section 2.3.1 of this report.

2.6 Trunk Infrastructure

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

2.6.1 Levied Charge

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

2.7 Recording of particular approvals on the MBRC Planning Scheme

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

2.8 Referrals

2.8.1 Council Referrals

2.8.1.1 Development Engineering

Site Access and Parking

The General Residential Zone Code PO23 requires the layout of the development to not compromise the function, safety and capacity of the road network. The development proposes a possible potential development of 5000-7000 m² retail GFA and 2000-5000 m² commercial GFA (as contemplated for a Local centre). Access is proposed off both Raynbird Road (District Collector) and Oakey Flat Road (Arterial). An Integrated Transport Assessment in accordance with PSP - Integrated Design - Integrated Transport Assessment has not been submitted not been submitted to support the application to demonstrate that future Local centre in this location would not compromise the function, safety and capacity of the road network.

Stormwater Management and Drainage Discharge

The development is impacted by overland flow as mapped on Overlay map - Overland flow. Performance Outcome PO94 of the Centre zone code, Local centre precinct requires the development to maintain conveyance of the flows for all events up to the 1% AEP. A future local centre development would need to address the flow path and consideration must be given to the topography of the land (16%) which will require earthworks to allow suitable building pads and parking grades. This has not been addressed as part of the application.

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Landslide Hazard Overlay

The development is impacted by the Landslide Hazard Overlay triggered by existing land grades of over 15%. The applicant has not submitted a Geotechnical Assessment to address PSP - Landslide Hazard demonstrating that the site is suitable for the proposed use. It is further noted that the Landslide hazard overlay is not triggered within the Centre zone code, Local centre precinct and would not form part of the assessment of a subsequent Code Assessable development application.

2.8.2 Referral Agencies

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

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

- (a) Matters relating to development impacting on State Transport Infrastructure. Council was advised on 14 November 2017 (DILGP Reference: 1710-1982) that DILGP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice.

2.8.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.8.2.3 Third Party Agencies

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

2.9 Public Consultation

2.9.1 Public Notification Requirements under the Development Assessment Rules

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

2.9.2 Submissions Received

The application was publicly advertised and a total of 252 submissions were received, consisting of 216 properly made submissions and 36 not properly made submissions. Of the 216 properly made submissions received, 209 submissions were in support and 7 submissions were opposed. It should be noted that 208 of the submission received were in a pro-forma template.

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

Assessment of Submissions
<p>Issue - Proposed Location / Compliance with Moreton Bay Regional Council Planning Scheme</p> <ul style="list-style-type: none"> • The proposed shopping centre is too close to the existing Narangba Valley Shopping centre and is not needed. • The proposed development will not integrate into its residential catchment area by reason of its location on the periphery of an emerging urban area, as opposed to centrally location within that area.

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Assessment of Submissions

- The location of the land does not encourage or facilitate walking, cycling or public transport accessibility, again because it is located on the periphery of the catchment it proposes to serve.
- The location of the land raises conflicts with the existing extractive industry haulage route. It is inappropriate to seek to locate a local centre on such a route.
- The development application includes factual errors in the statement of design intent submitted as part of the information request response which provides a 'link to future sport / recreation precinct'. The site is current reserve for gravel and there are no plans in Council's LGIP for its conversion for recreation purposes in the current planning horizon.
- There is no community benefit, or no community benefit of sufficient substance, to warrant approval of the development application given the extensive conflicts with the planning scheme.
- There is no planning need to support the departure from the planning scheme.
- There are no relevant matters to justify the proposed development or the variations in the development application despite too many conflicts with the planning scheme.
- The development application does not comply with the follow sections of the planning scheme:
 - SC6.6 Planning Scheme Policy - Centre and Neighbourhood Hub Design
 - SC6.7 Planning Scheme Policy - Economic Impact Assessment
 - SC6.13 Planning Scheme Policy - Integrated Transport Assessment
 - SC6.15 Planning Scheme Policy - Neighbourhood Design
 - Centre Zone Code - Local Centre Precinct
 - Strategic Framework

Discussion

General Residential Zone Code - Next Generation Neighbourhood Precinct & Centre Zone Code - Local Centre Precinct

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

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

Overall outcome (i) of the General residential zone code, Next generation neighbourhood precinct requires that:

- i. Retail and commercial uses that will result in a new or existing neighbourhood hub expanding to a scale and function consistent with a Local centre are to be assessed as if establishing a new Local centre. Refer to the Centre zone code for relevant assessment benchmarks.*

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

- l. Out-of-centre development, including centre expansion (into adjoining zones and precincts) or the establishment of a new centre only occurs where:

 - ii. it maintains the scale and function of a local centre consistent with Table 6.2.1.1 including provision of one full line supermarket plus local speciality shops and lower order commercial uses;*
 - iii. expansion strengthens the existing centre as an important local activity node, or for a new centre, strengthens the centres network within the region;**

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Assessment of Submissions

- iv. clear separation from existing higher order, district and local centres within the network are maintained to reduce catchment overlap and to establish 15 minute walkable neighbourhoods (generally, local centres should be separated from other centres by 2400m and neighbourhood hubs by 1600m, measured from the centre of each centre or neighbourhood hub);
- v. for expansion, it is located on a highly accessible site, adjoining the existing centre not resulting in the fragmentation of the centre;
- vi. for a new centre, it is located on a sub-arterial or collector road;
- vii. designed to include active frontages around a main street core;
- viii. expansion does not result in an elongated centre forming a ribbon of development along regional through roads.

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

- i. Not applicable. Application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a development application for local centre. Whilst the application includes an indicative site plan for a future centre, this site plan has not been considered as part of this assessment as the variation request does not authorise development to occur and subsequent development application/s would be required to establish a Local centre on the site.
- ii. A proposed new Local centre in this proposed location would undermine the centres network within the Region. Within the catchment to which the site is located, there is an approved Material Change of Use - Development Permit for Restaurant, Shop and take Away Food Outlet (Council reference DA/31076/2015/V23C), located over Lot 958 Sovereign Drive, Narangba (958/SP283494). This approval would constitute a 'Neighbourhood hub' as defined by the Moreton Bay Regional Council Planning Scheme and is located approximately 500m north of the site. This Neighbourhood hub has yet to be constructed. It is noted that over this same site at lot 957 Sovereign Drive, Council has recently issued a Development Permit has for a Local centre (however this application is not yet in effect and is currently subject to an appeal). This approved centre complies with the scale and function of a Local centre as outlined within Table 6.2.1.1 – MBRC Centres network as the proposal a total Gross Floor Area (GFA) of 6,646m² and includes a full-line supermarket with a GFA of 3,946m² and an additional 2,700m² of retail and commercial uses (inclusive of a Service station). The approved Neighbourhood hub (or Local centre pending appeal resolution) would service the growth catchment of western Narangba. Approximately 1400m to the north-east on Young Road is the established Narangba Local Centre which includes the Narangba Village shopping centre. Wider within the same trade catchment is also the Burpengary and Morayfield activity centres and the Narangba station village shopping centre.

