



# REPORT

## Coordination Committee Meeting

**Tuesday 12 March 2019**  
commencing at 10.36am

Strathpine Chambers  
220 Gympie Road, Strathpine

**ENDORSED GM20190312**

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### **CHAIRPERSON'S REPORT**

The recommendations contained within this report of the Coordination Committee meeting held 12 March 2019 are recommended to the Council for adoption.

COUNCILLOR ALLAN SUTHERLAND (MAYOR)  
CHAIRPERSON  
COORDINATION COMMITTEE

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**Membership = 13**  
Mayor and all Councillors

**Quorum = 7**

**Adoption Extract from General Meeting – 12 March 2019 (Pages 19/253 - 19/256)**

**12.1 Coordination Committee Meeting - 12 March 2019  
(Pages 19/258 - 19/392)**

**RESOLUTION**

Moved by Cr Adrian Raedel

Seconded by Cr Brooke Savige

**CARRIED 12/0**

That the report and recommendations of the Coordination Committee meeting held 12 March 2019 be adopted, excluding Item 2.1 to be considered separately.

**12.2 Coordination Committee Meeting - 12 March 2018 - Items considered separately**

**ITEM 2.1: MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME (S242 OF SPA 2009) TO PERMIT DEVELOPMENT IN ACCORDANCE WITH THE GENERAL RESIDENTIAL ZONE - SUBURBAN NEIGHBOURHOOD PRECINCT AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 132 RESIDENTIAL LOTS AND 36 MIXED INDUSTRY AND BUSINESS LOTS IN STAGES) - LOT 1 AND LOT 2 BOUNDARY ROAD, NORTH LAKES - DIVISION 4**

**Conflict of Interest - Declaration - Cr Denise Sims**

Pursuant to s175E of the *Local Government Act 2009*, Cr Denise Sims declared a perceived conflict of interest in Item 2.1 as her son-in-law's brother (Tumahm Lewis) operates a business in the Narangba Innovation Precinct. Mr Lewis endorsed campaign material for Cr Sims' 2016 electoral campaign.

However, Cr Denise Sims has considered her position and is firmly of the opinion that she could participate in the debate and recommendation on the matter in the public interest.

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

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a perceived conflict of interest in Item 2.1 as he received a donation in the amount of \$5000 from Michael and Penny Kennedy on 10 May 2012, for the purposes of his 2012 electoral campaign. Michael and Penny Kennedy are the owners of Kennedy Timbers, a business located in the Narangba Innovation Precinct.

However, Cr Allan Sutherland (Mayor) has considered his position and is firmly of the opinion that he could participate in the debate and recommendation on the matter in the public interest.

**Conflict of Interest - Declaration - Cr Julie Greer**

Pursuant to s175E of the *Local Government Act 2009*, Cr Julie Greer declared a perceived conflict of interest in Item 2.1 as one of her 2016 election signs was sited at Packer Leather, a business located in the Narangba Innovation Precinct, and a further election sign being sited on Stockland-owned land in the North Lakes Town Precinct.

However, Cr Julie Greer has considered her position and is firmly of the opinion that she could participate in the debate and recommendation on the matter in the public interest.

### **Conflict of Interest - Declaration - Cr Darren Grimwade**

**Pursuant to s175E of the *Local Government Act 2009*, Cr Darren Grimwade declared a perceived conflict of interest in Item 2.1 as he received a political donation in the amount of \$2500 from Penny Kennedy on 12 November 2015, for his 2016 electoral campaign. Ms Kennedy is the partner of the owner of Kennedy Timbers, a business located in the Narangba Innovation Precinct.**

**However, Cr Darren Grimwade has considered his position and is firmly of the opinion that he could participate in the debate and recommendation on the matter in the public interest.**

The Mayor (Cr Allan Sutherland) vacated the Chair at 4.28pm as he had declared a perceived conflict of interest in the matter. Cr Mike Charlton (Deputy Mayor) assumed the Chair at that time.

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about Cr Denise Sims's personal interests in the matter and the Councillor has not voluntarily left the meeting and in accordance with s175E(4) the other Councillors must decide if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr Brooke Savige**

**Seconded by Cr Peter Flannery**

**CARRIED 8/0**

**That in accordance with s175E(4) of the *Local Government Act 2009*, Cr Denise Sims has a perceived conflict of interest in the matter, however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Sims remained in the meeting.**

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about Cr Allan Sutherland's (Mayor) personal interests in the matter and the Councillor has not voluntarily left the meeting and in accordance with s175E(4) the other Councillors must decide if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr James Houghton**

**Seconded by Cr Koliana Winchester**

**CARRIED 7/1**

*Cr Brooke Savige voted against the recommendation.*

**That in accordance with s175E(4) of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) has a perceived conflict of interest in the matter, however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Sutherland (Mayor) remained in the meeting.**

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about Cr Julie Greer's personal interests in the matter and the Councillor has not voluntarily left the meeting and in accordance with s175E(4) the other Councillors must decide if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr Mick Gillam**

**Seconded by Cr James Houghton**

**CARRIED 8/0**

**That in accordance with s175E(4) of the *Local Government Act 2009*, Cr Julie Greer has a perceived conflict of interest in the matter, however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Greer remained in the meeting.**

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about Cr Darren Grimwade's personal interests in the matter and the Councillor has not voluntarily left the meeting and in accordance with s175E(4) the other Councillors must decide if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr Mick Gillam**

**Seconded by Cr Koliana Winchester**

**CARRIED 7/1**

*Cr Brooke Savige voted against the recommendation.*

**That in accordance with s175E(4) of the *Local Government Act 2009*, Cr Darren Grimwade has a perceived conflict of interest in the matter, however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Grimwade remained in the meeting.**

In accordance with the resolution that the Mayor (Cr Allan Sutherland) could participate in the meeting including voting on Item 2.1, as it is considered that this is in the public interest, the Mayor resumed the Chair at 4.31pm.

**RESOLUTION**

**Moved by Cr James Houghton**

**Seconded by Cr Mick Gillam**

**CARRIED 12/0**

**That the report and recommendation for Item 2.1 of the Coordination Committee meeting held 12 March 2019, be adopted.**

## LIST OF ITEMS

### 1 GOVERNANCE SESSION (Cr A Sutherland, Mayor)

- ITEM 1.1** **259**  
ADOPTION OF MBRC LOCAL LAW NO. 8 (ELECTIONS SIGNS) 2019 AND RELATED LOCAL LAWS - REGIONAL  
**COMMITTEE RECOMMENDATION**  
REPORT DETAIL
- ITEM 1.2** **268**  
WASTE 2019 CONFERENCE - REGIONAL  
**COMMITTEE RECOMMENDATION**  
REPORT DETAIL
- ITEM 1.3** **271**  
ADOPTION OF COUNCIL POLICIES - REGIONAL  
**COMMITTEE RECOMMENDATION**  
REPORT DETAIL

### 2 PLANNING & DEVELOPMENT SESSION (Cr M Gillam)

- ITEM 2.1 - DECLARATION OF INTEREST** **274**  
*Conflict of Interest - Declaration - Cr Denise Sims*  
*Conflict of Interest - Declaration - Cr Allan Sutherland (Mayor)*  
*Conflict of Interest - Declaration - Cr Julie Greer*  
*Conflict of Interest - Declaration - Cr Darren Grimwade*
- ITEM 2.1** **277**  
MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME (S242 OF SPA 2009) TO PERMIT DEVELOPMENT IN ACCORDANCE WITH THE GENERAL RESIDENTIAL ZONE - SUBURBAN NEIGHBOURHOOD PRECINCT AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 132 RESIDENTIAL LOTS AND 36 MIXED INDUSTRY AND BUSINESS LOTS IN STAGES) - LOT 1 AND LOT 2 BOUNDARY ROAD, NORTH LAKES - DIVISION 4  
**COMMITTEE RECOMMENDATION**

### 3 CORPORATE SERVICES SESSION (Cr M Constance)

- ITEM 3.1** **385**  
2019/20 FEES AND CHARGES SCHEDULE - FINANCIAL AND PROJECT SERVICES - REGIONAL  
**COMMITTEE RECOMMENDATION**  
REPORT DETAIL

### 4 ASSET CONSTRUCTION & MAINTENANCE SESSION (Cr A Hain)

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

**6 LIFESTYLE & AMENITY SESSION (Cr D Sims)**

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

**8 REGIONAL INNOVATION (Cr D Grimwade)**

**9 GENERAL BUSINESS**

**ITEM 9.1** 389  
RYDA PROGRAM - ROTARY CABOOLTURE - DIVISIONS 3 AND 12  
**COMMITTEE RECOMMENDATION**

**ITEM 9.2** 389  
INTERNATIONAL WOMEN'S DAY EVENTS - REGIONAL

**ITEM 9.3** 390  
SECONDARY AND ASSOCIATED DWELLINGS - REGIONAL  
**COMMITTEE RECOMMENDATION**

**ITEM 9.4** 390  
MORETON BAY REGIONAL COUNCIL EQUITY SCHOLARSHIPS - REGIONAL

**CLOSED SESSION (Confidential items)**

**OPEN SESSION**

**ITEM C.1 – CONFIDENTIAL** 392  
REVIEW OF ORGANISATIONAL STRUCTURE - REGIONAL  
**COMMITTEE RECOMMENDATION**

**CLOSURE**

## ATTENDANCE & APOLOGIES

### Attendance:

#### Committee Members:

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

#### Officers:

Chief Executive Officer	(Mr Daryl Hitzman)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Infrastructure Planning	(Mr Andrew Ryan)
Legal Officer	(Mr Rhys Dennison)
Junior Legal Officer	(Mr Adam Davey)
Manager Development Services	(Ms Kate Isles)
Team Leader Planning	(Ms Amy White)
Senior Legal Officer	(Mr Elton Morais)
Manager Financial & Project Services	(Mr Keith Pattinson)
Meeting Support	(Larissa Kerrisk)

### Apologies:

Cr Adam Hain who is representing Council at the Cities & Regions 4.0 Summit.

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

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

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

## ATTENDANCE

Mr Rhys Dennison and Mr Adam Davey attended the meeting at 10.36am for discussion on Item 1.1.

**1 GOVERNANCE SESSION**

(Cr A Sutherland, Mayor)

**ITEM 1.1**

**ADOPTION OF MBRC LOCAL LAW NO. 8 (ELECTIONS SIGNS) 2019 AND RELATED LOCAL LAWS - REGIONAL**

Meeting / Session: 1 GOVERNANCE

Reference: A17556876: 26 February 2019 - Refer Supporting Information A18188932, A18191916, A18285635, A18167083, A18285637, A18220878, A18129459, A16533799, A18285636, A16467477, A18285638

Responsible Officer: RD, Legal Officer (Legal Services)

**Executive Summary**

This report recommends that Council makes:

- *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019;*
- *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019;*
- *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Advertising Devices) 2019; and*
- *A consolidated version of Moreton Bay Regional Council Subordinate Local Law No. 1 (Administration) 2011.*

The purpose and general effect of these local laws is to:

- remove the regulation of election signs from Council's general advertising devices local law; and
- create a standalone local law which regulates the display of election signs across the Region.

This report also recommends that Council make various resolutions to give effect to the new election signs local law (e.g. to authorise the publication of prescribed application forms, to delegate relevant powers to the Chief Executive Officer and to adopt relevant fees and charges).

**COMMITTEE RECOMMENDATION**

Moved by Cr Brooke Savige

Seconded by Cr Julie Greer

CARRIED 12/0

1. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Advertising Devices) 2019*, marked "Appendix A" in the Supporting Information annexed to this report.
2. That pursuant to section 32(1) of the *Local Government Act 2009*, Council resolves to adopt the consolidated version of *Moreton Bay Regional Council Subordinate Local Law No. 1 (Administration) 2011*, marked "Appendix B" in the Supporting Information annexed to this report.
3. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*, marked "Appendix C" in the Supporting Information annexed to this report.
4. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019*, marked "Appendix D" in the Supporting Information annexed to this report.
5. That pursuant to section 53(1) of *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*, Council resolves to make the explanatory note, marked "Appendix E" in the Supporting Information annexed to this report.



ITEM 1.1 ADOPTION OF MBRC LOCAL LAW NO. 8 (ELECTIONS SIGNS) 2019 AND RELATED LOCAL LAWS - REGIONAL - A17556876: (Cont.)

6. That the Chief Executive Officer be authorised to:
  - a) let the public know that the local laws referred to at paragraphs 1 to 4 have been made by publishing a notice of making each local law in accordance with section 29B of the *Local Government Act 2009*; and
  - b) do such other things as required under the *Local Government Act 2009* in respect of the local laws referred to at paragraphs 1 to 4, which includes giving the Minister a copy of the local laws and making a copy of the local laws available for inspection and purchase at Council's public offices.
7. That pursuant to section 97(1) of the *Local Government Act 2009*, Council resolves to fix a cost-recovery fee for section 51(3)(b) of *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*, being a fee for seizing property (a "non-conforming election sign") which is payable by the person applying for the release of the non-conforming election sign and which must be paid prior to the release of the non-conforming election sign and which is in the amount of:
  - a) \$224.00 per non-conforming election sign which is seized and impounded; or
  - b) the actual cost incurred by Council for undertaking the administration and transport costs to impound the non-conforming election sign, to store and administer the release of the non-conforming election sign if this is less than the amount specified in paragraph 7(a) above.
8. That pursuant to section 257 of the *Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer its powers under *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* which are set out in the table marked "Appendix F" in the Supporting Information annexed to this report.
9. That Council notes the anti-competitive provision reviews undertaken by its delegate, the Chief Executive Officer, for the purposes of satisfying section 38(1) of the *Local Government Act 2009*, marked "Appendix G" in the Supporting Information annexed to this report.
10. That the Chief Executive Officer be authorised to make available on the local government's website, and at its administration centres, the fact sheet marked "Appendix H" in the Supporting Information annexed to this report.
11. That the Chief Executive Officer be authorised to make available on the local government's website, and at its administration centres, prescribed forms under *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019* for:
  - a) making an exceptional circumstances application; and
  - b) making an application to reclaim an impounded non-conforming election sign.

ITEM 1.1 ADOPTION OF MBRC LOCAL LAW NO. 8 (ELECTIONS SIGNS) 2019 AND RELATED LOCAL LAWS - REGIONAL - A17556876: (Cont.)

## OFFICER'S RECOMMENDATION

1. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Advertising Devices) 2019*, marked "Appendix A" in the Supporting Information annexed to this report.
2. That pursuant to section 32(1) of the *Local Government Act 2009*, Council resolves to adopt the consolidated version of *Moreton Bay Regional Council Subordinate Local Law No. 1 (Administration) 2011*, marked "Appendix B" in the Supporting Information annexed to this report.
3. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*, marked "Appendix C" in the Supporting Information annexed to this report.
4. That pursuant to section 29(2) of the *Local Government Act 2009*, Council resolves to make *Moreton Bay Regional Council Subordinate Local Law No. 8 (Election Signs) 2019*, marked "Appendix D" in the Supporting Information annexed to this report.
5. That pursuant to section 53(1) of *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*, Council resolves to make the explanatory note, marked "Appendix E" in the Supporting Information annexed to this report.
6. That the Chief Executive Officer be authorised to:
  - a) let the public know that the local laws referred to at paragraphs 1 to 4 have been made by publishing a notice of making each local law in accordance with section 29B of the *Local Government Act 2009*; and
  - b) do such other things as required under the *Local Government Act 2009* in respect of the local laws referred to at paragraphs 1 to 4, which includes giving the Minister a copy of the local laws and making a copy of the local laws available for inspection and purchase at Council's public offices.
7. That pursuant to section 97(1) of the *Local Government Act 2009*, Council resolves to fix a cost-recovery fee for section 51(3)(b) of *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019*, being a fee for seizing property (a "non-conforming election sign") which is payable by the person applying for the release of the non-conforming election sign and which must be paid prior to the release of the non-conforming election sign and which is in the amount of:
  - a) \$224.00 per non-conforming election sign which is seized and impounded; or
  - b) the actual cost incurred by Council for undertaking the administration and transport costs to impound the non-conforming election sign, to store and administer the release of the non-conforming election sign if this is less than the amount specified in paragraph 7(a) above.
8. That pursuant to section 257 of the *Local Government Act 2009*, Council resolves to delegate to the Chief Executive Officer its powers under *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011* which are set out in the table marked "Appendix F" in the Supporting Information annexed to this report.
9. That Council notes the anti-competitive provision reviews undertaken by its delegate, the Chief Executive Officer, for the purposes of satisfying section 38(1) of the *Local Government Act 2009*, marked "Appendix G" in the Supporting Information annexed to this report.

*ITEM 1.1 ADOPTION OF MBRC LOCAL LAW NO. 8 (ELECTIONS SIGNS) 2019 AND RELATED LOCAL LAWS - REGIONAL - A17556876: (Cont.)*

10. That the Chief Executive Officer be authorised to make available on the local government's website, and at its administration centres, the fact sheet marked "Appendix H" in the Supporting Information annexed to this report.
11. That the Chief Executive Officer be authorised to make available on the local government's website, and at its administration centres, prescribed forms under *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019* for:
  - a) making an exceptional circumstances application; and
  - b) making an application to reclaim an impounded non-conforming election sign.