The applicant has submitted an Economic Need and Impact Assessment to determine the impact on the existing and approved centre network. The applicant's assessment contends the impact on the centres network would be relatively minor. With respect to the approved Neighbourhood Hub on Lot 957 Sovereign Drive (approved but not yet constructed), the applicant contends that this Neighbourhood hub would be considered complementary to a new Local Centre as it would provide a lower order retail function than a Local centre. Due to the complementary function, the applicant forecasts that turnover of the approved neighbourhood hub will decline by less than 10% due to the introduction of a future local centre. The applicant's Economic Need and Impact Assessment has been peer reviewed by an external third party which identifies the economic impact across the centres network would be as follows:

- Narangba Local Centre (incl. Narangba Valley Shopping Centre): \$11.0 million;
- Burpengary activity centre: \$16.0 million;
- Morayfield activity centre: \$13.0 million;

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Assessment of Submissions

- Sovereign Drive, Narangba neighbourhood Hub (approved): \$2 million; and
- Narangba Station Village: \$1 million.
- The remaining \$5 million would come from other centres.

The consequence of the above impact distribution would be that the impact on the Narangba Local Centre (Young Road) would be above 15% of turnover and the impact on the approved Narangba Neighbourhood Hub would be ~40% of assumed turnover. The impact on Narangba Local Centre (Young Road) would be ameliorated through population growth, but the anticipated impact on the approved Narangba Neighbourhood Hub would be such that either the Neighbourhood Hub would not proceed or would fail if developed.

As a result, the proposed development would not strengthen the existing centres in the network, but rather has the potential to compromise the centres network. It should be noted that the applicant's economic impact assessment as not considered the impact on the approved Local centre over Lot 957 Sovereign Drive (approved by Council but currently subject to appeal). The peer review of the applicant's economic impact assessment has assessed the impact in the event that both this proposed Local centre at Raynbird Road and the approved (subject to appeal) Local centre at Lot 957 Raynbird Road, separated by 500m where to proceed, the assessed resultant impact would be that there would be three (3) underperforming local centres within Narangba (including the existing Narangba Valley local centre at Young Road/Golden Wattle Drive).

- iii. The proposal for a variation request to apply the Local centre precinct over the site (to facilitate a future local centre) cannot maintain clear separation from the existing and approved centres within the network.
 - (a) The site is located approximately 500m north of an approved Neighbourhood Hub located at Lot 958 Sovereign Drive, Narangba. The proposal does not meet the minimum separation distance of 1600m as required by the overall outcome. It should also be noted there is a Development approval for a Local centre over the same site which is currently approved but the development approval is current not in effect (submitter appeal period). The proposal would not meet the separation distance to a Local centre being 2400m.
 - (b) The site is located approximately 1400m to the south-west of the existing Narangba Local Centre located on Young Road. The proposal does not meet the required separation distance of 2400m to another Local centre.

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

- iv. Not applicable as the proposal is not for expansion of an existing centre.
- v. The site subject to the variation request is located on the corner of a Council arterial and district collector road.
- vi. The planning scheme defines a main street as '*a street having a primary role to facilitate and foster opportunities for formal and informal social and economic exchange framed within the realm of a civic space*'. The subject site is bounded by a Council arterial (Oakey Flat Road) and Council district collector (Raynbird Road) which is an Extractive Industry Transport Route. Any opportunity for direct access to Oakey Flat Road will be limited given its form and function as an arterial road. With respect to Raynbird Road, the assessment benchmarks under State Planning Policy (July 2017) requires development adjacent to the transport route does not adversely affect the safe and efficient use of the transport route by vehicles transporting extractive resources. Given the hierarchy of Oakey Flat Road, and the requirements of the SPP to ensure any development does not affect the safe and efficient use of the transport route, any

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Assessment of Submissions

future development cannot achieve active frontages around a main street core as defined in the MBRC Planning Scheme and as required by Overall Outcome (I)(vi).

vii. Not applicable as the proposal is not for expansion of an existing centre

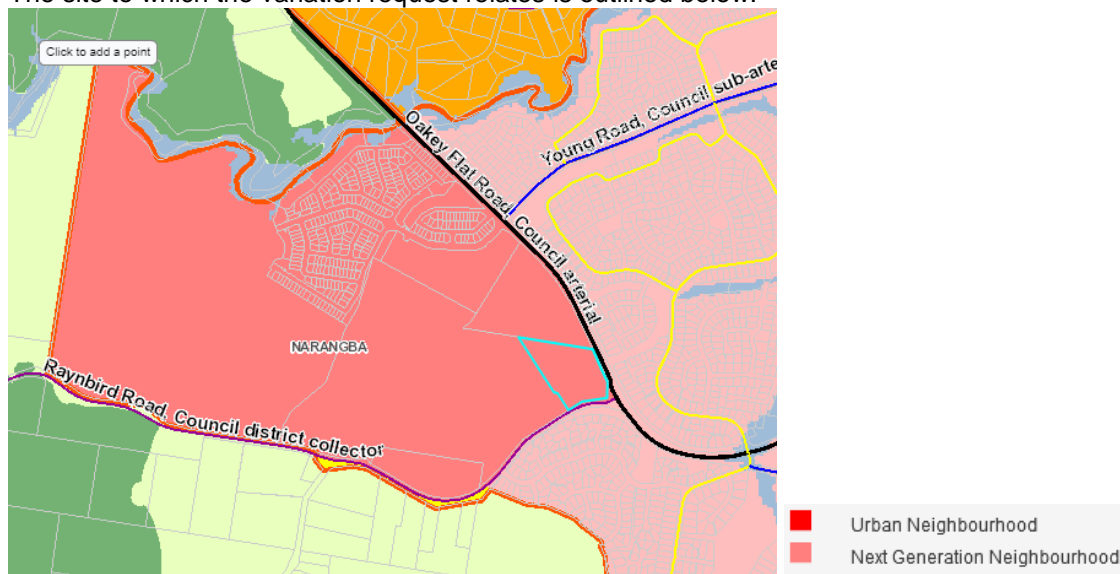
Strategic Framework

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

3.13.3.4 Specific Outcome - Settlement Pattern and Urban Form

11. Next generation neighbourhoods at Griffin, Mango Hill, Kallangur, Dakabin, Narangba and Burpengary East will be developed as well planned and attractive new residential neighbourhoods providing a diverse range of residential opportunities at densities that support the provision of community facilities and services and viable local centres. Local centres will generally be located on central intersections with good accessibility and visibility, in locations that support active transport and a network of well connected and attractive streets and open spaces within the neighbourhoods

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



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

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

- 6. At least one local centre or neighbourhood hub is conveniently located within the neighbourhood. Local centres and neighbourhood hubs create a series of 15 minute walkable neighbourhoods. Convenient locations for local centres and neighbourhood hubs are on main through streets or on central intersections and within a 15 minute walking distance and responsive to active transport;
- 7. Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub, or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:
 - a. it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services, and community activities;

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Assessment of Submissions

- b. *it is conveniently located on a main through street and/or adjoins or is opposite to a public transport node;*
- c. *the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses;*
- d. *a new local centre or neighbourhood hub is to service an unserved catchment and is located to form 15 minute walkable neighbourhoods, with the local centre or neighbourhood hub central to that neighbourhood;*
- e. *they are appropriately designed to have high quality urban design outcomes.*

In that regard, the subject site is not conveniently located nor it is central to the neighbourhood it is intended to serve. As identified above, there is an approved Neighbourhood Hub (and an approved Local centre - permit not yet in effect) on the site at 958 Sovereign Drive, Narangba. This approved neighbourhood hub (or Local centre) establishes a 15 minute walkable neighbourhood to service the expanding residential population on the south-western side of Oakey Flat Road which includes the site subject to the variation request.

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

This is a ground for refusal of the application.

Issue - Economic Impacts/ Need

- The development application will have unacceptable economic impacts on the approved local centre at Sovereign Drive, Narangba.
- The proposed variation request included an Economic Impact Assessment report. This report has not been prepared in accordance with the requirements of SC6.7 Planning Scheme Policy - Economic Impact Assessment.
- The community have access to the existing shopping opportunities in Narangba Valley Shopping Centre, Burpengary, North Lakes, Kallangur and Morayfield
- Do not want or need another shopping centre.
- Shops will not offer more choice - same set of major retailers.
- I do not believe it is socially beneficial to the Moreton Bay Regional and Narangba area to establish another McDonald's restaurant / fast food outlet.

Discussion

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

The applicant's Economic Impact Assessment contends the impact on the centres network would be relatively minor. With respect to the approved Neighbourhood Hub on Lot 957 Sovereign Drive (approved but not yet constructed), the applicant contends that this Neighbourhood hub would be considered complementary to a new Local Centre as it would provide a lower order retail function than a Local centre. Due to the complementary function, the applicant forecasts that turnover of the approved neighbourhood hub will decline by less than 10% due to the introduction of a future local centre. The applicant's Economic need and Impact Assessment has been peer reviewed by an external third party which identifies the economic impact across the centres network would be as follows:

- Narangba Local Centre (incl. Narangba Valley Shopping Centre): \$11.0 million;
- Burpengary activity centre: \$16.0 million;
- Morayfield activity centre: \$13.0 million;
- Sovereign Drive, Narangba neighbourhood Hub (approved): \$2 million; and
- Narangba Station Village: \$1 million.
- The remaining \$5 million would come from other centres.

ITEM 2.2 DEVELOPMENT APPLICATION DA/34978/2017/V2C - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 96 RAYNBIRD ROAD, NARANGBA - DIVISION 11 - A16518022 (Cont.)

Assessment of Submissions

The consequence of the above impact distribution would be that the impact on the Narangba Local Centre (Young Road) would be above 15% of turnover and the impact on the approved Narangba Neighbourhood Hub would be ~40% of assumed turnover. The impact on Narangba Local Centre (Young Road) would be ameliorated through population growth, but the anticipated impact on the approved Narangba Neighbourhood Hub would be such that either the Neighbourhood Hub would not proceed or would fail if developed. As a result of the impact to the approved Neighbourhood hub at Lot 957 Sovereign Drive, this is sufficient grounds for refusal of the application.

It is acknowledged that there is existing shopping choice available within the catchment, considering both existing and approved centres.

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

This is a ground for refusal of the application.

Issue - Development Application

- The planning scheme provides for local centres to be established in the General Residential Zone - Next Generation Neighbourhood Precinct, and the applicable assessment benchmarks are the Centre Zone - Local Centre Precinct. That is, the planning scheme provides for this development to be considered on its merits without the need to vary the provisions of the scheme.
- The proposed development fails to demonstrate proper structure planning in support of the proposed development on the land.
- The approval of the development application, based on the level of detail provided, would deprive submission rights to future application, particularly in relation to detailed design matters which have not been properly considered.
- Insufficient information has been submitted to allow the Assessment Manager to properly assess the Development Application.

Discussion

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

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

This is a ground for refusal of the application.

Issue - Design

- The design of the proposed centre fails to achieve good design and CPTED principals, including the lack of street activation and car dependence.

Discussion

The application is seeking a variation request to allow land uses in accordance with the Centre zone code, Local centre precinct to ultimately facilitate a future development application for a Local centre.

ITEM 2.2 DEVELOPMENT APPLICATION DA/34978/2017/V2C - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 96 RAYNBIRD ROAD, NARANGBA - DIVISION 11 - A16518022 (Cont.)

Assessment of Submissions

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

In accordance s61 of the *Planning Act 2016*, Council must consider the consistencies with the local planning scheme. With respect to the design of a future Local centre, Council requested additional information from the applicant as to how a future local centre could be designed to achieve active frontages around a main street core, considering that Oakey Flat Road is an arterial road with limited access and Raynbird Road is an Extractive Industry Transport Route. In addition, the Oakey Flat Road frontage of the site contains a mapped waterway under overlay map - Environmental area being Gympie Creek Tributary. Although it is acknowledged that detailed design of the centre would be assessed through subsequent development permit applications, the application has failed to address the design requirements of the Overall outcomes of the Centre zone code, Local centre precinct.

This is a ground for refusal of the application.

Issue - Support for the development

- The proposed centre is proposed is expected to generate a variety of beneficial impacts including:
 - Providing trade area residents with greater local choice of shops and services;
 - Enhancing competition in pricing and service;
 - Enhancing accessibility to everyday retail requirements;
 - Providing savings in travel time and costs;
 - Generating employment during construction and approximately 160 full-time, part-time and casual positions at the centre when it is trading;
 - Would offer more choice to local residents;
 - Easy access off Oakey Flat Road, this is an ideal location for this type of shopping precinct;
 - Introduce more competitive pricing and financial savings at the checkout;
 - Integration with the adjoining Council owned land would enhance the opportunities for sporting clubs and local activities;
 - With the anticipated growth for the area it is a much needed enhancement.
- An additional supermarket is much needed in Narangba.
- The proposed development will be beneficial for house prices in the area;

The submitter's comments in support of the application are acknowledged. An economic impact and need assessment has been submitted of the application and has been per reviewed by an independent expert. This peer review of the economic impact and need assessment confirms there is presently an undersupply of convenience retailing (including supermarket floor space) available to residents within Narangba. The peer review of the economic impact and need assessment confirms there is a need for an additional local centre to meet the needs of the growing community around western Narangba and this is reflected in the submissions received in support of the proposal. Despite this, the impact of an additional local centre, over and above the existing and approved centres within Narangba, would compromise the network of centres within Narangba and result in in underperforming or failing centres and would not be in the interest of the community.

Council's Local Government Infrastructure Plan (LGIP) does not identified the adjoining Council owned Oakey Flat Road Reserve (Gravel Reserve) as performing a Local recreation or sporting function.

The impact on house prices is not a relevant planning consideration. Furthermore, no evidence has been provided in support of the claim the proposed development would be beneficial for house prices (or to the contrary).

The application has not demonstrated the site is appropriate to accommodate a future local centre.

This is a ground for refusal of the application.

ITEM 2.2 DEVELOPMENT APPLICATION DA/34978/2017/V2C - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 96 RAYNBIRD ROAD, NARANGBA - DIVISION 11 - A16518022 (Cont.)

2.9.3 Notice of Compliance

The Notice of Compliance was received by Council on 21 December 2017. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

2.10 Other Matters

2.10.1 Economic Need and Impact Assessment

The applicant has submitted an Economic Need and Impact Assessment to determine the impact on the existing and approved centre network. The applicant's assessment contends the impact on the centres network would be relatively minor. With respect to the approved Neighbourhood Hub on Lot 957 Sovereign Drive (approved but not yet constructed), the applicant contends that this Neighbourhood hub would be considered complementary to a new Local Centre as it would provide a lower order retail function than a Local centre. Due to the applicant's contention of a complementary function, the applicant forecasts that turnover of the approved neighbourhood hub will decline by less than 10% due to the introduction of a future Local centre.

The applicant's Economic Need and Impact Assessment has been peer reviewed by an external third party which identifies the economic impact across the centres network would be as follows:

- Narangba Local Centre (incl. Narangba Valley Shopping Centre): \$11.0 million;
- Burpengary activity centre: \$16.0 million;
- Morayfield activity centre: \$13.0 million;
- Sovereign Drive, Narangba neighbourhood Hub (approved): \$2 million; and
- Narangba Station Village: \$1 million.
- The remaining \$5 million would come from other centres.