## **REPORT DETAIL**

### **1. Background**

Since 2011, Council has regulated the display of advertising devices (including election signs) which are visible from public places under Schedule 9 of *MBRC Subordinate Local Law No. 1 (Administration) 2011 (SLL)*.

On 15 August 2017, the Liberal National Party (**LNP**) instigated Supreme Court Proceedings against Council seeking:

- a declaration that the SLL as it relates to election signs is invalid (broadly on the basis that the SLL impinges on the LNP's implied constitutional freedom to communicate on political matters); and
- an injunction preventing Council from acting on the SLL until the application for a declaration is decided.

On 25 October 2017, Council resolved to make *Moreton Bay Regional Council Interim Local Law No. 1 (Advertising Devices) 2017 (First Interim Local Law)* on a temporary (6-month) basis to mollify the LNP whilst Council reviewed the SLL.

On 23 January 2018, Council resolved to propose to make *Moreton Bay Regional Council Amendment Subordinate Local Law No. 1 (Administration) 2018 (Amending Local Law)*. The Amending Local Law contemplated permanent amendments to the SLL which largely reflected the provisions in the First Interim Local Law.

On 5 February 2018, Council instigated a public consultation process regarding the Amending Local Law which ended on 28 February 2018. Council received feedback that the public consultation process was too short and was not publicised well enough.

On 13 March 2018, Council directed officers to arrange a second public consultation process which was both longer and more widely advertised than the first.

On 27 March 2018, Council resolved to make *Moreton Bay Regional Council Interim Local Law No. 2 (Advertising Devices) 2018* on a temporary (6-month) basis to mollify the LNP whilst Council undertook a second public consultation process regarding the Amending Local Law.

On 29 June 2018, Council instigated the second consultation process which ended on 5 September 2018. This consultation process was more widely advertised than the first consultation process.

On 11 September 2018, Council considered feedback from the second public consultation process, as well as the first public consultation process, and opinions from subject matter experts engaged by Council (concerning some of the issues that had been raised by submitters).

*ITEM 1.1 ADOPTION OF MBRC LOCAL LAW NO. 8 (ELECTIONS SIGNS) 2019 AND RELATED LOCAL LAWS - REGIONAL - A17556876: (Cont.)*

Council received 300+ submissions which were almost entirely critical of the Amending Local Law and the subject matter experts made numerous recommendations in respect of it. Accordingly, Council directed officers to modify the Amending Local Law to deal with some common issues raised by the submitters and experts.

On 18 September 2019, Council resolved to make *Moreton Bay Regional Council Interim Local Law No. 3 (Advertising Devices) 2018* on a temporary (6-month) basis to mollify the LNP whilst officers prepared modifications to the Amending Local Law to deal with some common issues raised by the submitters and experts.

On 4 December 2018, officers presented a standalone local law and subordinate local law to Council which dealt with the regulation of election signs (and which sought to deal with some common issues raised by the submitters and experts).

On 13 December 2018, Council resolved to propose to make the standalone local laws, being *MBRC Local Law No. 8 (Election Signs) 2019* and *MBRC Subordinate Local Law No. 8 (Election Signs) 2019 (2019 Election Signs Local Law)*.

Between 7 January 2019 and 4 February 2019, officers carried out a public consultation and State interest-check process regarding the 2019 Election Signs Local Law.

On 14 February 2019, Council considered the public consultation feedback and State interest check feedback received regarding the 2019 Election Signs Local Law. The feedback was largely positive.

## 2. Explanation of Item

### Recommendation to make the 2019 Election Signs Local Law (with amendments)

Council has already complied with steps 1-5 of its local law-making process marked "Appendix I" in the Supporting Information annexed to this report in relation to the 2019 Election Signs Local Law, by:

- resolving to propose to make the 2019 Election Signs Local Law (step 1);
- consulting with relevant government entities about the overall State interest in the 2019 Election Signs Local Law (step 2);
- consulting with the public about the 2019 Election Signs Local Law (step 3);
- complying with the procedures prescribed under the *Local Government Regulation 2012* regarding anti-competitive provisions (step 4); and
- considering every submission properly made to Council in respect of the 2019 Election Signs Local Law (step 5).

According to its local law-making process, Council may now, by resolution, decide to:

- a) make the 2019 Election Signs Local Law as advertised;
- b) make the 2019 Election Signs Local Law with amendments; or
- c) not proceed with the making of the 2019 Election Signs Local Law.

Some amendments are proposed to that version of the 2019 Election Signs Local Law which was advertised in response to:

- a) the comments which Council received from the Department of Local Government, Racing and Multicultural Affairs as part of the State-Interest Check process;
- b) concerns raised by Councillors since the advertisement of the 2019 Election Signs Local Law (e.g. that consent to display election signs on private land should be able to be provided by a property owner or occupier, as opposed to just the landowner); and
- c) minor typographical errors identified by Council officers.

*ITEM 1.1 ADOPTION OF MBRC LOCAL LAW NO. 8 (ELECTIONS SIGNS) 2019 AND RELATED LOCAL LAWS - REGIONAL - A17556876: (Cont.)*

For Council's reference, these amendments are included in a marked-up version of the local law which is marked "Appendix J" in the Supporting Information annexed to this report.

Officers do not consider that these amendments are so substantial that they require a further public consultation process (given that public feedback to date has not focussed on those matters which are the subject of the minor amendments).

Accordingly, Council officers now consider it is open to Council to resolve to make the 2019 Election Signs Local Law with amendments (at Appendix C - D of the Supporting Information).

It is recommended that Council proceed to make these local laws in accordance with its local law-making process.

*Recommendation to make the Amending Local Law and Consolidated Local Law*

If Council makes the 2019 Election Signs Local Law, then it will be important to remove any regulation of election signs from Council's SLL (and the interim local law) to avoid creating any inconsistencies.

To achieve this, officers recommend that Council make the Amending Local Law (at Appendix A of the Supporting Information) and the consolidated version of *Moreton Bay Regional Council Subordinate Local Law No. 1 (Administration) 2011 (Consolidated Local Law)* (at Appendix B of the Supporting Information).

The effect of the Amending Local Law and Consolidated Local Law will be to amend the SLL to remove any mention of election signs, and, to repeal the current interim local law.

Council has already followed steps 1-5 of its local law process in respect of the Amending Local Law (and this process does not need to be followed to make a Consolidated Local Law).

Accordingly, it's now open to Council to, by resolution, decide to:

- a) make the Amending Local Law as advertised;
- b) make the Amending Local Law with amendments; or
- c) not proceed with the making of the Amending Local Law.

Minor amendments have been made to the Amending Local Law which was advertised for public feedback. These amendments simply remove any regulation of election signs (because this has effectively been moved into the 2019 Election Signs Local Law).

Officers do not consider that these amendments are so substantial that they require a further public consultation process (given that the public has been given an opportunity to comment on the regulation of election signs in the proposed 2019 Election Signs Local Law).

Accordingly, officers recommend that Council proceed to make the Amending Local Law (at Appendix A of the Supporting Information) and the Consolidated Local Law (at Appendix B of the Supporting Information).

*Recommendation to make the Explanatory Note*

Under the 2019 Election Signs Local Law, Council may make an "explanatory note" to assist in the interpretation of that local law.

Officers consider that there are various concepts which are best explained in an explanatory note (e.g. how a 20-metre driver decision area is to be properly calculated.).

Officers consider that the explanatory note will assist persons wishing to display election signs, as well as Council officers tasked with enforcing the 2019 Election Signs Local Law, to understand these key concepts.

*ITEM 1.1 ADOPTION OF MBRC LOCAL LAW NO. 8 (ELECTIONS SIGNS) 2019 AND RELATED LOCAL LAWS - REGIONAL - A17556876: (Cont.)*

Accordingly, officers recommend that Council resolve to make the explanatory note at Appendix E of the Supporting Information.

*Recommendation to fix a cost-recovery fee for seizing and impounding non-conforming election signs*

Under *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011 (LL No.1)*, Council has fixed the prescribed fee for the seizing and impounding of signs at \$224.00.

Because the 2019 Election Signs Local Law will be a “standalone” local law (which LL No. 1 does not apply to) it is necessary for Council to fix a separate prescribed fee if it wishes to recover its costs for seizing and impounding signs under the 2019 Election Signs Local Law.

Council will note that this fee is a “cost-recovery” fee. Accordingly, officers recommend that Council fix this fee at \$224.00 or a lesser amount, if the actual cost incurred by Council for undertaking the administration and transport costs to impound the sign, to store and administer the release of the impounded sign if this is less than \$224.00.

In other words, officers recommend that the fee to recover a seized and impounded should be *up to a maximum of \$224.00*.

At this stage, officers do not recommend imposing a prescribed fee for the making of an exceptional circumstances application. This is because it’s difficult to estimate the nature and extent of applications that Council is likely to receive.

*Recommendation to delegate application and approval powers to the Chief Executive Officer*

If Council resolves to pass the local laws referred to above, applications and approvals for “licensable signs” (e.g. construction site fence signs, inflatable signs, boundary fence signs etc.) will still be handled under LL No. 1.

Council may handle the application and approval process for these signs itself. However, officers consider that it would be more practical and efficient for these matters to be handled at officer level.

To enable this to occur, Council is required to delegate its relevant powers to the Chief Executive Officer who in turn, may sub-delegate those powers to appropriately qualified officers.

Accordingly, officers recommend that Council delegate its powers under LL No. 1 (set out in Appendix F) to the Chief Executive Officer.

*Recommendation to note the anti-competitive provision review*

Council must not make a local law that contains an anti-competitive provision unless the prescribed procedure is followed.

On 13 December 2018, Council delegated its power to review any potential anti-competitive provisions in the 2019 Election Signs Local Law to the Chief Executive Officer.

The Chief Executive Officer followed the prescribed procedure and did not identify any anti-competitive provisions in the 2019 Election Signs Local Law which required review (see Appendix G in the Supporting Information).

On 23 January 2018, Council delegated its power to review any potential anti-competitive provisions in the Amending Local Law to the Chief Executive Officer.

The Chief Executive Officer followed the prescribed procedure and identified some potential anti-competitive provisions in the Amending Local Law (see Appendix G in the Supporting Information). These provisions are not new to Council’s Local Laws - they have been present in the SLL since 2011.

*ITEM 1.1 ADOPTION OF MBRC LOCAL LAW NO. 8 (ELECTIONS SIGNS) 2019 AND RELATED LOCAL LAWS - REGIONAL - A17556876: (Cont.)*

These provisions relate to things unrelated to election signs, and include, for example:

- provisions requiring businesses to obtain an approval before displaying a “licensable sign”;
- provisions prohibiting certain signs from being displayed in residential environments; and
- provisions allowing a maximum of 3 real estate signs to be displayed per premises.

In accordance with the Chief Executive Officer’s review plan, officers have undertaken a review report and recommend that Council proceed to make the Amending Local Law with these provisions being retained.

It is noted that the Amending Local Law contains anti-competitive provisions. Accordingly, officers will ensure that the appropriate notification on Council’s website is published.

Given that the prescribed procedures have been followed in respect of anti-competitive provisions, officers recommend that Council note the Chief Executive Officer’s reports regarding anti-competitive provisions.

*Recommendation to note the fact sheets and prescribed forms*

To assist the public in understanding the 2019 Election Signs Local Law, and to assist Council officers in administering the 2019 Election Signs Local Law, a fact sheet has been prepared (see Appendix H in the Supporting Information).

If Council is satisfied with this fact sheet, officers recommend that Council authorise the Chief Executive Officer to make the document publicly available.

Officers also recommend that Council authorise the Chief Executive Officer to prepare and publish prescribed forms for the 2019 Election Signs Local Law, which includes prescribed forms for:

- a) making an exceptional circumstances application; and
- b) making an application to reclaim an impounded non-conforming election sign.

### **3. Strategic Implications**

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

The implication of regulating election advertising in a local law is that it may be subject to legal challenge on the basis that it unlawfully impinges on the implied freedom in the Constitution to communicate on political matters.

However, if the local law achieves an adequate balance (between the importance of its purpose and the restriction on the implied freedom) then the risk of any such legal challenge being successful is minimised. Ultimately, whether an adequate balance has been achieved will require a value judgement to be made.

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

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

#### **3.3 Policy Implications**

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

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

As per paragraph 3.1 (above).

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

A delegation to the Chief Executive Officer will be required to enable him to exercise or sub-delegate specified powers under *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*.

ITEM 1.1 ADOPTION OF MBRC LOCAL LAW NO. 8 (ELECTIONS SIGNS) 2019 AND RELATED LOCAL LAWS - REGIONAL - A17556876: (Cont.)

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

The passing of the 2019 Election Signs Local Law will mean that all election signs displayed in the Region must be made of corrugated plastic which is a recyclable material that can be recycled locally.

3.9 Social Implications

The passing of the 2019 Election Signs Local Law will give effect to the majority of public submissions which have been made to date regarding election signs.

3.10 Consultation / Communication

Pursuant to section 29A of the *Local Government Act 2009*, Council has consulted with relevant government entities about the overall State interest in the 2019 Election Signs Local Law. In accordance with its local law-making process, Council has also consulted with the community regarding proposed changes to its regulation of election signs.

## **ARISING RECOMMENDATION:**

Cr Mick Gillam moved an arising recommendation:

1. That Council officers prepare and present to Council a local law which would amend *Moreton Bay Regional Council Local Law No. 8 (Election Signs) 2019* to provide as follows:
  - a. if election signs are displayed on a nature strip, and the adjacent road has a speed limit of 60 km/h or less, there should be no setback requirement from the road (i.e. a person should be able to display the election sign as close to the road edge as they want);
  - b. if election signs are displayed on a nature strip, and the adjacent road has a speed limit of more than 60 km/h, there should be a 3-metre setback requirement from the road; and
  - c. election signs may be displayed on public land up to 12 months before the polling day for a government election.

## **Seconded by Cr Adrian Raedel**

The arising recommendation was put to the vote and declared **LOST** 2/10

*Crs Allan Sutherland (Mayor), Darren Grimwade, Koliana Winchester, Denise Sims, Julie Greer, Brooke Savige, Mike Charlton (Deputy Mayor), Matt Constance, Peter Flannery, James Houghton voted against Committee's Recommendation*

## **ATTENDANCE**

Mr Rhys Dennison and Mr Adam Davey left the meeting at 10.59am after consideration of Item 1.1.



**ITEM 1.2**  
**WASTE 2019 CONFERENCE - REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A18283637 : 5 March 2019  
*Responsible Officer:* LK, Executive Support Officer (CEO Executive Services)

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**Executive Summary**

This report seeks consideration of Councillor attendance to the Waste 2019 Conference to be held at the Opal Cove Resort, Coffs Harbour from 14 - 16 May 2019.

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**COMMITTEE RECOMMENDATION**

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**Moved by Cr Koliana Winchester**

**Seconded by Cr Peter Flannery**

**CARRIED 12/0**

1. That Councillor Denise Sims be authorised to attend the Waste 2019 Conference.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

*ITEM 1.2 WASTE 2019 CONFERENCE - REGIONAL - A18283637 (Cont.)*

**OFFICER'S RECOMMENDATION**

1. That Councillor Denise Sims be authorised to attend the Waste 2019 Conference.
2. That the Chief Executive Officer arrange for officer attendance at this conference as appropriate.

**REPORT DETAIL**

**1. Background**

Advice has been received that the Waste 2019 Conference will be held at the Opal Cove Resort from 14 - 16 May 2019.

**2. Explanation of Item**

The Waste 2019 Conference is the leading waste management conference in Australia which is targeted at those who work with waste management issues, and is particularly relevant to local government.

The topic areas covered at the conference will include:

- Waste education
- Community projects
- Innovation
- Litter
- Landfill
- Circular economy
- Bulky waste
- Planning
- Illegal dumping
- Energy from waste
- Organics & Food Organics and Garden Organics (FOGO)
- Problem waste
- Container Deposit Scheme (CDS)
- Regulation
- Technology
- Disaster waste management

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

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

**3.2 Corporate Plan / Operational Plan**

Valuing Lifestyle: Healthy natural environment - a clean and healthy environment.

**3.3 Policy Implications**

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

**3.4 Risk Management Implications**

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

**3.5 Delegated Authority Implications**

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

**3.6 Financial Implications**

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

*ITEM 1.2 WASTE 2019 CONFERENCE - REGIONAL - A18283637 (Cont.)*

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

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

**ITEM 1.3**  
**ADOPTION OF COUNCIL POLICIES - REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A18282842 : 5 March 2019 - Refer Supporting Information A15815986,  
A15817943 and **Confidential** Supporting Information A15824149  
*Responsible Officer:* DD, Acting Manager Executive Services (CEO Executive Services)

**Executive Summary**

Council regularly reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

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

- Policy 2150-040 - Cemeteries, superseding Policy 11-2150-040 - Cemeteries – Region Wide; and
- Policy 2150-059 - Pesticide Use and its associated Policy Directive 2160-014 Pesticide Use; (superseding Policy 13-2150-059 - Pesticide Use - Regional Policy and Policy Directive 12-2160-014 Pesticide Use, respectively).