The consequence of the above impact distribution would be that the impact on the Narangba Local Centre (Young Road) would be above 15% of turnover and the impact on the approved Narangba Neighbourhood Hub would be ~40% of assumed turnover. The impact on Narangba Local Centre (Young Road) would be ameliorated through population growth, but the anticipated impact on the approved Narangba Neighbourhood Hub would be such that either the Neighbourhood Hub would not proceed or would fail if developed. The peer review disagrees with the contention that the Local centre would be complementary to the approved Neighbourhood hub and the proposed Local centre would instead threaten the retail network.

As a result, the proposed development would not strengthen the existing centres in the network, but rather has the potential to compromise the centres network. It should be noted that the applicant's economic impact assessment as not considered the impact on the approved Local centre over Lot 957 Sovereign Drive (approved by Council but currently subject to appeal). The peer review undertaken by an independent consultant has however assessed the impact of both the Raynbird Road Local Centre and the Sovereign Drive Local centre proceeding (separated by approximately 500m). The assessed concludes that if both Local centres were to proceed, there would be significant catchment overlap and the resultant impact would be that there would be three (3) underperforming local centres within Narangba (including the existing Narangba Valley local centre at Young Road/Golden Wattle Drive). Accordingly, should the application proceed, the centres network would be compromised.

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

ITEM 2.2 DEVELOPMENT APPLICATION DA/34978/2017/V2C - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL (VARIATION APPROVAL) FOR LAND USES CONSISTENT WITH THE CENTRE ZONE, LOCAL CENTRE PRECINCT - 96 RAYNBIRD ROAD, NARANGBA - DIVISION 11 - A16518022 (Cont.)

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

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

3.7 Economic Implications

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Refer to clause 2.7.

ATTENDANCE

Mr Marco Alberti left the meeting at 10.49am after Item 2.2.

Cr Adrian Raedel and Cr Darren Grimwade returned to the meeting at 10.49am after consideration of Item 2.2.

Mr Blayne Magnar attended the meeting at 10.51am discussion on Item 2.3.

Conflict of Interest - Declaration

Pursuant to s173(4) of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a conflict of interest in the following matter as the applicant was a contributor to the Mayor's election campaign, and retired from the meeting at 10.51am, taking no part in the debate or recommendation regarding same.

ITEM 2.3

DEVELOPMENT APPLICATION DA/34958/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 195 LOTS AND A BALANCE LOT) IN STAGES LOCATED AT 50-72 NAIRN ROAD AND 84-88 BURBURY ROAD, MORAYFIELD - DIVISION 12

**APPLICANT: TRASPUNT NO. 15 PTY. LTD. C/- LANDPARTNERS PTY LTD
OWNER: TRASK DEVELOPMENT CORPORATION (NO 15) PTY LTD, MALCOLM ROBERT RICHARD & WHELOCK & WILMA VALDA WHELOCK; AND BRUCE ALLEN MACFARLANE & WENDY DIANNE MACFARLANE**

Meeting / Session: 2 PLANNING & DEVELOPMENT
Reference: A16513417: 29 January 2018 – Refer Supporting Information A16514492
Responsible Officer: BM, Principal Planner, (PED, Development Services)

Executive Summary

APPLICATION DETAILS	
Applicant:	Traspunt No.15 Pty. Ltd. C/- Landpartners Pty. Ltd.
Lodgement Date:	15 September 2017
Properly Made Date:	15 September 2017
Confirmation Notice Date:	28 September 2017 (original notice) 12 October 2017 (amended notice)
Information Request Date:	13 October 2017
Info Response Received Date:	12 January 2018
Decision Due Date	19 February 2018
No. of Submissions:	Not Applicable (as application is code assessable)

PROPERTY DETAILS	
Division:	Division 12
Property Address:	50-72 Nairn Road and 84-88 Burbury Road, Morayfield Qld
RP Description	Lot 8 RP 91719, Lot 9 RP 91719, Lot 10 RP 91719, Lot 4 RP196576 and Lot 5 RP804516
Land Area:	19.239Ha
Property Owner	Trask Development Corporation (No 15) Pty Ltd, Malcolm Robert Richard & Wheelock & Wilma Valda Wheelock; and Bruce Allen Macfarlane & Wendy Dianne Macfarlane.

STATUTORY DETAILS	
Planning Legislation:	<i>Planning Act 2016</i>
Planning Scheme:	Moreton Bay Regional Council Planning Scheme (Version 3 - effective 3 July 2017)
Planning Locality / Zone	Emerging Community Zone - Transition Precinct
Level of Assessment:	Code Assessable

ITEM 2.3 DEVELOPMENT APPLICATION DA/34958/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 195 LOTS AND A BALANCE LOT) IN STAGES LOCATED AT 50-72 NAIRN ROAD AND 84-88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16513417 (Cont.)

This development application seeks a development approval for a Reconfiguring a Lot - Development Permit for Subdivision (5 into 195 lots and balance lot) in stages, located at 50-72 Nairn Road and 84-88 Burbury Road, Morayfield on land described as Lot 8 RP 91719, Lot 9 RP 91719, Lot 10 RP 91719, Lot 4 RP196576 and Lot 5 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 19.244ha (proposed development footprint - 13.345ha).

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 Matt Constance

Seconded by Cr James Houghton

CARRIED 10/2

Cr Brooke Savage and Cr Adrian Raedel voted against Committee's Recommendation

- A. That Council, in accordance with the Planning Act 2016, refuses the development application for Reconfiguration of a Lot - Development Permit for Subdivision (5 into 195 lots and balance lot) in stages, situated at 50-72 Nairn Road and 84-88 Burbury Road, Morayfield, described as Lot 8 RP 91719, Lot 9 RP 91719, Lot 10 RP 91719, Lot 4 RP196576 and Lot 5 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

ITEM 2.3 DEVELOPMENT APPLICATION DA/34958/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 195 LOTS AND A BALANCE LOT) IN STAGES LOCATED AT 50-72 NAIRN ROAD AND 84-88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16513417 (Cont.)

- Performance Outcome PO46 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
- Performance Outcome PO51 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
- Performance Outcome PO52 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.
- Performance Outcome PO56 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 PO63 of the Reconfiguring a lot code, Emerging community zone, Transition precinct
- Performance Outcome PO18 of the Flood hazard overlay code
- Performance Outcome PO20 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 Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That the following information be included in the Decision Notice:

Decision Notice information

	Details to Insert
Application Type	Reconfiguring a Lot - Development Permit for Subdivision (5 into 195 lots and balance lot) in stages.
Relevant Period of Approval	Not Applicable - Refusal
Referral Agencies	There are no Referral Agencies
Submissions	Not applicable

ITEM 2.3 DEVELOPMENT APPLICATION DA/34958/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 195 LOTS AND A BALANCE LOT) IN STAGES LOCATED AT 50-72 NAIRN ROAD AND 84-88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16513417 (Cont.)