**COMMITTEE RECOMMENDATION**

Moved by Cr Adrian Raedel

Seconded by Cr Mick Gillam

**CARRIED 12/0**

That the following policies be adopted, as appearing in the supporting information to this report:

- a) Policy 2150-040 - Cemeteries, superseding Policy 11-2150-040 - Cemeteries – Region Wide; and
- b) Policy 2150-059 - Pesticide Use and its associated Policy Directive 2160-014 Pesticide Use; (superseding Policy 13-2150-059 - Pesticide Use - Regional Policy and Policy Directive 12-2160-014 Pesticide Use, respectively).

ITEM 1.3 ADOPTION OF COUNCIL POLICIES - REGIONAL - A18282842 (Cont.)

OFFICER'S RECOMMENDATION

That the following policies be adopted, as appearing in the supporting information to this report:

- a) Policy 2150-040 - Cemeteries, superseding Policy 11-2150-040 - Cemeteries – Region Wide; and
- b) Policy 2150-059 - Pesticide Use and its associated Policy Directive 2160-014 Pesticide Use; (superseding Policy 13-2150-059 - Pesticide Use - Regional Policy and Policy Directive 12-2160-014 Pesticide Use, respectively).

**REPORT DETAIL**

**1. Background**

In accordance with the review triggers, Council reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

**2. Explanation of Item**

An explanation of the objective, policy summary, and any amendments made to the identified policies is outlined below:

Policy 2150-040 - Cemeteries

**Objective:** The objective of the Policy is to establish guidelines defining relevant criteria for the administration of Council-controlled and managed cemeteries and memorial gardens.

**Summary of amendments:** Amendments have been effected to provide clearer guidelines including updates to relevant legislation, definitions and administrative amendments.

This policy will supersede Policy 11-2150-040 - Cemeteries – Region Wide

Policy 2150-059 - Pesticide Use

**Objective:** To provide a consistent standard for the use of pesticides by the Moreton Bay Regional Council in its operations.

**Summary of amendments:** Amendments have been effected to provide clearer guidelines including updates to relevant legislation, definitions and administrative amendments.

This Policy will supersede Policy 13-2150-059 - Pesticide Use - Regional Policy and its associated Policy Directive 2160-014 Pesticide Use will supersede Policy Directive 12-2160-014 Pesticide Use.

**3. Strategic Implications**

3.1 Legislative/Legal Implications

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

3.2 Corporate Plan / Operational Plan

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

3.3 Policy Implications

Council regularly reviews its Policies for applicability, effectiveness, and consistency with relevant legislation, Council resolutions, and other Council documents.

3.4 Risk Management Implications

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

*ITEM 1.3 ADOPTION OF COUNCIL POLICIES - REGIONAL - A18282842 (Cont.)*

3.5 Delegated Authority Implications

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Councillors, the Executive Management team and the respective Council officers have been consulted in the preparation of this report.

**ATTENDANCE**

Ms Kate Isles and Ms Amy White attended the meeting at 11.01am and Mr Elton Morais attended the meeting at 11.05am for discussion on Item 2.1.

**2 PLANNING & DEVELOPMENT SESSION**

**(Cr M Gillam)**

**ITEM 2.1 - DECLARATION OF INTEREST**

**Conflict of Interest - Declaration - Cr Denise Sims**

Pursuant to s175E of the *Local Government Act 2009*, Cr Denise Sims declared a perceived conflict of interest in Item 2.1 as her son-in-law's brother (Tumahm Lewis) operates a business in the Narangba Innovation Precinct. Mr Lewis endorsed campaign material for Cr Sims' 2016 electoral campaign.

However, Cr Denise Sims has considered her position and is firmly of the opinion that she could participate in the debate and recommendation on the matter in the public interest.

**ADJOURNMENT**

The Mayor (Chairperson) adjourned the meeting at 11.22am to clarify personal interests.

The meeting resumed at 11.49am.

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

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a perceived conflict of interest in Item 2.1 as he received a donation in the amount of \$5000 from Michael and Penny Kennedy on 10 May 2012, for the purposes of his 2012 electoral campaign. Michael and Penny Kennedy are the owners of Kennedy Timbers, a business located in the Narangba Innovation Precinct.

However, Cr Allan Sutherland (Mayor) has considered his position and is firmly of the opinion that he could participate in the debate and recommendation on the matter in the public interest.

**Conflict of Interest - Declaration - Cr Julie Greer**

Pursuant to s175E of the *Local Government Act 2009*, Cr Julie Greer declared a perceived conflict of interest in Item 2.1 as one of her 2016 election signs was sited at Packer Leather, a business located in the Narangba Innovation Precinct, and a further election sign being sited on Stockland-owned land in the North Lakes Town Precinct.

However, Cr Julie Greer has considered her position and is firmly of the opinion that she could participate in the debate and recommendation on the matter in the public interest.

**Conflict of Interest - Declaration - Cr Darren Grimwade**

Pursuant to s175E of the *Local Government Act 2009*, Cr Darren Grimwade declared a perceived conflict of interest in Item 2.1 as he received a political donation in the amount of \$2500 from Penny Kennedy on 12 November 2015, for his 2016 electoral campaign. Ms Kennedy is the partner of the owner of Kennedy Timbers, a business located in the Narangba Innovation Precinct.

However, Cr Darren Grimwade has considered his position and is firmly of the opinion that he could participate in the debate and recommendation on the matter in the public interest.

ITEM 2.1 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME (S242 OF SPA 2009) TO PERMIT DEVELOPMENT IN ACCORDANCE WITH THE GENERAL RESIDENTIAL ZONE - SUBURBAN NEIGHBOURHOOD PRECINCT & RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 132 RESIDENTIAL LOTS & 36 MIXED INDUSTRY AND BUSINESS LOTS IN STAGES) - LOT 1 & LOT 2 BOUNDARY ROAD, NORTH LAKES - DIVISION 4 (A18077823) (Cont.)

Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about Cr Denise Sims's personal interests in the matter and the Councillor has not voluntarily left the meeting and in accordance with s175E(4) the other Councillors must decide if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.

**Moved by Cr Brooke Savige**

**Seconded by Cr Peter Flannery**

**CARRIED 8/0**

**That in accordance with s175E(4) of the Local Government Act 2009, Cr Denise Sims has a perceived conflict of interest in the matter, however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Sims remained in the meeting.**

Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about Cr Allan Sutherland's (Mayor) personal interests in the matter and the Councillor has not voluntarily left the meeting and in accordance with s175E(4) the other Councillors must decide if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.

**Moved by Cr James Houghton**

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

**CARRIED 5/3**

*Crs Brooke Savige, Matt Constance and Peter Flannery voted against the recommendation.*

**That in accordance with s175E(4) of the Local Government Act 2009, Cr Allan Sutherland (Mayor) has a perceived conflict of interest in the matter, however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Sutherland (Mayor) remained in the meeting.**

Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about Cr Julie Greer's personal interests in the matter and the Councillor has not voluntarily left the meeting and in accordance with s175E(4) the other Councillors must decide if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.

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

**Seconded by Cr Koliana Winchester**

**CARRIED 8/0**

**That in accordance with s175E(4) of the Local Government Act 2009, Cr Julie Greer has a perceived conflict of interest in the matter, however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Greer remained in the meeting.**



*ITEM 2.1 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME (S242 OF SPA 2009) TO PERMIT DEVELOPMENT IN ACCORDANCE WITH THE GENERAL RESIDENTIAL ZONE - SUBURBAN NEIGHBOURHOOD PRECINCT & RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 132 RESIDENTIAL LOTS & 36 MIXED INDUSTRY AND BUSINESS LOTS IN STAGES) - LOT 1 & LOT 2 BOUNDARY ROAD, NORTH LAKES - DIVISION 4 (A18077823) (Cont.)*

*Pursuant to s175E(3) of the Local Government Act 2009, the other Councillors who are entitled to vote at the meeting have been informed about Cr Darren Grimwade's personal interests in the matter and the Councillor has not voluntarily left the meeting and in accordance with s175E(4) the other Councillors must decide if the Councillor has a perceived conflict of interest in the matter and what action the Councillor must take.*

**Moved by Cr James Houghton**

**Seconded by Cr Matt Constance**

**CARRIED 5/3**

*Crs Brooke Savige, Matt Constance and Peter Flannery voted against the recommendation.*

**That in accordance with s175E(4) of the Local Government Act 2009, Cr Darren Grimwade has a perceived conflict of interest in the matter, however, may participate in the meeting including voting on the matter as it is considered that this is in the public interest.**

**Cr Grimwade remained in the meeting.**

**ITEM 2.1**

**MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME (S242 OF SPA 2009) TO PERMIT DEVELOPMENT IN ACCORDANCE WITH THE GENERAL RESIDENTIAL ZONE - SUBURBAN NEIGHBOURHOOD PRECINCT AND RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 132 RESIDENTIAL LOTS AND 36 MIXED INDUSTRY AND BUSINESS LOTS IN STAGES) - LOT 1 AND LOT 2 BOUNDARY ROAD, NORTH LAKES - DIVISION 4**

**APPLICANT: STOCKLAND NORTH LAKES C/- ENVIRONMENTAL RESOURCES MANAGEMENT AUSTRALIA**

**OWNER: STOCKLAND NORTH LAKES PTY. LTD.**

Meeting / Session: 2 PLANNING & DEVELOPMENT  
Reference: A18077823 : 12 March 2019 – Refer Supporting Information A18077824, A18257608, A18257789, A18257790, A18257754, A18257736  
Responsible Officer: GH, Principal Planner (PED, Development Services)

**Executive Summary**

<b>APPLICATION DETAILS</b>	
<b>Applicant:</b>	Stockland North Lakes C/- Environmental Resource Management Australia
<b>Lodgement Date:</b>	6 February 2017
<b>Properly Made Date:</b>	23 February 2017
<b>Acknowledgement Notice Date:</b>	3 March 2017
<b>Information Request Date:</b>	5 April 2017
<b>Info Response Received Date:</b>	30 October 2018
<b>Public Notification Dates:</b>	6 November 2018 to 19 December 2018
<b>No. of Submissions:</b>	Properly Made: Twelve (12) Not Properly Made: Nil (0)
<b>Decision Due Date:</b>	19 March 2019
<b>Prelodgement Meeting Held:</b>	Yes - PRE/3699 (refer item 1 for details)

<b>PROPERTY DETAILS</b>	
<b>Division:</b>	Division 4
<b>Property Address:</b>	Lot 1 and Lot 2 Boundary Road, North Lakes
<b>RP Description</b>	Lot 1 on RP167507 and Lot 2 on RP167507
<b>Land Area:</b>	32.38ha
<b>Property Owner</b>	Stockland North Lakes Pty. Ltd.

<b>STATUTORY DETAILS</b>	
<b>Planning Legislation:</b>	<i>Sustainable Planning Act 2009</i>
<b>Planning Scheme:</b>	Moreton Bay Regional Council Planning Scheme - Version 2 (effective 19 June 2016 - 3 July 2017)
<b>Planning Locality / Zone</b>	Place Type: Enterprise and employment Zones: Industry, Limited development, General residential Precincts: Mixed industry and business, Suburban neighbourhood
<b>Level of Assessment:</b>	Impact Assessment (inconsistent)

*ITEM 2.1 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME (S242 OF SPA 2009) TO PERMIT DEVELOPMENT IN ACCORDANCE WITH THE GENERAL RESIDENTIAL ZONE - SUBURBAN NEIGHBOURHOOD PRECINCT & RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 132 RESIDENTIAL LOTS & 36 MIXED INDUSTRY AND BUSINESS LOTS IN STAGES) - LOT 1 & LOT 2 BOUNDARY ROAD, NORTH LAKES - DIVISION 4 (A18077823) (Cont.)*

This application seeks a Material Change of Use - Preliminary Approval to vary the effect of the Moreton Bay Regional Council Planning Scheme (s242 of the *Sustainable Planning Act 2009*) to permit development in accordance with the General residential zone - Suburban neighbourhood precinct and Reconfiguring a Lot - Development Permit for Subdivision (2 into 132 residential lots and 36 mixed industry and business lots in stages), located at Lots 1 and 2 Boundary Road, North Lakes and described as Lots 1 and 2 on RP167507.

The site is predominately included within the Industry zone, Mixed industry and business precinct. An area of land adjacent to Saltwater Creek Tributary is included within the Limited development zone and a small area of land in the south-eastern corner, bound by Saltwater Creek and Tarong Avenue, is included within the General residential zone, suburban neighbourhood precinct. The Saltwater Creek Tributary effectively divides the land between Industry and Residential zoned land. The site has an area of 32.38ha over two (2) existing allotments.

The application can be described in two (2) components as follows:

(a) *Industrial component*

The Industrial component of the application seeks to reconfigure part of the site (18.674ha including land for road and open space) to create thirty-six (36) lots and new road within the northern portion of the site, retaining the MBRC Planning Scheme zoning of Industry zone, Mixed industry and business precinct. An area of 1.924ha of land is proposed to be dedicated to Council as open space as a drainage corridor adjoining Saltwater Creek Tributary.

(b) *Residential component*

The residential component of the application seeks to vary the MBRC Planning scheme to exclude part of the site (13.696ha including land for road and open space) from the Industry zone, Mixed industry and business precinct and to allow residential uses to occur in accordance with the General residential zone, Suburban neighbourhood precinct. Future development is proposed to occur through a unique Table of Assessment and unique Dwelling house code and residential uses code that would apply to the land. The application also seeks to reconfigure part of the site to create 132 residential allotments. An area of 4.108ha of land is proposed to be dedicated to Council as open space as a drainage corridor adjoining Saltwater Creek Tributary.

The application was deemed 'properly made' on 23 February 2017 and accordingly is assessed against the provisions of the Moreton Bay Regional Council Planning Scheme Version 2 and the *Sustainable Planning Act 2009*. The application was publicly advertised with twelve (12) submissions received.

The application is recommended to be approved in part, in accordance with the recommendation detailed below:

**COMMITTEE RECOMMENDATION**

**Moved by Cr Julie Greer**

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

**CARRIED 11/1**

*Cr Adrian Raedel voted against Committee's Recommendation*

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

ITEM 2.1 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME (S242 OF SPA 2009) TO PERMIT DEVELOPMENT IN ACCORDANCE WITH THE GENERAL RESIDENTIAL ZONE - SUBURBAN NEIGHBOURHOOD PRECINCT & RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 132 RESIDENTIAL LOTS & 36 MIXED INDUSTRY AND BUSINESS LOTS IN STAGES) - LOT 1 & LOT 2 BOUNDARY ROAD, NORTH LAKES - DIVISION 4 (A18077823) (Cont.)

## OFFICER'S RECOMMENDATION

A. That Council, in accordance with the *Sustainable Planning Act 2009*, approves in part the development application for Material Change of Use - Preliminary Approval to vary the effect of the Moreton Bay Regional Council Planning Scheme (s242 of the *Sustainable Planning Act 2009*) to permit development in accordance with the General residential zone - Suburban neighbourhood precinct and Reconfiguring a Lot - Development Permit for Subdivision (2 into 132 residential lots and 36 mixed industry and business lots in stages), located at Lots 1 and 2 Boundary Road, North Lakes and described as Lots 1 and 2 on RP167507, subject to recommendations A1. and A2. as follows:

A1. That Council, in accordance with the *Sustainable Planning Act 2009*, refuses the Material Change of Use - Preliminary Approval to vary the effect of the Moreton Bay Regional Council Planning Scheme (s242 of the *Sustainable Planning Act 2009*) to permit development in accordance with the General residential zone - Suburban neighbourhood precinct and Reconfiguring a Lot - Development Permit for Subdivision (2 into 132 residential lots in stages) component of the application, for the following reasons:

1. The proposed development is in conflict with the following parts of the Strategic Framework of the Moreton Bay Regional Council Planning Scheme (version 2):
  - (a) Strategic Outcome 3.3.1, as the proposed residential component of the application does not reinforce the local character of the area by way of introducing residential uses on land intended to accommodate manufacturing, engineering, transport, logistics, warehousing and related business activities. The proposed inclusion of residential uses within the Enterprise and employment areas Place type will not result in multiple benefits to the community, the environment or the economy as intended, but rather would result in the loss/displacement of local employment and has the potential to subject a future residential community to environmental harm or nuisance from established lawful industrial land uses in the vicinity of the site.
  - (b) Strategic Outcome 3.3.2, as the proposed residential component of the application would not result in a reduction of greenhouse gas emissions from transport fuel consumption. The proposed conversion of industrial land for residential purposes would result in the displacement of industrial uses that would otherwise be co-located with related business and suppliers in a highly accessible location, close to key regional markets south of the region.
  - (c) Strategic Outcome 3.3.4, as the proposed residential component of the application would likely increase the length of trips and dependence on oil through the loss/displacement of industrial land that would otherwise be co-located with related business and suppliers, in a highly accessible location and close to key regional markets located south of the region.
  - (d) Strategic Outcome 3.3.5, as the proposed residential component of the application would subject future sensitive (residential) uses to unacceptable air quality/odour impacts from established lawful industrial land uses in the vicinity of the site.
  - (e) Strategic Outcome 3.5.3, as the proposed residential component of the application would introduce sensitive (residential) uses in proximity to established and future industrial activities, resulting in a future residential community being subjected to unacceptable safety risks through environmental harm or nuisance.

*ITEM 2.1 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME (S242 OF SPA 2009) TO PERMIT DEVELOPMENT IN ACCORDANCE WITH THE GENERAL RESIDENTIAL ZONE - SUBURBAN NEIGHBOURHOOD PRECINCT & RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 132 RESIDENTIAL LOTS & 36 MIXED INDUSTRY AND BUSINESS LOTS IN STAGES) - LOT 1 & LOT 2 BOUNDARY ROAD, NORTH LAKES - DIVISION 4 (A18077823) (Cont.)*

- (f) Strategic Outcome 3.5.7, as the proposed residential component of the application would result in a new housing development that has not been appropriately planned or designed taking into account the Enterprise and employment place type. A residential housing development is not anticipated to occur within the Enterprise and employment areas Place type and is inconsistent with the intent of the Place type.
- (g) Strategic Outcome 3.6.1, as the proposed residential component of the application is in conflict with Council's long-term vision of achieving a 70% local employment within the region as a result of the loss/displacement of land intended to accommodate local employment. The proposed residential component of the application does not appropriately recognise existing industrial development occurring in the vicinity and does not include appropriate separation measures.
- (h) Strategic Outcome 3.7.1, as the proposed residential component of the application would result in the loss/displacement of local employment opportunities that would otherwise be accommodated on the site. The proposal has the potential to constrain the operation of existing established industrial land uses through encroachment of sensitive (residential) land uses (reverse amenity impacts).
- (i) Strategic Outcome 3.7.2, as the proposed residential component of the application would result in the loss/displacement of employment growth within an enterprise and employment area.
- (j) Strategic Outcome 3.7.3, as the proposed residential component of the application would reduce the Mixed industry and business land availability within the region. No overriding community need has been established to support the proposed conversion of industrial zoned land for residential purposes.
- (k) Strategic Outcome 3.10.5 as the proposed residential component of the application would result in the loss of industrial land in an accessible location to major freight networks.
- (l) Strategic Outcome 3.13.3.4, as the proposed residential component of the application is in conflict with the planning intent for land included within the separation distance of the Narangba Industrial Estate, to be allocated for compatible uses such as low impact enterprise and employment activities.
- (m) Strategic Outcome 3.13.3.5, as the proposed residential component of the application would result in the encroachment of sensitive (residential uses) that may constrain the on-going operation of existing lawfully established and future 'hard to locate' industrial uses (including High impact and Special industry uses) that are intended to be consolidated within the Narangba Industrial Estate.
- (n) Strategic Outcome 3.14.1.11, as the proposed residential component of the application would result in the loss/displacement of Industry zoned land which is critical to the future growth of employment opportunities in the region.
- (o) Strategic Outcome 3.14.8, as the proposed residential component of the application is inconsistent with the Enterprise and employment centres place type. There is no specific precinct identified that would allow for residential development to occur within the Place type.
- (p) Strategic Outcome 3.14.12.1 as the proposed residential component of the application would compromise the ability for lawfully established industry and

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business activities to be conducted without adverse impacts of adjacent areas including environmental harm/nuisance.

- (q) Strategic Outcome 3.14.12.4 as the proposed residential component of the application is inconsistent with the Enterprise and employment place type which is primarily intended to accommodate local enterprise employment in manufacturing, engineering, transport, logistic and warehouse activities and related business activities.
  - (r) Strategic outcome 3.14.12.6 as the proposed residential component of the application would result in the loss/displacement of Enterprise and employment land that has a high level of accessibility to the regional freight network.
2. The proposal is in conflict with the following parts of the Industry zone code, Mixed industry and business precinct:
- (a) Overall Outcome a., as the proposed residential component of the application will not result in the establishment of a range of knowledge-based, low impact industrial activities which benefit from high levels of exposure and access to high quality transport infrastructure.
  - (b) Overall Outcome b., as the proposed residential component of the application will not result in the operation and viability of existing and future industrial activities being protected from the intrusion of incompatible uses.
  - (c) Overall Outcome c., as the proposed residential component of the application has not been located, designed and managed to maintain the health and safety of people.
  - (d) Overall Outcome h., as the proposed residential component of the application would result in the introduction of sensitive land uses that would constrain existing and future industrial land uses within the precinct and within adjoining industrial areas.
  - (e) Overall Outcome s., as the proposed residential component of the application would allow for future Dwelling houses and Dual occupancies which are not listed as consistent uses within the Mixed industry and business precinct.
  - (f) Overall Outcome t. as the proposed residential component of the application would allow for future Dwelling houses and Dual occupancies which are listed as inconsistent uses in the Mixed industry and business precinct.
3. The proposal is in conflict with the following parts of the General residential zone code, Suburban neighbourhood precinct:
- (a) Overall outcome a., as the proposed residential component involving a residential subdivision and an amended table of assessment to allow future Dual occupancies to be Accepted Development Subject to Requirements would likely result in an overall site density exceeding the maximum site density of 15 dwellings per hectare.
  - (b) Overall outcome b., as the proposed residential component would result in future Dwelling houses that are not predominantly on traditional lots. The proposed amended table of assessment to allow Dual occupancies to be Accepted Development Subject to Requirements would result in Dual Occupancies being insufficiently dispersed within the streetscape.

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- (c) Overall Outcome c., as the proposed design, siting and construction of the residential component of the application would not contribute to an attractive streetscape or encourage passive surveillance of public spaces or result in privacy and residential amenity consistent with the low density residential character of the area.
  - 4. The proposal is in conflict with the following parts of the Reconfiguring a Lot Code - Industry zone:
    - (a) Overall outcome e. as the proposed residential component of the application does not achieve the intent and purpose of the Industry zone outcomes as identified in Part 6 of the planning scheme (Industry zone code, Mixed industry and business precinct).
  - 5. The proposal is in conflict with the following parts of the Reconfiguring a lot code - General residential zone, Suburban neighbourhood precinct:
    - (a) Overall outcome e., as the proposed residential component of the application does not achieve the intent and purpose of the Suburban neighbourhood precinct outcomes as identified in Part 6 of the Planning Scheme (General residential zone code, Suburban neighbourhood precinct).
  - 6. The proposal is in conflict with the *ShapingSEQ* Regional Plan:
    - (a) Theme 2, Goal 2 and Element 2 as the proposed residential component is inconsistent with the role and function of a Regional Economic Cluster (REC), specifically the North-Lakes Mango Hill Regional Economic Cluster.
  - 7. The proposal is in conflict with the State Planning Policy (July 2017):
    - (a) Part E - Emissions and hazardous activities as the proposed residential component of the application has not been planned to effectively manage, avoid or minimise any potential adverse impacts from emissions and hazardous impacts.
  - 8. The proposed variations sought to the MBRC Planning Scheme (Preliminary approval to vary the effect a local planning instrument under section 242) are inconsistent with the planning scheme.
  - 9. There are not sufficient grounds to justify approval of the development application, despite the conflict with the relevant planning instruments.
- A2. That Council, in accordance with the *Sustainable Planning Act 2009*, approves the Reconfiguring a Lot - Development Permit for Subdivision (2 into 36 Mixed industry and business lots in stages) component of the application, subject to the following plans/documents and conditions:

Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Plan of Subdivision - Overall Allotment Layout	2836-2598	RPS	30 October 2018
Plan of Subdivision MIBA Stage 1 Allotment Layout	2836-2599	RPS	30 October 2018

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Plans to be Amended			
Plan / Document Name	Reference Number	Prepared By	Dated
Plan of Subdivision MIBA Stage 2 Allotment layout	2836-2600	RPS	30 October 2018
Plan of Subdivision MIBA Stage 3 Allotment layout	2836-2601	RPS	30 October 2018
Plan of Subdivision MIBA Stage 4 Allotment layout	2836-2602	RPS	30 October 2018
Bushfire Hazard and Mitigation Plan	-	Bushland Protection systems Pty. Ltd.	26 October 2018
Landscape Concept Package	Issue F	LUA	24 October 2018
Functional Layout Road Plan	16-149-SK02	KN Group PTY LTD Rev B	24.10.18
Functional Typical Sections	16-149-SK03	KN Group PTY LTD Rev B	24.10.18
Functional Layout Stormwater Plan	16-149-SK02	KN Group PTY LTD Rev B	24.10.18
Functional Layout Overall Services Plan Sheet 1	16-149-SK08	KN Group PTY LTD Rev B	24.10.18
Functional Layout Overall Services Plan Sheet 2	16-149-SK09	KN Group PTY LTD Rev B	24.10.18
Stormwater Quality Management Plan	4304	DesignFlow	24.10.18
Traffic Impact Assessment	CEB06844	Cardno	17 Jan 2017

**Conditions**

CONDITION		TIMING
<b>RECONFIGURING A LOT (MIXED INDUSTRY AND BUSINESS STAGES 1-4)</b>		
<b>DEVELOPMENT PLANNING</b>		
1.	<b>Approved Plans and documents</b>	
	Undertake development generally in accordance with the approved plans/documents. These plans will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan) and to be maintained at all times.



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CONDITION		TIMING
2.	<b>Amended Plans Required</b>	
A	<p>Submit an amended set of Subdivision Proposal Plans, Functional Layout Plans and Landscape Concept Package incorporating the following:</p> <ul style="list-style-type: none"> <li>(i) Remove the residential lot layout (refused aspect) and show the area as a balance lot.</li> <li>(ii) Extend New Road 1 to terminate at the southern boundary of the MIBA precinct to provide future access to the balance parcel (refused residential precinct) and provide for a vehicle turn-around.</li> <li>(iii) Amend the internal road network to remove the use of cul-de-sac roads in favour of an internal circulation (loop) road based on a modified grid network where possible. The road is to be in an esplanade formation where adjoining areas of open space and is to ensure connectivity is provided to adjoining land to the east (Lot 901 on SP283519).</li> <li>(iv) Maintain a minimum of two (2) x 10m wide pedestrian connections from the internal circulation road (as required above) to Boundary Road.</li> <li>(v) Amend the landscape package to show the 'solid non-acoustic fence set 2m within the boundaries of MIBA Lots and the area in front of the fence to be landscaped.</li> <li>(vi) Amend the location of any stormwater infrastructure including bioretention basins and sediment ponds to be located fully outside the mapped riparian and wetland setback as shown on Overlay map - Riparian and wetland setbacks and above the Q100 flood level.</li> <li>(vii) Show the bioretention basin and drainage corridor (Lot 901) within Stage 1 of the development.</li> <li>(viii) Show land dedication on Boundary Road for the full frontage of the development must be accommodated to suit the 4-lane boulevard (37m cross section). This 37m does not include the additional widening required for the new road intersection and required turn lanes. A working solution for the ultimate arrangement of the intersection in a 4-lane scenario must be provided to inform the land dedication requirements in accordance with PSP Integrated Design Appendix A and the amended Integrated Transport Assessment;</li> <li>(ix) Include 2.0m footpaths on both sides of the verge;</li> <li>(x) Cul-de-Sac radii increased to cater for design vehicle manoeuvring and car parking lanes as per Council's Industrial Access Road Typology. Verge widths must also meet the minimum 5.5m width around cul-de-sacs;</li> <li>(xi) Proposed Stage 1 and 2 (Lots 200-216) to be shown on Functional Layout Plans (entire development to be shown); and</li> <li>(xii) Any internal intersections are designed to cater for industrial design vehicles.</li> </ul>	Prior to any Approval of Operational Works.

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CONDITION		TIMING
B	Obtain approval from Council for the amended plans in accordance with (A) above.	Prior to any Approval of Operational Works.
C	Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval.	Prior to any Approval of Operational Works.
<b>3</b>	<b>Amended Documents Required</b>	
A	Submit and have approved by Council, an amended Bushfire Hazard Assessment and Mitigation Plan incorporating the following: <ul style="list-style-type: none"> <li>(i) Amend the plans to reflect the approved development layout; and</li> <li>(ii) Amend the recommendations of the report to reflect the approved development layout.</li> </ul>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Submit and have approved by Council, an amended Stormwater Management Plan (SMP) prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ). The SMP is to demonstrate that stormwater can be managed on/from the subject land in accordance with the MBRC Planning Scheme. The following specific amendments are to be included: <ul style="list-style-type: none"> <li>(i) Bio-retention A is to have a filter area of 1,200 m<sup>2</sup>, which is too high to be accepted as a single Bio-retention basin and must be split in to two smaller basins or cells so that the filter area in a single basin/ cell does not exceed 800 m<sup>2</sup>. All the smaller basins or cells are to have independent inlets and outlets and separate under drainage systems; (however, the outlets may be inter-connected).</li> <li>(ii) Design Flow's stormwater report and the MUSIC model indicates Bio-retention B filter area to be 850 m<sup>2</sup>, but KN Group's Engineering drawing indicates a filter area of 760 m<sup>2</sup> only. This discrepancy must be amended.</li> <li>(iii) Sediment forebays with maintenance accesses must be provided for both stormwater inlets of the Bio-retention B.</li> <li>(iv) Proposed diversion structures should be designed to divert at least 1-year ARI (63.2% AEP) flow to the Bio-retention basins for treatment.</li> <li>(v) Bio-retention areas are to be relocated as per Amended Plan Conditions.</li> </ul>	Prior to lodging an application for operational works

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CONDITION		TIMING
C	<p>Submit and have approved by Council, an amended Integrated Transport Assessment (ITA) of the Industrial Road 1 and Boundary Road Intersection to confirm the type and configuration of intersection required to satisfy the MBRC Planning Scheme. The ITA is to be prepared by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the MBRC Planning Scheme. The following specific amendments are to be addressed:</p> <ul style="list-style-type: none"> <li>(i) The altered development yield is to be assessed and the impact on the intersection requirements and the New Road capacity (potentially requiring an Industry Collector type road) are to be catered for in intersection and road design.</li> <li>(ii) Proposed new intersections are assessed and designed to determine the interim design requirements. For example: turn lane storage lengths for the proposed layout and intersection performance through the 10 year design horizon (likely to be further than 2031 originally assessed).</li> </ul>	<p>Prior to lodging an application for operational works associated with this condition.</p>
D	<p>Obtain approval from Council for the amended plans in accordance with (A), (B) and (C) above.</p>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).</p>
E	<p>Implement the requirements and recommendations of the approved plan(s). The approved amended plan(s) will form part of the approval.</p>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).</p>
<b>4</b>	<b>Existing Approval Over the Land</b>	
	<p>Ensure the proposal does not conflict with existing Development Permit DA/31485/2016/V3N, or request that the existing approval is cancelled prior to being acted upon.</p>	<p>At all times.</p>
<b>5</b>	<b>Fencing of Park Boundaries</b>	
	<p>Provide semi-transparent fencing to the boundary of any Lot that adjoins park and open space (including bio-retention basins) to enable passive surveillance of public areas. Fencing is to have a minimum height of 1.2 metres and a maximum height of 1.8 metres and a minimum 50% transparency. The details of proposed fencing must be included within landscape plans.</p>	<p>Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).</p>

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<b>CONDITION</b>		<b>TIMING</b>
<b>6</b>	<b>Entry Statement</b>	
	<p>Establishment of any “Entry Statement” as a marketing strategy for the development must accord with the following, unless otherwise approved by Council:</p> <ol style="list-style-type: none"> <li>1. Located within a privately owned allotment or on the boundary of a privately owned allotment;</li> <li>2. Limited to one (1) entry statement per development;</li> <li>3. Constructed of durable, weather resistant materials;</li> <li>4. Positively contributes to the character of the surrounding area; and</li> <li>5. Does not contain the logo of any developer or other entity.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>7</b>	<b>Landscaping for Reconfiguring a Lot</b>	
A	Carry out landscaping and associated earthworks, site preparation and other necessary works in accordance with approved plans, details and technical specifications of any proposed planting or landscape work (both soft and hard works) where such works will be on land under the control of Council, whether as a park, reserve or road reserve. Landscaping is to accord with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
B	Before commencing the works obtain approval for the plans, details and technical specifications of any planting or landscape work from Council.	Prior to work commencing on site.
<b>8</b>	<b>Street Trees</b>	
	Provide street trees within the development in accordance with Planning scheme policy - Integrated design Appendix D - Landscaping.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>9</b>	<b>Water and/or Sewerage</b>	
	<p>Submit to Council a Certificate of Completion or Provisional Certificate of Completion for the development from the Northern SEQ Distributor–Retailer Authority (Unitywater) confirming:</p> <ol style="list-style-type: none"> <li>1. a reticulated water supply network connection is available to the land; and</li> <li>2. a sewerage network connection is available to the land; and</li> <li>3. all the requirements of Unitywater have been satisfied.</li> </ol>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).

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CONDITION		TIMING
<b>10</b>	<b>New Telecommunications Infrastructure</b>	
A	Provide Fibre-Ready telecommunications infrastructure (pit and pipe) throughout the development in accordance with the Communication Alliance specifications contained within Industry Guideline G645:2011 Fibre Ready Pit and Pipe Specifications for Real Estate Development Projects or in accordance with the NBN Co. specifications contained within New Developments: Deployment of the NBN Co Conduit and Pit Network – Guidelines for Developers NBN-TE-CTO-194 and Creating Pit and Pipe Designs for New Developments (Job Aid for Developers) NBN-TE-CTO-586, as amended and current at the date of installation.	Prior to the development being accepted off maintenance.
B	Provide certification from a RPEQ electrical engineer that the works specified in (a) above have been installed and evidence that a telecommunications carrier licensed under the <i>Telecommunications Act 1997</i> has agreed to take ownership of the infrastructure.  OR  Provide written confirmation from NBN Co that the works specified in (a) above have been accepted by it.  OR  Provide a 'Telecommunications Infrastructure Provisioning Confirmation' or a 'Telecommunications Network Infrastructure Notification' letter from a telecommunications carrier licensed under the <i>Telecommunications Act 1997</i> (e.g. Telstra) confirming that telecommunications carrier has been engaged to install telecommunications infrastructure within the proposed development.  Note: Council policies are available on Council's website.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>11</b>	<b>Electricity</b>	
A	Provide evidence (e.g. Certificate for Electricity Supply to Subdividers with Agreement Number or Certificate of Supply) demonstrating that an underground electricity supply network has or will be constructed within all new roads and along the frontage of each proposed lot.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
B	Provide an underground electricity supply connection to each lot.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).