OFFICER'S RECOMMENDATION

- A. That Council, in accordance with the *Planning Act 2016*, refuses the development application for Reconfiguration of a Lot - Development Permit for Subdivision (5 into 195 lots and balance lot) in stages, situated at 50-72 Nairn Road and 84-88 Burbury Road, Morayfield, described as Lot 8 RP 91719, Lot 9 RP 91719, Lot 10 RP 91719, Lot 4 RP196576 and Lot 5 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 PO51 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
- **Performance Outcome PO52 of the Reconfiguring a lot code, Emerging community zone, Transition precinct.**
- **Performance Outcome PO56 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 PO63 of the Reconfiguring a lot code, Emerging community zone, Transition precinct**
- **Performance Outcome PO18 of the Flood hazard overlay code**
- **Performance Outcome PO20 of the Flood hazard overlay code**
- **Performance Outcome PO22 of the Flood hazard overlay code**

ITEM 2.3 DEVELOPMENT APPLICATION DA/34958/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 195 LOTS AND A BALANCE LOT) IN STAGES LOCATED AT 50-72 NAIRN ROAD AND 84-88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16513417 (Cont.)

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 application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.

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

Decision Notice information

	Details to Insert
Application Type	Reconfiguring a Lot - Development Permit for Subdivision (5 into 195 lots and balance lot) in stages.
Relevant Period of Approval	Not Applicable - Refusal
Referral Agencies	There are no Referral Agencies
Submissions	Not applicable

REPORT DETAIL

1. Background

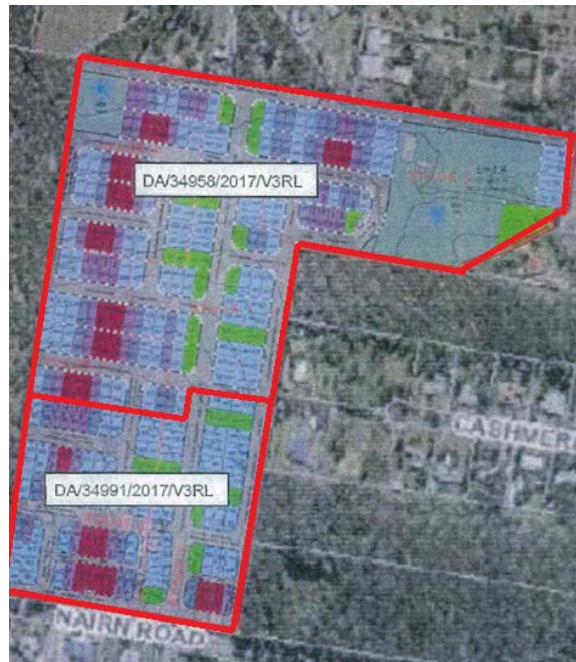
On 21 January 2008, Council's Delegate approved a Material Change of Use - Development Permit for Dependant Person's Accommodation situated at 58-64 Nairn Road, Morayfield on land described as Lot 9 RP91719.

On 15 July 2010, Council's Delegate approved a Material Change of Use - Development Permit for Dependant Person's Accommodation situated at 50-56 Nairn Road, Morayfield on land described as Lot 8 RP 91719. This development approval lapsed on 15 July 2014 as the development was not constructed within the relevant period. Subsequently, Council received a development application for Dependant Person's Accommodation on 29 September 2014, which was approved by Council's Delegate on 30 September 2014.

The site is subject to two (2) current development applications, being this development application (DA/34958/2017/V3RL) which was lodged with Council on 15 September 2017 and Development Application DA/34991/2017/V3RL which was lodged with Council on 28 August 2017, seeking a Reconfiguring a Lot - Development Permit for Subdivision (5 into 99 Lots and a balance lot) in stages.

As outlined in the below image, this development application is situated over the northern portion of the subject site, while DA/34991/2017/V3RL is located over the southern portion of the site and is being assessed concurrently with this application.

ITEM 2.3 DEVELOPMENT APPLICATION DA/34958/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 195 LOTS AND A BALANCE LOT) IN STAGES LOCATED AT 50-72 NAIRN ROAD AND 84-88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16513417 (Cont.)



2. Explanation of Item

2.1 Proposal Details

It is proposed to reconfigure the existing five (5) allotments into 195 urban residential lots + a balance Lot + detention basin lots in four (4) stages, which are identified as stages 3-6 on the proposal plan. It is noted that Stages 1 and 2 were part of a separate development application (DA/34873/2017/V3RL) which was refused by Council on 23 January 2018.

The four stages are as follows:

Stage	Number of Residential Lots	Stage Area	Length of new road
3	60	5.521ha	775m
4	42	2.81ha	585m
5	52	3.044ha	570m
6	41 + balance lot	1.97ha	265m

The proposed urban residential lots range in land area from 225m² to 516m². The balance Lot (lot 9200) to be created as part of Stage 6, has an area of 5.898ha and is proposed to be further developed as part of development application DA/34991/2017/V3RL. The development form is consistent with, and provides an extension of DA/34991/2017/V3RL.

The proposal includes proposed Lots 9000 (Stage 5) and 9001 (Stage 3), located in the north-eastern and north-western corners of the site, as detention basin lots (combined area of 2.3585ha) for stormwater management purposes.

The overall net residential density of the proposed development is 14.61 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.

ITEM 2.3 DEVELOPMENT APPLICATION DA/34958/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 195 LOTS AND A BALANCE LOT) IN STAGES LOCATED AT 50-72 NAIRN ROAD AND 84-88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16513417 (Cont.)

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)	32	16%
Type B (>7.5m -10m)	43	22%
Type C (>10-12.5m)	21	11%
Type D (>12.5-18m)	83	42%
Type E (>18-32m)	16	8%

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 19.5m with additional road reserve provided from the adjoining site to the north), forming a new intersection with Burbury Road.

The proposal does not seek to dedicate any public park land to service the proposed residential neighbourhood. The submitted proposal plans indicate that proposed Lots 9000 and 9001 (combined area of 2.3585ha) located in the north-eastern and north-western corners of the site are to be utilised for stormwater management purposes, however these lots have not been identified to be dedicated to Council as drainage reserve. Regardless, these stormwater management areas 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.

ITEM 2.3 DEVELOPMENT APPLICATION DA/34958/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 195 LOTS AND A BALANCE LOT) IN STAGES LOCATED AT 50-72 NAIRN ROAD AND 84-88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16513417 (Cont.)

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.

In the absence of a Council adopted structure plan, 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 undertaken 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 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 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.

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 currently being carried out by the 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.

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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	Rural Residential	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.

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

2.3.1 *State Planning Policy*

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

Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None	Not applicable
Assessment benchmarks - water quality		

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Assessment benchmark - livable communities		
Applicable to Development	SPP requirement	Comment
Yes	(4) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from (e) altered stormwater quality and hydrology (f) waste water (g) the creation or expansion of non-tidal artificial waterways (h) the release and mobilization of nutrients and sediments. (5) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2) (6) 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.
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

2.3.2 *South East Queensland Regional Plan*

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

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

The application was properly made on 15 September 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.

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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
Zone/ Local Plan Code		
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, PO51, PO52, PO56, PO57 and PO63
Overlay Codes		
8.2.2 - Flood hazard overlay code	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO18, PO20 and PO22

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

2.4.2 Performance Outcome Assessment

Performance Outcome	Example
9.4.1.3.2 - Reconfiguring a lot code, Emerging community zone, Transition precinct	
PO7 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.	E7.1 Lots with frontages of 7.5 metres or less are located within 200 metres of: <ul style="list-style-type: none"> • a park; or • a public transport stop or station; or • a higher order centre, district centre, local centre or neighbourhood hub (refer Overlay map - Community activities and neighbourhood hubs).
<i>Performance Outcome Assessment</i>	
The development application proposes lots with 7.5m frontage widths (Lot Type A) which are not located within 200m of a public transport stop or station or higher order centre, district centre, local centre or neighbourhood hub.	
It is noted that the site is located within 400m of J Dobson Road Park. It is acknowledged that J Dobson Park is identified as a potential Local Recreational Park in the Urban Recreation Park Plan. It is important to note that the Urban Recreation Park Plan has not been endorsed by Council (i.e. not a Council policy) and is only a background study which was developed to inform the Planning Scheme.	
Furthermore, it is identified that J Dobson Road Park is heavily vegetated and mapped as containing Category B endangered remnant vegetation, which in any event would restrict the area (being J Dobson Road Park) from being used as a local recreation park as clearing of vegetation on site would not be supported.	
Currently, the park is more aligned to a nature reserve. The park does not provide for recreational opportunities and does not meet the desired standards of service identified within Planning Scheme Policy PSP - Integrated design for a local park.	