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CONDITION		TIMING
C	Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that: 1. any electricity supply connection to an existing building or a private property pole is wholly contained in the lot it serves; and 2. any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>12</b>	<b>Certify Lots are in Accordance with Approved Plan</b>	
	Provide certification from a Licensed Surveyor that the lots created accord with the approved plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>13</b>	<b>Street Names</b>	
A	Submit requests for the names of new street/s in accordance with Council's Policy 11-2150-038 Allocation of Road Names and Street Address Numbers or as amended;	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
B	Obtain approval from Council for the names of new streets in accordance with (A) above;	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
C	Erect approved street name boards on all new roads in accordance (A) and (B); and	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
D	Mark all street names on the survey plans.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>14</b>	<b>Payment of Rates</b>	
	Pay all outstanding rates and charges applicable to the subject land.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).

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CONDITION		TIMING
<b>15</b>	<b>Dedicated Road Access</b>	
	Provide dedicated constructed road access to the development.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) and to be maintained at all times.
<b>16</b>	<b>Develop in Stages</b>	
	Develop the site generally in accordance with the stages identified on the approved plans in consecutive order. Development must comply with each condition of the development approval as it relates to each stage, unless otherwise stated in the condition.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>17</b>	<b>Vegetation Management Plan</b>	
A	Submit a Vegetation Management Plan prepared by a suitably qualified person and include scaled plans and supporting documentation that provides for the following details: <ol style="list-style-type: none"> <li>1. Vegetation proposed to be removed as a result of the development during site works;</li> <li>2. Clearing procedures for vegetation to be removed;</li> <li>3. Vegetation proposed to be retained on site;</li> <li>4. Protection measures for vegetation to be retained;</li> <li>5. Weed control measures, maintenance procedures and monitoring programs.</li> </ol>	Prior to works commencing on site
B	Obtain approval from Council for the Vegetation Management Plan in accordance with (a) above.	Prior to works commencing on site.
C	Carry out works in accordance with the approved Vegetation Management Plan.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).
<b>18</b>	<b>Environmental Offset</b>	
A	Submit a notice of election for the required offset as required by Section 18 of the <i>Environmental Offsets Act 2014</i> ;	Prior to commencement of site works.
B	Submit for approval an Offset Delivery Plan in accordance with section 2.3.1.3 of the Queensland Environmental Offsets Policy;	Prior to commencement of site works.
C	Deliver the environmental offset delivery in accordance with the approved Agreed Delivery Arrangement; and	Prior to commencement of vegetation clearing site works.
D	Provide certification of the completion of the offset and a copy of the covenant agreement or other protection measure to Council once established.	Upon completion of the offset works.

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CONDITION		TIMING
E	Alternative to items B to D, submit a calculation of the financial offset obligation in accordance with the Financial Settlement Offset Calculation Methodology contained in the Queensland Environmental Offsets Policy; and	Prior to commencement of site works.
F	Submit to Council payment of a Financial Settlement Offset in accordance with section 2.3.2 of the Queensland Environmental Offsets Policy.	Prior to commencement of vegetation clearing site works.
<b>19</b>	<b>Extent of Vegetation Clearing</b>	
A	Clearing of native vegetation must be limited to that which shown in the approved Vegetation Management Plan; and	Prior to and during site works and to be maintained.
B	Clearing of native vegetation must not occur within the area of the site mapped as bushland habitat on the koala habitat area map.	Prior to and during site works and to be maintained.
<b>20</b>	<b>Disposal of Cleared Vegetation</b>	
	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.	Prior to and during site works.
<b>21</b>	<b>Stockpiles Construction and Landscaping Materials</b>	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines, outside the open space habitat corridor 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.
<b>22</b>	<b>Temporary Exclusion Fencing</b>	
	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.
<b>23</b>	<b>No Net Loss of Fauna Habitat</b>	
	Where development results in the loss of a Habitat Tree (native trees greater than 80cm in diameter measured at 1.3m above ground), development will provide replacement fauna nesting boxes at the following rate: 1. One (1) nest box for every hollow removed; or 2. Where hollows have not yet formed in, three (3) nest boxes are required for every habitat tree removed.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan).



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<b>CONDITION</b>		<b>TIMING</b>
<b>24</b>	<b>Fauna Management Plan</b>	
A	Submit a Fauna Management Plan to reduce potential impacts on native fauna during site works. The plan must be prepared by a suitably qualified person and contain at least the following information: <ol style="list-style-type: none"> <li>1. Procedures for dealing with fauna observed immediately prior to vegetation clearing/site earthworks;</li> <li>2. Procedures for dealing with fauna during vegetation clearing/site earthworks;</li> <li>3. Procedures for the treatment / removal of injured fauna from the site.</li> </ol>	Prior to works commencing on site.
B	Obtain approval from Council for the Fauna Management Plan in accordance with (A) above.	Prior to works commencing on site.
C	Carry out works in accordance with the approved Fauna Management Plan.	Prior to and during site works.
<b>25</b>	<b>Management of Wildlife</b>	
A	Carry out approved vegetation clearing under the supervision of a Fauna Spotter Catcher holding a valid Rehabilitation Permit from the relevant State Government Agency.	Prior to and during site works.
B	Provide an activity report, to be completed by the supervising Fauna Spotter Catcher, including: <ol style="list-style-type: none"> <li>1. The number and species of any animals observed during clearing;</li> <li>2. The actions taken to deal with observed animals;</li> <li>3. The number of any animals that were required to be relocated;</li> <li>4. The release site for any relocated animals;</li> <li>5. The number (if any) of animals injured during clearing;</li> <li>6. The treatment provided;</li> <li>7. The outcome of any treatment; and</li> <li>8. The location of the treatment.</li> </ol>	Within fourteen (14) days of completion of clearing.
<b>26</b>	<b>Ecological Restoration Plan Required</b>	
A	Submit to Council for approval an Ecological Restoration Plan for the Saltwater Creek tributary corridor and encompassing the areas of the site below the Q100 flood level. The plan must be prepared by a suitably qualified person and in accordance with Planning Scheme Policy - Environmental Areas and Corridors.	Prior to site works commencing.
B	Implement the requirements of the approved plan.	During site works and to be maintained.

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CONDITION		TIMING
<b>27</b>	<b>Transfer Land – Stormwater Conveyance / Riparian Corridor (Trunk and Non-Trunk)</b>	
A	<p>Submit to Council and have approved, a Trunk Land drawing that clearly identifies the area of Trunk Infrastructure Land (MIBA area only) as shown within Council's Local Government Infrastructure Plan (LGIP item: HAY_SWC_RC) and as identified in Council's Charges Resolution Implementation Policy (no.8 dated 14 August 2018).</p> <p><i>Note: Trunk land is land containing the 1% AEP flows and extends at least 30m out from the top of geogorphic stream bank. Stormwater infrastructure that is required to service the development i.e. bio-retention basins is not Trunk Infrastructure.</i></p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for the first stage of development.
B	<p>Transfer to Council <u>Trunk Land</u> for Stormwater conveyance /Riparian Corridors as identified in (a) above.</p> <p>The land is to be transferred to Council in Fee Simple on Trust for the purpose of open space.</p> <p><i>Note: The transfer of this land will be offset at 'constrained land rates' in accordance with Council's Infrastructure Charges Resolution.</i></p> <p>This condition has been imposed under section 646 of the Sustainable Planning Act 2009.</p>	At the time of submitting a request for approval of a plan of subdivision (i.e. survey plan) for the first stage of development.
C	<p>Transfer to Council <u>Non-Trunk Land</u> for Stormwater conveyance /Riparian Corridors that shown as open space is not identified as Trunk Land in (a) above.</p> <p>The land is to be transferred to Council in Fee Simple on Trust for the purposes of open space.</p> <p><i>Note: This land is non-trunk infrastructure and therefore no offsets are available for transfer of this land.</i></p> <p>This condition has been imposed under Section 665 of the Sustainable Planning Act 2009</p>	At the time of submitting a request for approval of a plan of subdivision (i.e. survey plan) for the first stage of development.
<b>28</b>	<b>Trunk Infrastructure Land - Road</b>	
	<p>Dedicate to Council road reserve for the full frontage of the development site to suit a 37m road reserve and additional road reserve to accommodate the intersection layout.</p> <p>This condition has been imposed under section 646 of the Sustainable Planning Act 2009.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for the first stage of development.

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CONDITION		TIMING
<b>DEVELOPMENT ENGINEERING</b>		
<b>29</b>	<b>Replace Existing Council Infrastructure</b>	
	Replace existing Council infrastructure (including but not limited to street trees and footpaths) that is damaged as part of works carried out in association with the development to Council's standards.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>30</b>	<b>Alterations and Relocation of Existing Services</b>	
	Ensure 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 an entity engaged in the provision of public utility services is to be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>31</b>	<b>Stormwater</b>	
	Carry out the development to ensure that adjoining properties, reserves and roads are protected from ponding or nuisance from stormwater as a result of any works undertaken.	To be maintained at all times.
<b>32</b>	<b>Stormwater Management</b>	
A	Submit and have approved by Council, a development application for operational works for stormwater infrastructure to service the development.  Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development current at the time of the operational works application.	Prior to commencement of works associated with this condition.
B	Construct stormwater infrastructure to service the development at no cost to Council and in accordance with the approved plans and documents of development.  This condition has been imposed under section 665 of the <i>Sustainable Planning Act 2009</i> .	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).

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CONDITION		TIMING
<b>33</b>	<b>New Council Roads</b>	
A	<p>Submit and have approved by Council, a development application for operational works for the following:</p> <p>1. All new roads and associated works. The following classifications are to be applied:</p> <ul style="list-style-type: none"> <li>• Industrial Access - Roads 2, 7 and 8</li> <li>• Industrial Collector - Road 1</li> </ul> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application.</p>	Prior to commencement of works associated with this condition.
B	<p>Construct, at no cost to Council and in accordance with the approved plans and documents of development the following:</p> <ol style="list-style-type: none"> <li>1. All new roads and associated works</li> <li>2. All frontage roads and associated works</li> <li>3. All external roads and associated works.</li> </ol> <p>This condition has been imposed under section 665 of the <i>Sustainable Planning Act 2009</i>.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>34</b>	<b>New Intersection</b>	
A	<p>Ensure the detailed design of any operational works application is in accordance with the Integrated Transport Assessment (ITA) approved in this development approval for determining impacts on the road system including necessary mitigation measures. Any configuration or layouts provided are accepted as demonstrating the conceptual configuration of the works only and are subject to detailed design.</p>	At all times.
B	<p>Submit and have approved by Council, a development application for operational works for the intersection of the new access road and Boundary Road.</p> <p>Design drawings are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the conceptual intersection configuration in the Council approved ITA and the MBRC Planning Scheme current at the time of the operational works application.</p>	Prior to commencement of works associated with this condition.
C	<p>Construct the intersection of the new access road and Boundary Road and in accordance with the approved plans and documents of development.</p> <p>This condition has been imposed under section 646 of the <i>Sustainable Planning Act 2009</i>.</p>	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan)

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CONDITION		TIMING
<b>35</b>	<b>Pathways</b>	
A	Construct, at no cost to Council, 2.0m wide reinforced concrete pathways on internal roads in accordance with the approved functional services layout plan.  This condition has been imposed under section 665 of the <i>Sustainable Planning Act 2009</i> .	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
B	Construct, at no cost to Council, a 2.0 metre wide reinforced concrete pathway along the full Boundary Road development frontage.  This condition has been imposed under section 665 of the <i>Sustainable Planning Act 2009</i> .	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>36</b>	<b>Earth Retaining Structures</b>	
A	Design all earth retaining structures within private land in accordance with Australian Standards, Building Code requirements and MBRC Planning scheme current the time of the operational works application and the following: <ol style="list-style-type: none"> <li>1. The minimum design life (the period assumed in design for which a structure or structural element is required to perform its intended purpose without replacement or major structural repairs) for the earth retaining structure that is specified in Table 3.1 of Australian Standard AS4678;</li> <li>2. Earth retaining structures within the land and around areas of cut on or near the boundaries of the site must be designed to allow for live and dead loads associated with the land/premise's current occupancy use;</li> <li>3. Where the adjoining land use rights or zoning allows for industrial uses a minimum live load of 25kPA must be allowed in the design of the retaining structure for these adjoining premises.</li> </ol>	Prior to commencement of works associated with this condition.
B	Submit and have approved by Council, a development application for operational works for all earth retaining structures.  Design drawing are to be prepared and certified by a suitably qualified Registered Professional Engineer Queensland (RPEQ) and in accordance with the approved plans and documents of development and the MBRC Planning Scheme current at the time of the operational works application and they are to clearly show the location and overall configuration (fully dimensioned), design parameters and loads, materials and finishes of all earth retaining structures for the development.	Prior to commencement of works associated with this condition.

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CONDITION		TIMING
<b>CONCURRENCE AGENCY</b>		
<b>37.</b>	<b>Concurrence Agency</b>	
A	Comply with the conditions of Department of State Development, Manufacturing, Infrastructure and Planning response dated 27 November 2018 (reference: SDA-0317-037605) or as amended, as it applies to the Mixed Industry and Business precinct only.	At all times.
B	Provide certification to Council prepared by a suitably qualified person or the agency demonstrating the requirements of the Department of State Development, Manufacturing, Infrastructure and Planning response have been met.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan) for the first stage of development.

ADVICES	
<b>1</b>	<b>Aboriginal Cultural Heritage Act 2003</b>
	<p>The <i>Aboriginal Cultural Heritage Act 2003</i> commenced in Queensland on April 16, 2004. The Act provides blanket protection of Aboriginal cultural heritage sites and places, including significant areas and objects, as well as archaeological remains. The Act also recognises that Aboriginal cultural heritage parties are key stakeholders in the assessment and management of Aboriginal cultural heritage.</p> <p>Under the Act, if a proposed activity involves disturbance of the ground surface, cultural heritage Duty of Care must be considered. This involves consideration of whether an activity is <i>likely</i> to harm Aboriginal cultural heritage. This may require involvement from the relevant Aboriginal cultural heritage party.</p> <p>Cultural heritage Duty of Care compliance ultimately lies with the person or entity conducting the activity, and penalty provisions apply for failing to fulfil this Duty of Care.</p> <p>Council strongly advises that before undertaking the land use activity, you refer to the <a href="#">cultural heritage duty of care - Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)</a> for further information regarding the responsibilities of the developer.</p>

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<b>2</b>	<b>Adopted Charges</b>
	<p>Payment of an Adopted Infrastructure Charge in accordance with Council's Infrastructure Charges Resolution (No. 8) dated 14 August 2018 or as amended apply to this development approval.</p> <p>From 1 July 2014, Moreton Bay Regional Council no longer issues an Infrastructure Charges Notice on behalf of Unitywater for water supply and sewerage networks and therefore a separate Infrastructure Charges Notice may be issued directly to the applicant by Unitywater in respect to this development approval.</p> <p>Payment of Infrastructure Charges is to be in accordance with the Infrastructure Charges Notice issued with this development approval and any Infrastructure Charges Notice issued by Unitywater. From 1 July 2014, all Infrastructure Charges for infrastructure networks controlled by Unitywater (eg. water and/or sewerage) regardless of when the Infrastructure Charges Notice was issued are to be paid directly to Unitywater while Infrastructure Charges for networks controlled by Moreton Bay Regional Council will continue to be paid directly to Moreton Bay Regional Council.</p>

<b>PROPERTY NOTES</b>	
<b>1</b>	<b>DS02 Bushfire Management</b>
	<p>The following property note will be attached to Council's database for all lots:</p> <p><i>"An approved Bushfire Management Plan applies to this lot. Any development on this lot must be in accordance with the approved Bushfire Management Plan and any conditions related to the approved plan.</i></p> <p><i>Further details can be found in the development permit creating the lot or the development approval for the use, and the associated Council report (Delegated or Council Meeting) or approval letter. This information is available through the PD Online facility on Council's website <a href="http://www.moretonbay.qld.gov.au">www.moretonbay.qld.gov.au</a>."</i></p>
<b>2</b>	<b>DS05 Site Access - Restricted Location</b>
	<p>The following property note will be attached to Council's database for Lots 200-208, 216, 217 and 235:</p> <p><i>"Vehicular access to this lot directly from Boundary Road is restricted for traffic management and safety reasons.</i></p> <p><i>Further details can be found in the development permit creating the lot or the development approval for the use, and the associated Council report (Delegated or Council Meeting) or approval letter. This information is available through the PD Online facility on Council's website <a href="http://www.moretonbay.qld.gov.au">www.moretonbay.qld.gov.au</a>."</i></p>

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<b>3</b>	<b>DS11 Structures on Boundaries Adjoining Public Land</b>
	<p>The following property note will be attached to Council's database for 200-208, 216, 217, 226 and 227:</p> <p><i>"The maintenance of any structure, including fences and retaining walls, located on a lot adjacent to the common property boundary with public land, including roads and parks, is the responsibility of the lot owner."</i></p>
<b>4</b>	<b>DS10 Odour/Contamination</b>
	<p>The following property note will be attached to Council's database for all MIBA Lots:</p> <p><i>"This lot is in proximity to an existing source of odour or contamination."</i></p> <p><i>Further details can be found in the development permit creating the lot or the development approval for the use, and the associated Council report (Delegated or Council Meeting) or approval letter. This information is available through the PD Online facility on Council's website <a href="http://www.moretonbay.qld.gov.au">www.moretonbay.qld.gov.au</a>."</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.