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Performance Outcome	Example
<p>As such, 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>PO16 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"> • nearby centres and neighbourhood hubs; • community facilities; • public transport nodes; • areas of open space. <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>PO17 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 northern boundary of the subject site.</p> <p>The development proposal, in particular the location of the stormwater detention basins (inclusive of batters) contained within proposed Lots 9000 and 9001, has not made allowance for the active transport route and the proposal may compromise the desired alignment of this future active transport route.</p>	

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Performance Outcome	Example
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>PO19 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>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The development application proposes a Contemporary Residential road (19.5m road reserve) located within the northern boundary that would ultimately contribute to connecting Robbs Road to the east with J Dobson Road to the west. This road typology is not in accordance with the Council's current planning which 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). 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>	
<p>PO27 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>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The development application proposes a Contemporary Residential (19.5m road reserve width) road within the northern 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 road reserve). Considering the limited development potential of the lot to the north due to the Flood Hazard Overlay, full road reserve dedication will be required from this development. The road as proposed will prejudice the function of the Council's ultimate planned road network.</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>PO33 A hierarchy of Park and open space is provided to meet the recreational needs of the community</p>	No acceptable outcome provided

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Performance Outcome	Example
<p>Note - To determine the extent and location of Park and open space required 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 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.</p> <p>It is noted that the site is located within 400m of J Dobson Road Park. It is acknowledged that J Dobson Park is identified as a potential Local Recreational Park in the Urban Recreation Park Plan. It is important to note that the Urban Recreation Park Plan has not been endorsed by Council (i.e. not a Council policy) and is only a background study which was developed to inform the Planning Scheme.</p> <p>Furthermore, it is identified that J Dobson Road Park is heavily vegetated and mapped as containing Category B endangered remnant vegetation, which in any event would restrict the area (being J Dobson Road Park) from being used as a local recreation park as clearing of vegetation on site would not be supported.</p> <p>Currently, the park is more aligned to a nature reserve. The park does not provide for recreational opportunities and does not meet the desired standards of service identified within Planning Scheme Policy PSP - Integrated design for a local park.</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>PO34 Park is to be provided within walking distance of all new residential lots. Note - To determine maximum walking distances for Park types 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 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.</p>	

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Performance Outcome	Example
<p>It is noted that the site is located within 400m of J Dobson Road Park. It is acknowledged that J Dobson Park is identified as a potential Local Recreational Park in the Urban Recreation Park Plan. It is important to note that the Urban Recreation Park Plan has not been endorsed by Council (i.e. not a Council policy) and is only a background study which was developed to inform the Planning Scheme.</p> <p>Furthermore, it is identified that J Dobson Road Park is heavily vegetated and mapped as containing Category B endangered remnant vegetation, which in any event would restrict the area (being J Dobson Road Park) from being used as a local recreation park as clearing of vegetation on site would not be supported.</p> <p>Currently, the park is more aligned to a nature reserve. The park does not provide for recreational opportunities and does not meet the desired standards of service identified within Planning Scheme Policy PSP - Integrated design for a local park.</p> <p>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>PO35 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"> • a minimum area of 0.5ha (100% unconstrained land); • located adjacent to a collector road or lower; • centrally located in a central, prominent, highly visible and accessible location within the catchment it services; • embellished with small play equipment, picnic areas, pedestrian pathways and drinking taps and the like. <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 does not 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>	

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Performance Outcome	Example
<p>PO46 Stormwater management facilities are located outside of riparian areas and prevent increased channel bed and bank erosion.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<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' within proposed Lot 9001. 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>PO51 The major drainage system has the capacity to safely convey stormwater flows for the defined flood event.</p>	<p>E51 The roads, drainage pathways, drainage features and waterways safely convey the stormwater flows for the defined flood event without allowing flows to encroach upon private lots.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Existing piped drainage from the Burbury Road cul-de-sac head currently discharges into Easement A (within proposed Lot 301). Easement A is proposed to be surrendered as part of this application. The applicant has not demonstrated how the existing piped drainage will be captured in a defined flood event.</p> <p>As the development proposal, does not comply with Performance Outcome PO51, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p>PO52 Overland flow paths (for any storm event) from newly constructed roads and public open space areas do not pass through private lots.</p>	<p>No example provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Existing piped drainage from the Burbury Road cul-de-sac head currently discharges into Easement A (within proposed Lot 301). Easement A is proposed to be surrendered as part of this application. The applicant has not demonstrated how the existing piped drainage will be captured or diverted so as to not pass through a private lot (Lot 301).</p> <p>As the development proposal does not comply with Performance Outcome PO52, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p>PO56 Design and construction of the stormwater management system:</p>	<p>No example provided.</p>

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Performance Outcome	Example
<p>a. utilise methods and materials to minimise the whole of lifecycle costs of the stormwater management system;</p> <p>b. are coordinated with civil and other landscaping works.</p> <p>Note - Refer to Planning scheme policy - Integrated design for guidance on how to demonstrate achievement of this performance outcome.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>Performance Outcome PO56 requires the development to minimise the lifecycle costs of the stormwater management system. PO56 refers the applicant to the Planning Scheme Policy - Integrated Design as a means of demonstrating compliance with this performance outcome.</p> <p>Planning Scheme Policy - Integrated Design Appendix C Sections 1.5.8 & 1.5.9 refers to the Integrated Regional Infrastructure Strategy and Catchment Management Plans.</p> <p>The Integrated Regional Infrastructure Strategy (iRIS), will combine Council's infrastructure priorities with the priorities of other infrastructure providers in the region, such as water, sewerage and energy. iRIS will coordinate the planning, design and construction process for all infrastructure networks.</p> <p>Site Based Stormwater Management Plans (SBSMP) and Catchment Management Plans (CMPs) provide a review of all aspects of the water cycle. They review catchment opportunities and constraints, potential impacts of future development and mitigation measures. They develop solutions which seek to reduce the risk to people and property from flood and storm tide and enhance the environment to protect the lifestyles of residents and visitors.</p> <p>Council is currently undertaking regional stormwater master planning for the Morayfield South area which 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 it is considered that the proposed layout will impact upon future works.</p> <p>As the development proposal does not comply with Performance Outcome PO56, an assessment against the Purpose and Overall outcomes of the Reconfiguring a lot code, Emerging community zone, Transition precinct is required.</p>	
<p>PO57 Reconfiguring a lot facilitates the retention of native vegetation by:</p> <p>a. incorporating native vegetation and habitat trees into the overall subdivision design, development layout, on-street amenity and landscaping where practicable;</p> <p>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 ></p>	<p>No acceptable outcome provided</p>