**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Reconfiguring a Lot - Development Permit for Subdivision (2 into 36 mixed industry and business lots in stages)
<b>Relevant Period of Approval</b>	Reconfiguring a Lot requiring works – 4 years
<b>Section 64(5) Deemed Approval</b>	Not applicable
<b>Superseded Planning Scheme</b>	Not applicable
<b>Variation approval affecting the Planning Scheme</b>	Not applicable
<b>Other Necessary Permits</b>	<ul style="list-style-type: none"> <li>• Operational Works – Development Permit for Roadworks, Stormwater and Drainage, Earthworks, Landscaping and Electrical Reticulation and Street Lighting.</li> </ul>
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	Department of State Development, Manufacturing, Infrastructure and Planning
<b>Submissions</b>	There were twelve (12) properly made submissions about this application.



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## REPORT DETAIL

### 1. Background

#### 1.1 Development Approval History

On 17 October 1994, Council approved a Consent Order for Bulk Garden Supplies over the subject site (Council reference DA/2204/1994 (formerly 506/3-317).

On 11 February 2011, Council's approved a Material Change of Use - Preliminary Approval for Bulk Garden Supplies, Car Depot, Caretaker's Residence, Commercial Services, Contractor's Depot, Estate Sales Office, Fast Food Delivery Service, Food Outlet, General Industry, Hardware Shop, Local Utilities, Outdoor Sales, Recycling Depot, Service Industry, Vehicle Sales and Warehouse and Reconfiguring a Lot – Development Permit (2 into 54 Lots in 4 stages) (Council reference: DA/20322/2008/DA).

On 4 February 2012, Council approved a Reconfiguring a Lot (1 into 3 lots) and Material Change of Use – Preliminary Approval (under section 242 of SPA) for uses generally consistent with the Service Industry Zone of the *PineRiversPlan* (Council reference: DA/25769/2011/DA)

On 8 March 2017, a development application for Reconfiguring a Lot – Development Permit for Subdivision (2 into 19 Industry Lots + Balance Lot) was lodged with Council. This application was approved by Council's delegate on 6 December 2016. A subsequent negotiated decision was approved by Council's delegate on 25 March 2017 (Council reference number DA/31485/2016/V3N).

#### 1.2 Prelodgement Meeting

On 7 November 2016, a prelodgement meeting (PRE/3699) was held to discuss a proposal for a Preliminary Approval for Material Change of Use - affecting the Moreton Bay Regional Council Planning Scheme (to apply the General residential zone, Next generation neighbourhood precinct), and Development Permit for Reconfiguring a Lot (2 lots into 316 lots plus park and balance lot). The meeting minutes reveal the following key matters were discussed:

- The site is included within the Industry Zone - Mixed Industry and Business Precinct under the MBRC Planning Scheme, being an area that is intended to provide a range of employment-intensive, knowledge-based, low impact industrial activities and associated commercial activities which benefit from high levels of exposure and access to high quality transport infrastructure (6.2.7.1.1 Overall Outcome (1)(a)).
- The MBRC Planning Scheme seeks to protect the operation and viability of existing and future industrial activities from the intrusion of incompatible uses, and sensitive land uses do not occur where they could compromise or constrain existing or future industrial land uses in the precinct or adjoining industrial areas (6.2.7.1.1 Overall Outcome (1)(h)).
- Development in the Mixed industry and business precinct does not include residential land use activities such as Dwelling house, Dual occupancy or Multiple dwelling (Overall Outcome 6.2.7.1.1(1)(t)).
- There is the potential for residential development to be negatively affected/impacted by odour and air quality outputs from the neighbouring industrial/MIBA activities (the northern edge of the proposed development site, industrial zoned parcels to the east, and from the Narangba Industrial Estate on the northern side of Boundary Road).
- Buffers and mitigation measures are to minimise adverse effects on sensitive land uses from odour, noise, dust and other nuisance generating activities. Likewise, residential development is not to compromise industrial land areas from the encroachment of incompatible development.

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- An air quality and odour report from a suitably qualified professional must be provided to demonstrate that odour will not impact sensitive land uses. The report must also justify how the introduction of residential uses to the site (as proposed) does not result or cause any reverse amenity issues on the industrial activities that are contemplated by the Industry Zoning on adjoining and nearby lands.

### 1.3 Subject Application History

On 6 February 2017, the subject development application (DA/36672/2017/V23R) was lodged with Council and was subsequently accepted as being properly made on 23 February 2017. The application as originally lodged was for a Material Change of Use - Preliminary Approval to vary the effect of the Moreton Bay Regional Council Planning Scheme (s242 of SPA 2009) to permit development in accordance with the General Residential Zone - Suburban Neighbourhood Precinct and Reconfiguring a Lot - Development Permit for Subdivision (2 into 295 Lots and Balance Lot over 13 Stages).

On 5 April 2017, Council issued an information request to the applicant. Council's information request raised the following key items (as summarised):

- Strategic Framework: Provide a comprehensive assessment against the Strategic Framework of the MBRC Planning to justify how the proposal will not prejudice the achievement of Council's 20 year vision for the region, specifically the target of achieving 70% employment self-containment as a result of the proposed conversion of Industry land to residential;
- Loss of Industrial Land: Provide a comprehensive assessment of the suitability of the proposed residential uses over Mixed industry and business land. The assessment is to consider:
  - the attributes of the Industrial land, noting it is largely unencumbered by constraints, has proximity to the Bruce Highway and is geographically located to benefit from its proximity to regional centres and Brisbane, as opposed, to other industrial land in the region.
  - A revised assessment of industrial land supply in the region to consider the suitability of vacant industrial land availability within the region, a more detailed assessment of industrial land demand having regard to population growth, changes in economic structure, potential displacement of industrial uses from Brisbane LGA and Council's stated policy objective to maximise local employment opportunities,
  - A revised assessment of the residential land supply within the region to include an analysis of the capacity that would be delivered by the Caboolture West Master Plan area and assessment of yield associated with redevelopment of land within higher density residential zones.
- Air Quality and Odour - Concern was raised with the likelihood and expected frequency of odour events between the cumulative 1.0 odour units and 2.5 odour units level. Provide an amended Air Quality and Odour Assessment to address the following additional matters:
  - Assess the cumulative effect of odour from the 4 main emitters (Boral Asphalt, Qld Organics, Aqua-Feed, and Packer Leather).
  - Compare the cumulative odour contours with that in the Max Winders and Associates report dated 5 July 2011, as referenced above, and assess or justify any differences.
  - Clarify the implications of the cumulative 99.5th percentile odour levels in terms of estimated number of odour events above the cumulative 1.0 odour unit contour per year, longer than 1 hour duration.
- Residential density - The proposed residential subdivision would result in a net residential density of 14.43 lots per hectare and exceeds the maximum density of 11 lots per hectare within the Suburban neighbourhood precinct. Further information is required to justify the proposed density, including an assessment of density within the surrounding North Lakes locality to demonstrate the proposal is consistent with the established low-density character of the area.

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On 30 October 2018, the applicant responded to Council's information request. As part of the response, the applicant changed the application to reduce the extent of the residential component. The application currently presented seeks approval for Material Change of Use - Preliminary Approval to vary the effect of the Moreton Bay Regional Council Planning Scheme (s242 of the *Sustainable Planning Act 2009*) to permit development in accordance with the General residential zone - Suburban neighbourhood precinct and Reconfiguring a Lot - Development Permit for Subdivision (2 into 132 residential lots and 36 mixed industry and business lots in stages).

Between 6 November 2018 and 19 December 2018, the application was publicly notified for a period of thirty (30) business days. Twelve (12) properly made submissions were received about the application.

## 2. Explanation of Item

### 2.1 Proposal description

This application seeks a Material Change of Use - Preliminary Approval to vary the effect of the Moreton Bay Regional Council Planning Scheme (s242 of the *Sustainable Planning Act 2009*) to permit development in accordance with the General residential zone - Suburban neighbourhood precinct and Reconfiguring a Lot - Development Permit for Subdivision (2 into 132 residential lots and 36 mixed industry and business lots in stages), located at Lots 1 and 2 Boundary Road, North Lakes and described as Lots 1 and 2 on RP167507.

The site is predominately included within the Industry zone, Mixed industry and business precinct. An area of land adjacent to Saltwater Creek Tributary is included within the Limited development zone and a small area of land in the south-eastern corner, bound by Saltwater Creek and Tarong Avenue, is included within the General residential zone, Suburban neighbourhood precinct. The Saltwater Creek Tributary effectively divides the land between the Industry and Residential zoned land. The site has an area of 32.38ha over two (2) existing allotments.

The application can be described as containing a residential and mixed industry and a business component, as follows:

#### 2.1.1 - COMPONENT: RESIDENTIAL

##### *2.1.1.1 Preliminary Approval to vary the effect of the Moreton Bay Regional Council Planning Scheme*

The residential component of the application seeks to vary the MBRC Planning scheme to exclude part of the site (9.588ha excluding land for drainage purposes) from the Industry zone, Mixed industry and business precinct and to allow residential uses to occur in accordance with the General residential zone, Suburban neighbourhood precinct.

The applicant has proposed an amended Table of Assessment for future development which generally reflects the General Residential zone, Suburban neighbourhood precinct table of assessment as contained within the MBRC Planning Scheme, with the exception of two (2) unique development codes 'Dwelling house code (North lakes North) and Residential uses code (North Lakes North) proposed to apply to Dwelling houses and Dual occupancies only.

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The proposed Table of Assessment seeks to vary the level of assessment for Dual occupancies for lots less than 1000m in area from Impact Assessable to Accepted Development Subject to Requirements (Self-Assessable). It also seeks to make a Dual occupancy assessable against the proposed unique 'Residential Uses Code (North lakes North) only. It is to be noted that key provisions that relate to Dual occupancies that are currently contained within the General residential zone code, Suburban neighbourhood precinct would no longer form part of the assessment criteria, including provisions that require dual occupancies to be dispersed within the streetscape (i.e. not located within 200m of another Dual Occupancy).

The proposed Dwelling house code (North Lakes North) has been based on the Dwelling house code as contained within the MBRC Planning Scheme but is proposed to be varied to 'better align with the North Lakes Master Planned Community' in the following ways:

- Remove references to all zones and precincts with the exception for the General residential zone, Suburban neighbourhood precinct.
- Remove all references to Values and Constraints criteria (overlays)
- Allow increased site cover for Dwelling houses in accordance with the Plan of Development (up to 75% in lieu of a maximum 50%).
- Allow reduced minimum car parking provisions for a dwelling house (minimum 2 on site spaces in lieu of a minimum of 3).
- Allow boundary setbacks to be as shown on the Plan of Development or in accordance with Table 9.3.1.4 – Setbacks (Suburban neighbourhood) (e.g. front boundary setback may be 3m in lieu of 4.5m)

The proposed Residential uses code (North Lakes North) has been based on the Residential uses code as contained within the MBRC Planning Scheme but is proposed to be varied in the following ways:

- Remove references to all land uses with the exception of a Dual occupancy. The Dual Occupancy provisions of the residential uses code would remain unchanged however it is noted that a Dual Occupancy would no longer be assessed against the General residential zone code, Suburban neighbourhood precinct which would have otherwise included provisions that require Dual occupancies to be dispersed within the streetscape (i.e. not located within 200m of another Dual Occupancy) and included provisions on building height, which would no longer be applicable under the proposed code.
- Remove references to all zones and precincts with the exception for the General residential zone, Suburban neighbourhood precinct.
- Allow car parking to be provided as per the Plan of Development or in accordance with Code requirements (minimum 2 car spaces per dwelling in both instances).

The application also seeks to remove the overlays and overlay codes from future assessment under the requested Preliminary Approval.

#### *2.1.1.2 Reconfiguring a Lot (Residential)*

The application also seeks to reconfigure part of the site (9.588ha excluding land for drainage purposes) that is proposed to be varied under the Preliminary Approval to create 132 residential allotments. The proposed allotments range in area from 250m<sup>2</sup> to 680m<sup>2</sup> and are proposed to be developed in four (4) stages. The proposed density equates to 13.76 lots per hectare, exceeding the maximum net residential density of 11 lots per hectare within the Suburban neighbourhood precinct.

Access to the proposed residential lots is proposed via a new three-way signalised intersection with Boundary Road. A secondary road access is proposed as an extension of Sundown Circuit to connect with the 'The Rise' estate within the North Lakes Master Planned Community to the south.

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The application proposes two (2), 10m wide landscaped buffers, one adjoining Boundary Road and one along the common boundary with the proposed Mixed industry and business area (combined land area 8,430m<sup>2</sup>). The landscaped buffers are intended to ameliorate impacts from traffic noise and industrial activities in proximity to the proposed residential lots, as well as screen the required acoustic barrier to Boundary Road. In addition, the 10m wide buffer adjoining Boundary road is intended to serve as a clear zone in case of accidents involving dangerous or hazardous goods. A 4.108ha area of land is proposed to be dedicated to Council as open space as a drainage corridor adjoining Saltwater Creek Tributary in the south-eastern corner of the site, which is also proposed to contain a bio-retention basin.

#### *2.1.1.3 Noise Impact Assessment – Residential*

A noise impact assessment has been submitted with the application to assess the impacts of road traffic noise to the proposed residential lots. The noise report recommends that a 1.8m high acoustic barrier be constructed along the western boundary of proposed lots 1-15, adjoining Boundary Road. The proposed finished level of the residential lots will be within cut and will sit approximately 2.5m lower than the Boundary Road road reserve (and the proposed 10m wide landscaped buffer adjacent to the road). The 1.8m high acoustic barrier is proposed above the 2.5m high (approx.) retaining wall. Whilst the proposed acoustic barrier will not be visually dominant from Boundary Road, the western boundary of proposed Lots 1 to 15 will contain a combined retaining wall and acoustic barrier up to 4.3m in height, in a single vertical plane.

#### *2.1.1.4 Air Quality and Odour Impact Assessment - Residential*

An Air Quality and Odour Impact Assessment has been submitted with the application to assess the potential impacts on proposed residential uses, emanating from the Narangba Innovation Precinct which contains a range of industries that are known to emit contaminants to the atmosphere and includes a number of facilities that are classified under the *Dangerous Goods Safety Management Act (2001)* as Large Dangerous Goods Locations (LDGL) and Major Hazard Facilities (MHF). The submitted reporting has failed to demonstrate that a future residential community will not be subjected to unreasonable environmental harm including odour nuisance and air quality impacts. A detailed discussion on the Air Quality and Odour Impact assessment is outlined in section 2.9 of this report.

#### *2.1.1.5 Economic Analysis and Land Use Review Assessment*

An Economic Analysis and Land Use Review Assessment has been submitted by the applicant to assess the proposed conversion of part of the site from mixed industry and business uses to residential uses. The applicant's reporting has focussed on the supply of industrial land within the region but has inadequately assessed the supply and availability of residential land in the region. The submitted reports have failed to demonstrate there is an overriding community need for the conversion of industrial land to residential purposes. A detailed discussion on the Economic Analysis and Land Use Review Assessment is outlined in section 2.9 of this report.

### 2.1.2 - COMPONENT: MIXED INDUSTRY AND BUSINESS

#### *2.1.2.1 Reconfiguring a Lot - Mixed industry and business*

The application seeks to reconfigure the northern portion of the site (approximately 16.75ha excluding land for drainage purposes) into thirty-six (36) Mixed industry and business lots, retaining the MBRC Planning Scheme zoning of Industry zone, Mixed industry and business precinct. The proposed industrial lots range in area from 1950m<sup>2</sup> to 7245m<sup>2</sup> and are proposed to be developed in four (4) stages.

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Access to the proposed Mixed industry and business lots is proposed via a new four-way signalised intersection with Boundary Road and Potassium Street. A total area of 4,740m<sup>2</sup> is proposed for the purposes of road widening to Boundary Road to align with a Sub-arterial road typology (typical 31m road reserve width). The internal road network is proposed as a series of cul-de-sac roads to service the future lots which is inconsistent with the requirements of the Reconfiguring a lot code – Industry zone. The recommendation of this report includes a condition of development requiring amended plans to show an internal circulation road (modified rectilinear grid network), in favour of the proposed cul-de-sac network.

The application also seeks to dedicate a 1.92ha drainage corridor in the south-eastern corner of the Mixed industry and business precinct, adjoining Saltwater Creek Tributary. The drainage corridor is proposed to contain a sediment pond and a bio-retention basin for stormwater management purposes. The proposed bio-retention basin is proposed to be located within the Riparian and wetland setback area, resulting in earthworks within or adjacent to Medium risk flood hazard and adjacent to high value vegetation. The recommendation of this report includes a condition of development requiring an amended plan to ensure all stormwater infrastructure (including the proposed bio-retention basin) is located fully outside of the mapped Riparian and wetland setback.

#### 2.1.2.2 Existing Development Permit over the land.

The subject site contains an existing Development Permit for Reconfiguring a Lot – Development Permit for Subdivision (2 into 19 Industry Lots + Balance Lot), approved by Council's delegate on 6 December 2016. A subsequent negotiated decision was approved by Council's delegate on 25 March 2017 (Council reference number DA/31485/2016/V3N). The proposed layout of stages 1 and 2 of the subject application generally reflects the previous approved lot layout, however proposes two (2) fewer lots in this location and the extension of the north-south entry road to service stages 3 and 4.

Whilst it is noted that multiple permits may exist over the land, conditions of development must not conflict. The recommendation of this report includes a condition of development requiring the applicant ensures that this application does not conflict with the previous approval or alternatively the applicant requests that the previous approval be cancelled.

## 2.2 Description of the Site and Surrounds

The subject site is predominately vacant industrial land situated between the Stockland North Lakes master planned community (land within the Development Control Plan area) to the south and east, Narangba Innovation Precinct to the north and the Moreton Bay Regional Council operated recycling facility to the west. The Industrial zoned land is effectively separated from the General residential zoned land by Saltwater Creek Tributary that runs along the south-eastern boundary of the site.

The Narangba Innovation Precinct to the north of the site (formally known as Narangba Industrial Estate until rebranding in September 2015) was originally established by the State Government as a dedicated precinct to accommodate noxious and hazardous industrial land uses, which at the time of establishment, was geographically separated from sensitive land uses. The Narangba Innovation Precinct accommodates various established hazardous industrial uses with high potential for adverse impacts upon sensitive land uses through factors including, but not limited to – noise, light, odour, dust / particulates, and noxious emissions associated with existing lawfully established uses including timber mills, factories, chemical storage and processing facilities and a tannery. With the commencement of the Moreton Bay Regional Council Planning Scheme (1 February 2016), the Narangba Innovation Precinct was included within the Industry zone, Restricted industry precinct (within the core of the precinct) and General industry precinct (around the fringe of the precinct).

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Despite this zoning, a number of High impact industry and Special industry uses continue to operate lawfully within the General industry precinct, on the fringe of the estate.

Directions	Planning Scheme Zone	Current Land Use
North	Industry zone, General industry and Restricted industry precincts	Special industry, High impact industry, Medium impact industry uses including, but not limited to, tannery, fuel and chemical storage, waste oil refining, fertilizer manufacture and timber treating.
South	North Lakes DCP (Precinct 044)	Residential uses
East	Industry zone, Light industry precinct, General residential zone, Suburban neighborhood precinct	Warehouse, vacant industrial land, residential uses
West	Industry zone, General industry precinct and Light industry precinct	MBRC recycling facility

### 2.3 State Planning Instrument Assessment

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

Name	Designation	Applicable Requirements
State Planning Regulatory Provision (Adopted Charges)	None	Not applicable to Development Assessment however the SPRP has informed the Council's Adopted Infrastructure Charges Resolution, and this is discussed in section 5 of this report.
State Planning Regulatory Provisions (Adult Stores)	None	The development proposal is not for an Adult Store and therefore the State Planning Regulatory Provisions do not apply.
South East Queensland Koala Conservation State Planning Regulatory Provisions	None	The development proposal is located in a Priority Koala Assessable Development Area. The site is mapped as Medium Value Rehabilitation Area (development footprint), Medium Value Bushland Habitat (adjoining Saltwater Creek Tributary) and Low value Rehabilitation (south-east corner of the site).  Approximately eight-one (81) Non-Juvenile Koala Habitat Trees (NJKHT) are proposed to be removed or identified to be potentially impacted upon (44 trees identified to be removed and 37 potentially impacted) as a result of the proposed development.  The proposal can comply with the SEQ Koala Conservation State Planning

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Name	Designation	Applicable Requirements
		Regulatory Provisions through the imposition of a reasonable and relevant condition requiring an Environmental Offset in accordance with the Queensland Environmental Offsets Policy. Accordingly, the recommendations of this report includes a condition of development requiring the applicant to submit a notice of election and undertake and environmental offset (either land based or financial).
Southeast Queensland Regional Plan 2009-2031 (SEQRP) State Planning Regulatory Provisions - May 2014 Version	Urban Footprint	The development proposal is for an urban activity in the Urban Footprint, and there are no requirements in the State Planning Regulatory Provisions applicable to the development proposal.

2.3.2 State Planning Policy (July 2014)

On 16 November 2015, notification was given to Council that all State Interests (SPP July 2014) 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:

Assessment benchmarks - natural hazards		
Applicable to Development	SPP Requirement	Comment
Yes	(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is: <ul style="list-style-type: none"> <li>(a) coastal dependent development; or</li> <li>(b) temporary, readily relocatable or able to be abandoned development; or</li> <li>(c) essential community infrastructure; or</li> <li>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</li> </ul> (2) Development permitted in (1) above, mitigates the risks to	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.



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	<p>people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	
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It should be noted that since this development application was deemed 'properly made' on 23 February 2017, a new State Planning Policy (SPP) commenced in July 2017. As the current MBRC Planning Scheme is yet to reflect the requirements of the current SPP July 2017, an assessment against the current State Planning Policy is discussed in section 2.9 of this report.

### 2.3.3 South East Queensland Regional Plan (2009-2031)

The Minister has identified that the Moreton Bay Regional Council Planning Scheme (version 2), specifically the strategic framework, appropriately advances the *South East Queensland Regional Plan 2009-2031*, as it applies in the planning scheme area.

The site is located in the Urban Footprint within South East Queensland Regional Plan. The development proposal is for an urban activity in the Urban Footprint. There are no requirements in the State Planning Regulatory Provisions applicable to the development proposal.

It should be noted that since this development application was deemed 'properly made' on 23 February 2017, a new regional plan '*ShapingSEQ*' - South East Queensland Regional Plan

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commenced in August 2017. As the current MBRC Planning Scheme is yet to reflect the requirements of the *ShapingSEQ* - South East Queensland Regional Plan August 2017, an assessment against the current Regional Plan is discussed in section 2.9 of this report.

2.4 Local Planning Scheme Assessment - Moreton Bay Regional Council Planning Scheme (version 2)

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

2.4.1 *Strategic Framework*

In accordance with section 1.7.2 of the planning scheme, the development proposal requires assessment against the Strategic Outcomes within the Strategic Framework.

The strategic framework sets the policy direction for the planning scheme and forms the basis for ensuring appropriate development occurs within the planning scheme area for the life of the planning scheme.

The Strategic Framework is based on a 20 year planning horizon and will be reviewed at least once every 10 years. The Strategic Framework is based on Council's analysis of the issues and opportunities facing the region including State interests, the application of the *South East Queensland Regional Plan 2009-2031* (SEQ Regional Plan 2009) provisions to the Region, and Council's strategic direction for the future.

Although each theme has its own section, the strategic framework is read in its entirety as the policy direction for the planning scheme. The vision for the Region is expressed through a series of twelve themes in the Strategic Framework based on the desired regional outcomes in the SEQ Regional Plan.

The applicable Strategic Outcomes under the Themes for the planning scheme are discussed, to the extent relevant, as follows:

Strategic Outcome	Complies (Yes/No)	Assessment
<b>3.3 Theme - Sustainability and Resilience</b>		
<p><b>3.3.1 Strategic Outcome - Integrate sustainability with land planning decision-making</b> <i>Design and site development and infrastructure using sustainability and urban design principles to reflect the Region's subtropical climate, reinforce local character and achieve innovation and design excellence.</i></p> <p>4. Development outcomes are focused on creating multiple benefits to the community, the economy and the environment.</p>	No	<p>The proposed development does not reinforce the local character of the area. The proposal seeks to introduce residential land uses on land included within the Industry zone, Mixed industry and business precinct and within the Enterprise and employment areas place type. The Enterprise and employment areas place type is intended to accommodate manufacturing, engineering, transport, logistics and warehouse activities and related business activity. The introduction of residential uses, including Dwelling houses is inconsistent with the intended local character for the area.</p> <p>The proposed inclusion of residential uses within the Enterprise and employment</p>

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Strategic Outcome	Complies (Yes/No)	Assessment
		<p>areas Place type and within the Industry zone will not result in multiple benefits to the community, the environment and the economy. The proposed conversion of approximately 13.696ha of land (including land for road and park) will result in the displacement/loss of approximately 260 to 330 jobs (based on assumed GFA and averaged employment rates for MIBA uses) that would otherwise be accommodated on the site. The proposal also has the potential to subject a future residential community to environmental harm/nuisance from air quality and odour impacts emanating from the Narangba Innovation Precinct and other nearby industrial land uses. Similarly, the proposal has the potential to constrain the operation of existing established land uses through encroachment of sensitive (residential) land uses (reverse amenity).</p>
<p><b>3.3.2 Strategic Outcome - Reduce greenhouse gas emissions</b> <i>Greenhouse gas emissions are reduced from development, land management and other planning decisions in the region.</i></p> <p>3. Reduce greenhouse gas emissions from transport fuel consumption by adopting patterns of urban development that reduce the need to travel and the distance travelled and by facilitating an increase in provision of active and public transport alternatives</p>	<p><b>No</b></p>	<p>The site is located within the Enterprise and employment areas place type under the MBRC Planning Scheme and within a 'Regional Economic Cluster' (REC) within the current Shaping SEQ - South East Regional Plan 2017.</p> <p>Enterprise and employment areas as referenced in 3.14.12.6 of the Strategic Framework are intended to accommodate business and industry activities that require a high level of accessibility to the regional freight network and the transport systems in the Enterprise and employment areas provide a high level of integration between the needs of industry and business.</p> <p>Under the current South-East Queensland Regional Plan (ShapingSEQ 2017), the site is identified as being within a Regional Economic Cluster (REC). A REC is defined as 'a geographic concentration of interconnected businesses, suppliers and associated institutions which result in greater economic activity and are significant economic drivers'.</p> <p>The subject site is geographically located within proximity to a major transit route</p>

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Strategic Outcome	Complies (Yes/No)	Assessment
		being the Bruce Highway and is strategically located been two existing industrial areas being the mixed industry and business area of North Lakes and the Narangba Innovation precinct. The proposal to convert part of the site to residential purposes would erode the intent of the Place type and the REC and would increase the potential for greenhouse gas emissions from transport fuel by the displacement of industrial uses that would otherwise be co-located with related business and suppliers in a highly accessible location, close to key regional markets south of the region.
<p><b>3.3.4 Strategic Outcome - Responding to oil supply vulnerability</b> <i>Identify people, economic sectors and areas that are at risk due to oil supply vulnerability and increase their resilience to the effects of oil supply vulnerability.</i></p> <p>1. Manage risks and reduce impacts on people, economic sectors and areas from the effects of oil supply vulnerability by:</p> <p>(c) reducing the length of trips and dependence on oil by localising access to goods, services and employment opportunities.</p>	<p><b>No</b></p>	<p>The subject site is geographically located within proximity to a major transit route being the Bruce Highway and is strategically located been two existing industrial areas being the mixed industry and business area of North Lakes and the Narangba Innovation precinct. The proposal to convert part of the site to residential purposes would erode the intent of the Place type and the REC (as identified within the Shaping SEQ Regional Plan) and would likely increase the length of trips and dependence on oil by the conversion and displacement of industry land that would otherwise be co-located with related business and suppliers, in a highly accessible location and close to key regional markets located south of the region.</p>
<p><b>3.3.5 Strategic Outcome - Land, air and noise</b> <i>The adverse effects of development on land, air quality and noise levels are avoided in the first instance, mitigated and managed to within acceptable levels and environmental harm is avoided.</i></p> <p>3. Development does not lead to adverse impacts on air quality by contamination; and</p> <p>4. Development does not lead to environmental harm or nuisance through unacceptable levels of noise.</p>	<p><b>No</b></p>	<p>The proposed development would subject proposed sensitive (residential) uses to unacceptable air quality impacts from established industrial land uses in the vicinity of the site. The Narangba Innovation Precinct accommodates various established hazardous industrial uses with high potential for adverse impacts upon sensitive land uses through factors including, but not limited to – noise, light, odour, dust / particulates, and noxious emissions associated with existing lawfully established uses including timber mills, factories, chemical storage and processing facilities and a tannery</p>

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Strategic Outcome	Complies (Yes/No)	Assessment
		The submitted reporting has not sufficiently demonstrated that a future residential community will not be subjected to unreasonable environmental harm or nuisance from existing lawfully established industrial activities occurring in the vicinity of the site.
<b>3.4 Theme - Natural Environment and Landscape – N/A</b>		
<b>3.5 Theme - Strong Communities</b>		
<p><b>3.5.3 Strategic Outcome - Sense of place and identity</b> <i>The built form contributes to a sense of place and identity.</i></p> <p>1. Sustainability and urban design principles will be used to promote vitality, enhance community safety, and create distinctive places;</p>	No	The proposed development would introduce sensitive (residential) uses in proximity to established and future industrial activities which may subject a future residential community to unacceptable safety risks through environmental harm or nuisance.
<p><b>3.5.7 Strategic Outcome - Housing choice and affordability</b> <i>A variety of housing options is provided to meet diverse community needs and achieve housing choice and affordability.</i></p> <p>3. New housing developments will be planned, designed and delivered taking into account the neighbourhood and place type, existing and future housing needs in the area, and the connectivity and accessibility required to create a walkable neighbourhood and encourage active transport;</p>	No	<p>The proposal is for a new residential housing development that is not anticipated by the planning scheme and is inconsistent with the intent of the Enterprise and employment areas place type.</p> <p>Overriding community need has not been demonstrated to support the conversion of Industrial zoned land for residential purposes.</p>
<b>3.6 Theme - Settlement Pattern and Urban Form</b>		
<p><b>3.6.1 Strategic Outcome - Compact urban form within the urban footprint</b> <i>A more compact urban form is developed within the urban footprint by a program of urban design and sustainability principles aimed at increasing the jobs and people per hectare in targeted locations (to help achieve Council's long term 70% local employment target), creating walkable communities, and a viable quality transit system.</i></p> <p>1. A more efficient land use and development pattern will be achieved progressively over time by:</p>	No	<p>The site is included within the Enterprise and employment areas Place type and the Industry zone, Mixed industry and business precinct under the MBRC Planning scheme. The planning intent for the subject site as identified by the MBRC planning scheme is for a range of low impact and related industry and business uses.</p> <p>The current <i>ShapingSEQ</i> Regional Plan identifies the site as being within a Regional Economic Cluster (REC). The planning intent for the site under the SEQ Regional Plan is for a geographic concentration of interconnected businesses, suppliers and associated</p>

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Strategic Outcome	Complies (Yes/No)	Assessment
<p>b. encouraging more intense development and a greater mix of uses at targeted locations within the Urban Footprint;</p> <p>7. New development including sensitive land uses recognises existing industrial development and includes appropriate separation measures.</p>		<p>institutions which result in greater economic activity and are significant economic drivers.</p> <p>The proposed conversion of approximately 13.696ha of industrial land (including land for road and park) for residential purposes will result in the displacement/loss of an estimated 260 to 330 jobs that would otherwise be accommodated on the site. The displacement/loss of local employment intended for the site is in conflict with Council's long-term vision of achieving a 70% local employment within the region. The proposed conversion of industrial land to residential purposes is also in conflict with sustainability principals having regard to the sites geographic location in proximity to a major transport route (Bruce Highway) and proximity to key regional markets located south of the region. The subject site is a strategically important site, that forms part of the last remaining major undeveloped industrial land holdings within the southern part of the Moreton Bay region with direct and convenient access to an interchange of the Bruce Highway Interchange with a perceived competitive advantage over other sites in the region. The next closest Industry area with direct access to a Bruce Highway interchange is located approximately 10km north (north-East Business Park), located further from an established concentration of interconnected businesses, suppliers and key markets.</p> <p>The proposal also has the potential to subject a future residential community to environmental harm/nuisance from air quality and odour impacts emanating from the Narangba Innovation Precinct and other nearby industrial land uses. Similarly, the proposal has the potential to constrain the operation of existing established land uses through encroachment of sensitive (residential) land uses.</p>
<b>Theme - Employment Location</b>		
<b>3.7.1 Strategic Outcome - Diversification of the local economy</b>	<b>No</b>	The proposed conversion of approximately 13.696ha of industrial land (including land