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Performance Outcome	Example
<p>80cm in diameter at 1.3m height, 3 nest boxes are required for every habitat tree removed.</p> <ul style="list-style-type: none"> c. providing safe, unimpeded, convenient and ongoing wildlife movement; d. avoiding creating fragmented and isolated patches of native vegetation. e. ensuring that biodiversity quality and integrity of habitats is not adversely impacted upon but are maintained and protected; f. ensuring that soil erosion and land degradation does not occur; g. ensuring that quality of surface water is not adversely impacted upon by providing effective vegetated buffers to water bodies 	
<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 does not 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>PO63 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 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>	
<p>8.2.2 - Flood hazard overlay code</p>	
<p>PO18 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"> a. in the High risk area, is only for the purposes of Park or Permanent plantation unless: 	<p>No example provided.</p>

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8.2.2 - Flood hazard overlay code	
<ul style="list-style-type: none"> a. in the Rural residential zone where; the minimum lot size for each rural residential lot is provided outside the High risk area; or b. in the Rural zone; or <p>b. in the Medium risk area, is only for the purposes of Park or Permanent plantation unless:</p> <ul style="list-style-type: none"> a. 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 b. in the Rural zone; or c. in the Rural residential zone, where the minimum lot size for each rural residential lot is provided outside the Medium risk area; or d. 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>c. In the Balance flood planning area, is consistent with the overall outcomes of the applicable zone and precinct.</p>	
<i>Performance Outcome Assessment</i>	
<p>The development application does not comply with Performance Outcome PO18 as the proposed development includes proposed Lots 300-306 & 335-336 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 PO18, an assessment against the Purpose and Overall outcomes of the Flood hazard overlay code is required.</p>	
<p>PO20 Development ensures that infrastructure (excluding a road):</p> <ul style="list-style-type: none"> a. is located outside of the High risk flood hazard area and Medium risk flood hazard area; or 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. 	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	

ITEM 2.3 DEVELOPMENT APPLICATION DA/34958/2017/V3RL - RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (5 INTO 195 LOTS AND A BALANCE LOT) IN STAGES LOCATED AT 50-72 NAIRN ROAD AND 84-88 BURBURY ROAD, MORAYFIELD - DIVISION 12 - A16513417 (Cont.)

8.2.2 - Flood hazard overlay code	
<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>	
<p>PO22 Development ensures that works complies with the requirements of Table 8.2.2.4 'Fill Requirements' and does not:</p> <ol style="list-style-type: none"> a. directly, indirectly and cumulatively cause any increase in water flow velocity or level; 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; c. change the timing of the flood wave or impact on flood warning times; d. adverse impacts on the local drainage and the flood conveyance of a waterway; e. increased flood inundation of surrounding properties; f. any reduction in the flood storage capacity of the floodplain and any clearing of native vegetation. 	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>The applicant proposes earthworks within the Medium Risk Flood Hazard area to provide the required lot level flood immunity. The placed fill does not comply with the Flood Hazard Overlay Table 8.2.2.4 which prohibits fill within the Medium Risk Flood Hazard area.</p> <p>As the development proposal does not comply with Performance Outcome PO22, 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> <ol style="list-style-type: none"> i. for land within the Morayfield South urban area identified on 	<p>No</p>	<p>The proposed development is inconsistent with the Overall Outcome 2 b. for the following reasons:</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>'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;</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>i. Not applicable. The subject site is not located within the identified Morayfield South urban area.</p> <p>ii. The proposed development achieves a variety of residential 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: A) the proposed development does not provide appropriate open space network and the existing network is not designed to accommodate a residential neighbourhood as the area is located outside the PIA; and 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</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 lots (proposed Lots 300-306 & 335-336) within the mapped medium risk flood hazard.</p> <p>Further, the application also 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>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 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>	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</p>

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9.4.1.2. Purpose of the Reconfiguring a lot code		
Overall Outcomes	Complies Y/N	Comments
<p>b. Reconfiguring a lot delivers the social, cultural and recreational needs of the community by ensuring:</p> <ul style="list-style-type: none"> i. a range of lot sizes are delivered to assist in affordable housing opportunities; ii. the lots have convenient, direct and easy pedestrian and bicycle access to commercial and local employment opportunities; iii. Accessible, publicly available open space areas located within walking distance to all residential lots in the General Residential Zone; 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>achieved and there are no 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>

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"> 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; 	No	<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</p>

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
<p>c. prevent or discourage development that is likely to compromise appropriate longer term land use.</p>		<p>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 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,</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</p>

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
<p>allowing interim uses that will not compromise the best longer term use of the land;</p> <p>ii. provide mechanisms to promote and implement an appropriate mix of dwelling types, consistent with a next generation neighbourhood across the transition precinct once this land is developed and serviced with all local government networks including water and sewer and is suitable for urban development.</p> <p>Once serviced by all local government networks, including water and sewer the Transition precinct is to provide a mix of dwelling types to support densities that are moderately higher than traditional suburban areas. Housing forms include predominantly detached dwellings on a variety of lot sizes with a greater range of attached dwellings and low to medium rise apartment buildings. These areas will have convenient access to centres, community facilities and higher frequency public transport.</p>		<p>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 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"> 1. External Road; 2. Local park provision; and 3. Stormwater management. <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</p>

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6.2.3.2 Purpose – Emerging community zone		
Overall Outcomes	Complies Y/N	Comments
		<p>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>

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>	No	<p>The development application proposes residential lots and 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) and the filling of land for proposed Lots 300-306 & 335-336.</p> <p>The development proposal does not comply with overall outcome (2)(c)(v) as earthworks are proposed within the mapped medium risk flood hazard and is not associated with a previous approval.</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.

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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 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's 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 (19.5m wide local collector performing a function of connecting access streets to higher order roads) in place of Council's planned District Collector (26.8m 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) Performance Outcome 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.

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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 it is considered that the layout will impact upon future works.

It is identified that proposed Lot 9001, which is a detention basin lot for stormwater management purposes is impacted by the Medium Risk Flood Hazard Overlay. The Flood Hazard Overlay Code, Performance Outcome PO20 requires infrastructure to be located outside of the Medium Risk Flood Hazard area. Furthermore, Performance Outcome PO22 requires that all that works complies with the requirements of Table 8.2.2.4 'Fill Requirements', which stipulates no filling is permitted within the Medium Risk Area.

It is identified that the stormwater quality and quantity treatment is almost entirely located within the Medium Risk Flood Hazard area. It is also identified that fill is proposed within the Medium Risk Flood Hazard area to provide the required lot level flood immunity for proposed lots 300-306 & 335-336.

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.

Flooding

Performance Outcome PO18 of the Flood Hazard Overlay Code requires that development is compatible with the intolerable or tolerable level of risk of the flood hazard applicable to the premises. It is specified that the only development permitted in the medium risk area is that for the purposes of Park or Permanent plantation. The proposed development includes proposed Lots 300-306 & 335-336 within the mapped medium risk flood hazard.

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

2.6.1.2 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 PO63 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 vegetation clearing within mapped high value areas was intended to be replaced and how areas of ecological significance are intended to be rehabilitated.

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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 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 PO46, PO57 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.

2.6.1.3 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.

2.6.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.6.2.3 Third Party Agencies

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

2.7 Public Consultation

2.7.1 Public Notification Requirements under the Development Assessment Rules

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

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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*.

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.

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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 Benefit

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 10.53am after consideration of Item 2.3.

Ms Kate Isles and Mr Blayne Magnar left the meeting at 10.53am after Item 2.3.

Mr Denis Crowe attended the meeting at 10.53am for discussion on Item 3.1.

3 CORPORATE SERVICES SESSION

(Cr Adrian Raedel)

**ITEM 3.1
MONTHLY REPORTING PACKAGE - JANUARY 2018 - REGIONAL**

Meeting / Session: 3 CORPORATE SERVICES
Reference: A16548651 : 7 February 2018 - **Refer Supporting Information A16548647**
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 31 January 2018.

COMMITTEE RECOMMENDATION

Moved by Cr Denise Sims

Seconded by Cr James Houghton

CARRIED 13/0

That the Financial Reporting Package for the year to date period ending 31 January 2018 be received.

ITEM 3.1 MONTHLY REPORTING PACKAGE - JANUARY 2018 - REGIONAL - A16548651 (Cont.)

OFFICER'S RECOMMENDATION

That the Financial Reporting Package for the year to date period ending 31 January 2018 be received.

REPORT DETAIL

1. Background

The Financial Reporting Package for the month ending 31 January 2018 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 January period.
 - The Statement of Financial Position highlights Council's position at the end of January 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 January 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 January.

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 - JANUARY 2018 - REGIONAL - A16548651 (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 January 2018 Council's operating surplus is \$124.43 million and the capital expenditure incurred to date is \$78.52 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 10.55am after Item 3.1.

4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr Peter Flannery)

No items for consideration.

5 PARKS, RECREATION & SPORT SESSION

(Cr Darren Grimwade)

No items for consideration.

6 LIFESTYLE & AMENITY SESSION

(Cr Matt Constance)

No items for consideration.

7 ECONOMIC DEVELOPMENT & TOURISM SESSION

(Cr Julie Greer)

**ITEM 7.1
REDCLIFFE WAR MEMORIAL POOL ENTRY FEES AND OPENING HOURS -
DIVISION 6**

Meeting / Session: 7 ECONOMIC DEVELOPMENT & TOURISM
Reference: A16548041 : 2 February 2018
Responsible Officer: BP, Coordinator Regional Leisure Venues (EPS Property & Commercial Services)

Executive Summary

This report seeks to approve general entry fees and operating hours for the Redcliffe War Memorial Pool.

COMMITTEE RECOMMENDATION

Moved by Cr Mick Gillam

Seconded by Cr Koliana Winchester

CARRIED 13/0

That the Redcliffe War Memorial Pool general entry fees and operating hours detailed in the body of this report, be adopted.

ITEM 7.1 REDCLIFFE WAR MEMORIAL POOL ENTRY FEES AND OPENING HOURS - DIVISION 6 - A16548041
(Cont.)

OFFICER'S RECOMMENDATION

That the Redcliffe War Memorial Pool general entry fees and operating hours detailed in the body of this report, be adopted.

REPORT DETAIL

1. Background

Council requested officers undertake a process to establish a consistent fee structure across all aquatic facilities, over a three-year period. The Redcliffe War Memorial Pool was not initially part of this consolidation process due to it being operated under a separate long-term lease.

The lessee for the Redcliffe War Memorial pool surrendered the lease to Council effective 12 December 2017. Officers now seek to consolidate the entry fees and opening hours to align with other Council pools as part of a region-wide aquatic strategy.

2. Explanation of Item

Council currently utilises a classification framework for its aquatic facilities which considers the quantity and quality of services at each location to assist in the setting of fees and charges and operating hours.

2.1 Fees

At the time of establishing this classification framework, Redcliffe War Memorial Pool was unable to be considered as it was under a separate long-term lease. With the surrender of this lease on 12 December 2017, officers have subsequently evaluated this facility against the classification framework and recommend the following fees for the next two financial years to align with Council's other aquatic facilities.

	2018/2019	2019/2020
Adult Swim	\$5.30	\$5.40
Child	\$4.60	\$4.90
Aged* and disability* and DVA**	\$4.20	\$4.30
Spectator	\$3.20	\$3.20
Extra Family Member	\$4.10	\$4.40
Family (4) 2 adults and 2 children or 1 adult and 3 children	\$16.80	\$17.40
Companion***	FREE	FREE

*Aged and Disability: Centrelink issued aged or disability card (not senior card)

**DVA: Department of Veterans affairs white or gold card

***Companion: Companion of a disability patron

The proposed fees represent a minor increase to previous years and are in line with Council's other aquatic facilities.

Operators are permitted to set their own fees for other products and service offered at each facility in line with market trends, providing Council does not deem the fees unreasonably excessive and not in keeping with Council's intention of providing affordable quality aquatic and leisure opportunities for the community.

2.2 Operating hours

To align with the classification framework, officers propose that Redcliffe War Memorial Pool maintain the minimum operating hours as outlined below. As with all Council aquatic facilities, operators are permitted to open longer hours after seeking Council approval.

CRALC	Summer		Winter	
	Open	Close	Open	Close
Monday & Thursday	6.00am	8.00pm	6.00am	8.00pm
Tuesday & Wednesday	6.00am	6.00pm	6.00am	6.00pm

*ITEM 7.1 REDCLIFFE WAR MEMORIAL POOL ENTRY FEES AND OPENING HOURS - DIVISION 6 - A16548041
(Cont.)*

	Summer		Winter	
	Friday	6.00am	4.00pm	6.00am
Saturday	6.00am	4.00pm	6.00am	1.00pm
Sunday	7.00am	4.00pm	7.00am	1.00pm
Public Holiday	10.00am	4.00pm	10.00am	4.00pm

3. Strategic Implications

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

3.3 Policy Implications

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

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

Adopting the fees as outlined in this report will maintain affordable access to Council's aquatic facilities.

3.10 Consultation / Communication

The general entry fees and operating hours as outlined in this report are consistent with the framework as discussed with Council in previous workshops/reports.

8 GENERAL BUSINESS

Nil.

CLOSED SESSION (Confidential items)

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

CLOSED SESSION

COMMITTEE RECOMMENDATION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Adrian Raedel

CARRIED 13/0

That Committee move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Item C.1.

Members of the press and public gallery left the Chambers.
The closed session commenced at 10.57am.

OPEN SESSION

COMMITTEE RECOMMENDATION

Moved by Cr Julie Greer

Seconded by Cr Mick Gillam

CARRIED 13/0

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

The open session resumed at 11.00am.

ITEM C.1 – CONFIDENTIAL

**PROPERTY RATIONALISATION PROJECT - PRIVATE SALE OF LAND -
DIVISION 12**

Meeting / Session: 7 ECONOMIC DEVELOPMENT & TOURISM

Reference: A16537641 : 5 February 2018 - Refer **Confidential** Supporting Information
A16537667

Responsible Officer: AS, Enterprise and Investments Officer (EPS Property & Commercial Services)

Basis of Confidentiality

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

Executive Summary

This report seeks a Council resolution to market and sell the nominated Council-owned property by private sale following an unsuccessful public tender process.

COMMITTEE RECOMMENDATION

Moved by Cr Adrian Raedel

Seconded by Cr James Houghton

CARRIED 13/0

1. That the proposal to dispose of Council-owned land described as 145 Archer Street, Woodford (L3/SP291236) by private sale be approved as detailed in this report.
2. That the exception contained in section 236(1)(a) of the Local Government Regulation 2012, applies to the Council for the disposal of the Council-owned land referred to in recommendation 1 so that the said property may be disposed of other than by tender or auction.
3. That the Chief Executive Officer is authorised to take all action necessary to implement recommendation 1, including, but not limited to, negotiating and agreeing on the sale price of the property, subject to that price being supported by a valuation obtained for the purpose, and execution of any required contract.

CLOSURE

There being no further business the Chairperson closed the meeting at 11.01am.