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Strategic Outcome	Complies (Yes/No)	Assessment
<p><i>Develop a diversified local economy that retains local jobs and builds on regional and sub-regional competitive advantages and specialisations.</i></p> <ol style="list-style-type: none"> <li>1. Support expansion of the local business sector required to support and service continued population growth in the Region;</li> <li>2. Support expansion of established business activities providing goods and services to the wider region, state, national and international markets;</li> <li>3. Target development of, and facilitate private sector investment in the Region's economy and growth of new business opportunities particularly in advanced manufacturing, professional services, logistics, transport and tourism;</li> <li>4. Plan for balanced and more self contained economic and employment growth within the Region that builds on competitive advantage, including securing and protecting appropriate locations for future employment and enterprise expansion.</li> </ol>		<p>for road and park) for residential purposes will result in the displacement/loss of approximately 260 to 330 jobs that would otherwise be accommodated on the site. The proposal is in conflict with the strategic outcome which seeks to retain local jobs and conflicts with Council's long-term vision of 70% local employment.</p> <p>In addition to the loss/displacement of local jobs identified for the site, the proposal has the potential to constrain the operation of existing established industrial land uses through encroachment of sensitive (residential) land uses (reverse amenity impacts). A number of established industrial activities within the surrounding area operate subject to an Environmental Authority (EA) or Environmentally Relevant Activity (ERA) permit. A review the air quality/odour conditions of these permits reveals that although the conditions vary slightly between permits, they can be generalised as follows:</p> <ol style="list-style-type: none"> <li>(a) activities must not emit odour or airborne contaminants that cause a nuisance beyond the boundaries of the approved place; or</li> <li>(b) activities must not emit odour or airborne contaminants that cause a nuisance to a sensitive place.</li> </ol> <p>The proposed conversion of industrial zoned land to residential uses would result in the introduction of sensitive uses in proximity to established industrial activities and would increase the potential for environmental nuisance to be experienced by the future residential uses. Accordingly, the increased potential of nuisance to be experienced would have the potential to restrict the establishment of new industrial activities, constrain existing industrial activities, restrict expansion of existing industrial activities (reverse amenity) and therefore compromise local jobs. The proposed development would have the potential to undermine investment in the local business sector and the region's economy.</p>

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Strategic Outcome	Complies (Yes/No)	Assessment
		<p>In addition, it is noted that surrounding land located on the opposite side of Boundary Road is contained within the Industry zone, General industry precinct. A High impact industry use in the General residential zone is listed as a policy neutral land use, to be considered on its merits where it reflects and supports the overall outcomes of the zone. Performance Outcome PO58 and Overall outcome i. requires that a High impact industry does not establish within 500m of a sensitive use. The proposed residential component of the application would restrict the establishment of High impact industry uses on adjoining land.</p>
<p><b>3.7.2 Strategic Outcome - Maximise the opportunities for development of existing places of employment and business activity</b> <i>Encourage increased levels of activity and greater intensity of activity within existing places of employment and business activity.</i></p> <p>1. Future employment growth will be accommodated within urban areas, growth areas and investigation areas through a combination of activity centres, enterprise and employment areas, and neighbourhood based businesses and also within rural and regional landscape areas through greater rural production, diversification of rural industries, tourism and recreation;</p> <p>6. Major locations for enterprise and employment at Brendale, North Lakes, Clontarf, Narangba, Burpengary, Morayfield, Caboolture and Caboolture West continue to be developed each with an appropriate mix of compatible uses ranging from low, medium to high impact industry and related business activities as specified in the relevant planning area to service population and business growth in the region while minimising the potential impacts and risks to adjacent areas;</p>	<p><b>No</b></p>	<p>The subject site is vacant industrial zoned land within the Enterprise and employment Place type, intended to accommodate future employment growth. The proposed conversion of approximately 13.696ha of industrial land (including land for road and park) for residential purposes will result in the displacement/loss of approximately 260 to 330 jobs that would otherwise be accommodated on the site. The proposal is in conflict with Council's long-term vision of 70% local employment target.</p> <p>The site with an area 32.38ha represents a major location for Enterprise and employment development within the North Lakes locality. The site is intended to be developed for a range of employment-intensive, knowledge-based, low impact industrial activities to service population and business growth in the region while minimising the potential impacts and risks to adjacent areas. The proposal to convert part of the site for residential purposes is in conflict with the planning intent for the site. In addition, the proposal to introduce sensitive (residential) uses on the site, will encroach upon existing separation areas and would have the potential to constrain the operations and activities of established businesses within the locality, including High impact and Special industries within the Narangba Innovation Precinct.</p>
<p><b>3.7.3 Strategic Outcome - Location of new economic activities</b></p>	<p><b>No</b></p>	<p>The subject site is vacant industrial zoned land within the Enterprise and employment</p>



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Strategic Outcome	Complies (Yes/No)	Assessment
<p><i>Provide sufficient additional land for industry and related businesses to enable diversified, broad-based, future economic and employment growth across the Region.</i></p> <p>1. The local economy will be strengthened by ensuring the timely provision of serviced land for a diverse range of business and industry development, by better utilising and responding to changes in the skills of the local workforce, by encouraging growth in employment in knowledge based, high value adding industry and related business activities and by promoting sustainable specialised industry clusters/groupings appropriate to competitive advantages and market opportunities;</p> <p>2. Council will seek to provide an adequate supply of additional land appropriately located to meet the needs of industry and related businesses and suitably serviced for a range of future business and industrial purposes across Moreton Bay including land located east of the Bruce Highway at the North East Business Park, Elimbah East, Burpengary East, Caboolture West and investigating the opportunity to provide additional land for appropriate industry and related businesses west of the Bruce Highway at Narangba, to help meet the 70% employment target over the longer term.</p> <p>7. Inappropriate industrial activities that have the potential for environmental harm and that generate adverse impacts on the local community will not be encouraged or supported to establish within the Moreton Bay Regional Council area;</p> <p>10. Council will also seek to protect enterprise and employment areas and associated existing and future infrastructure corridors and sites from incompatible development;</p>		<p>Place type, intended to accommodate future economic and employment growth across the region.</p> <p>Council has recently completed an Industrial Land Supply Study, prepared by AEC Group which found that Moreton Bay Regional Council area has sufficient land zoned for industrial uses to accommodate projected growth until 2041. Despite this relatively high supply of industrial zoned land, there is projected to be a higher take up rate of industrial land within the southern part of the region. It is noted there has been a strong take up rate of existing Mixed industry and business (MIBA) zoned land within the area bound by the Bruce highway and Diamond Jubilee Way in North Lakes in recent years. It is estimated that excluding the subject site, there is approximately 4 years of remaining supply of MIBA land available in North lakes.</p> <p>Council has also recently undertaken a Residential Land Supply Assessment, prepared by Spatial Economics and dated March 2017. The findings of this report identify there is sufficient supply of Residential zoned land within the regional (within the urban footprint) to accommodate projected growth until post 2041, based on a conservative scenario which excludes dispersed infill, high density and rural residential land supply. No overriding community need has been established to support the proposed conversion of industrial zoned land to residential purposes.</p> <p>The strategic outcome identifies that industrial activities that have the potential for environmental harm and that generate adverse impacts on the local community will not be encouraged or supported to establish within the Moreton Bay Regional Council area. It is acknowledged that the Narangba Innovation Precinct contains a number of existing 'hard-to-locate' noxious and hazardous uses. These existing uses have been lawfully established and these existing land use rights must be</p>

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Strategic Outcome	Complies (Yes/No)	Assessment
		recognised. The proposed encroachment of sensitive (residential) land uses would have the potential to constrain the existing and future operations of these existing businesses (reverse amenity).
<b>Theme - Rural Futures – N/A</b>		
<b>Theme - Natural Resources – N/A</b>		
<b>Theme - Integrated Transport</b>		
<b>3.10.5 Strategic Outcome - Integrated freight transport</b> <i>Advocate for regional freight network improvements to support economic growth of the region.</i> <ol style="list-style-type: none"> <li>1. Protect the freight network while limiting its impacts on sensitive land uses;</li> <li>2. Ensure industrial land remains accessible to major freight routes; and</li> <li>3. Provide sites for freight and logistics activities at strategic locations on the regional freight network.</li> </ol>	<b>No</b>	<p>The subject site is a strategically important site, that forms part of the last remaining major undeveloped industrial land holdings within the southern part of the Moreton Bay region with direct and convenient access to an interchange of the Bruce Highway Interchange with a perceived competitive advantage over other sites in the region.</p> <p>The proposed conversion of industrial zoned land for residential purposes in an accessible location to major freight networks in in conflict with the strategic outcome.</p>
<b>3.11 Theme – Infrastructure – N/A</b>		
<b>3.12 Theme - Water Management – N/A</b>		
<b>Theme - Planning Areas</b>		
<b>Element - North Lakes-Redcliffe-Moreton Bay Rail corridor planning area</b>		
<b>3.13.3.4 Specific Outcomes - Settlement pattern and urban form</b> <ol style="list-style-type: none"> <li>7. An investigation area is identified at Narangba, west of Old Gympie Road. This area is within the separation distance of the high and medium impact industrial uses at Narangba. Council will undertake further investigations in this area to allocate additional land for low impact enterprise and employment activities at this location on land with frontage to Old Gympie Road and to review the separation distances contained within State Planning Policy - Planning for safety and resilience to hazards - Emissions and hazardous activities and associated guidelines having regard to the separation distances determined to be appropriate at other locations within the Region.</li> </ol>	<b>No</b>	<p>It is acknowledged that the subject site is not located within the Narangba investigation area, however in considering a preliminary approval to vary the effect of the planning scheme, it is considered prudent to consider the planning intent for land in proximity to the Narangba Industrial Estate. This Strategic Outcome reiterates the planning intent for land within the separation distance of the Narangba Industrial Estate to be allocated for compatible uses such as low impact enterprise and employment activities.</p> <p>It is noted that the Moreton Bay Regional Council planning Scheme (version 2) has integrated the previous State Planning Policy July 2014. The State Interests (plan-making provision) for emissions and hazardous activities that have been integrated into the planning scheme include (in part):</p>

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Strategic Outcome	Complies (Yes/No)	Assessment
		<p>(1) locating industrial land uses and major sport, recreation and entertainment facilities in areas that avoid, mitigate and manage the adverse impacts of emissions on sensitive land uses;</p> <p>(3) protecting the following existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively:</p> <ul style="list-style-type: none"> <li>(a) medium impact, high impact, extractive, and noxious and hazardous industries, and</li> <li>(b) major hazard facilities, and</li> <li>(c) intensive animal industries, and</li> <li>(d) explosives facilities and explosives reserves, and</li> <li>(e) waste management facilities and sewerage treatment plants, and</li> <li>(f) industrial land in a state development area, or an enterprise opportunity area or employment opportunity area identified in a regional plan, and</li> </ul> <p>The proposed conversion of industrial zoned land to residential uses is in conflict with the strategic outcome which requires that the Narangba Industrial Estate is to be protected from encroachment from incompatible land uses such as residential development. The proposed development involving residential uses would result in the introduction of sensitive uses in proximity to established industrial activities and would increase the potential for environmental nuisance to be experienced by the future residential uses. In addition, the potential of environmental nuisance experienced by sensitive (residential uses) would have the potential to constrain existing, lawfully established industrial activities.</p>
<p><b>3.13.3.5 Specific Outcomes - Employment location</b></p> <p>3. High impact industrial uses and associated business activities are consolidated in the Narangba industrial estate east of the Bruce Highway;</p>	<p><b>No</b></p>	<p>The strategic outcome reinforces the planning intent (20 year planning horizon) that the Narangba Industrial Area is identified as containing High impact industry uses. High impact industry uses are those characterised by:</p>

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Strategic Outcome	Complies (Yes/No)	Assessment
<p>4. Medium impact industrial uses and associated business activities are located at Narangba west of the highway;</p> <p>5. Low impact industrial uses are established at North Lakes, Dakabin east of Old Gympie Road, Clontarf, Narangba west of Old Gympie Road, on Lipscombe Road and Deception Bay Road Deception Bay, on Dohles Rocks Road at Kallangur and on both sides of the Bruce Highway at Burpengary and;</p>		<ul style="list-style-type: none"> <li>• potential for significant impacts on sensitive land uses due to off-site emissions including aerosol, fume, particle, smoke, odour and noise;</li> <li>• potential for significant off-site impacts in the event of fire, explosion or toxic release;</li> <li>• generates high traffic flows in the context of the locality or the road network;</li> <li>• generates a significant demand on the local infrastructure network;</li> <li>• the use may involve night time and outdoor activities;</li> <li>• on-site controls are required for emissions and dangerous goods risks</li> </ul> <p>As referenced within Overall outcome i. of the Industry Zone code, General industry precinct, High impact industries are required to maintain a separation distance of 500m from an existing or approved sensitive land use or sensitive zone.</p> <p>Similarly, it should be noted that the Strategic Framework and Overall Outcome J of the Industry zone code, Restricted industry precinct recognises there are existing Special industry uses within the Narangba Innovation precinct. Although the Planning Scheme does not encourage the establishment of new Special industries, it acknowledges their existence and allows extensions to existing Special Industry (where not increasing the scale and intensity of the use). Special industries are those which are characterised by:</p> <ul style="list-style-type: none"> <li>• potential for extreme impacts on sensitive land uses due to off-site emissions including aerosol, fume, particle, smoke, odour and noise;</li> <li>• potential for extreme off-site impacts in the event of fire, explosion or toxic release;</li> <li>• on-site controls are required for emissions and dangerous goods risks;</li> <li>• the use generally involves night time and outdoor activities;</li> </ul>

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Strategic Outcome	Complies (Yes/No)	Assessment
		<ul style="list-style-type: none"> <li>• the use may involve the storage and handling of large volumes of dangerous goods;</li> <li>• requires significant separation from non-industrial uses.</li> </ul> <p>The applicant has not demonstrated that the proposed sensitive (residential uses) will be appropriately separated from existing High impact and Special industry uses and will not be subjected to nuisance of risk from these existing established businesses.</p> <p>The strategic outcome reinforces the planning intent (20 year planning horizon) of locating low impact industrial uses on the subject site. The proposed residential uses on this site are in conflict with the Strategic outcome.</p>

<b>3.14.1 - MBRC Place Model</b>		
<p><b>3.14.1.11 Strategic Outcome - Enterprise and employment area place type</b></p> <p>1. These are the major locations in the Region for industrial activity particularly manufacturing, building products, transport and logistics and related business activity which are critical to the future growth of employment opportunities in the Region.</p>	<b>No</b>	<p>The proposed Mixed industry and business component of the application is consistent with the Strategic outcome. The proposed residential component of the application is inconsistent with the strategic outcome as it would result in the loss/displacement of Industry zoned land and associated employment growth intended to be accommodated on the site.</p>
<p><b>3.14.8 Element - place type</b></p> <p>Industry and related business activity and associated service trades have a critical role to play in the achievement of greater levels of local enterprise and employment in the Region. They are located on the major transport routes throughout the Region.</p> <p>The future for Enterprise employment place type is for them to become the main centres of businesses and employment in manufacturing, transport and storage, communication and wholesale trade. Businesses and employment in other industry categories are limited and related to complementary and compatible uses that are allied to the major business</p>	<b>No</b>	<p>The proposed Mixed industry and business component of the application is consistent with the Strategic outcome. The proposed residential component of the application is inconsistent with the strategic outcome as it would result in the loss/displacement of Industry zoned land and associated employment growth intended to be accommodated on the site.</p> <p>In addition, the proposed residential uses will encroach the established separation to existing High impact industry (and Special industry) uses.</p> <p>The subject site forms part of a wider Enterprise and employment area and Regional Economic Cluster (as defined under the SEQ Regional plan). The</p>

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<b>3.14.1 - MBRC Place Model</b>		
<p>and employment activities. The Enterprise and employment place type are places that create destinations for work trips.</p> <p>Enterprise and employment places are capable of operating 24/7 with minimal impact on adjacent areas. Enterprise and employment places will accommodate low and medium impact activities and service trades. High impact uses will occur in specified locations well buffered from incompatible uses. High impact uses only occur in Brendale, Narangba and Elimbah East in specific precincts.</p> <p>The Enterprise and employment place type complements and does not compete with Activity centres.</p> <p>The consolidation of industry and related business activities in Enterprise and employment places also provides opportunity for interdependencies and linkages to emerge between businesses as well as opportunities for trading of inputs, goods and services and wastes which can potentially reduce energy, resource, water use and waste leading to more sustainable development. There are also opportunities for mixed industry and business areas where there is a nexus to industry activities.</p> <p>The main Enterprise and employment areas are at Brendale, North Lakes, Dakabin, Clontarf, Narangba, Burpengary, Morayfield, Caboolture airport, Elimbah East and Caboolture West.</p> <p>The remaining Enterprise and employment areas at Caboolture, Deception Bay Road, Kallangur, Lawnton, Bribie and Everton Hills accommodate low impact industry and service trades activities together with limited wholesaling and retailing.</p> <p>At the time of plan preparation, special industries (hazardous and offensive) were located at Narangba. This plan does not provide for any further special industries and if the special industries move out they will not be replaced with special industry.</p> <p>Residential development and other sensitive land uses are not located in</p>		<p>proposed conversion of Industry land for residential purposes has the potential to disrupt interdependencies between businesses and the nexus between established higher impact industries.</p> <p>The proposed residential component would fragment, rather than consolidate industrial activities within the Place type.</p> <p>The element states that residential development and other sensitive land uses are not located in Enterprise and employment areas, unless there is a specific precinct and the priority land use in Enterprise and employment places is employment activities. There is no specific precinct identified over the subject site to accommodate residential uses and the proposed development would result in the loss/displacement of employment opportunities.</p>

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3.14.1 - MBRC Place Model		
Enterprise and employment areas, unless there is a specific precinct.		
The priority land use in Enterprise and employment places is employment activities, however there will be locations where environmental corridors require protection. These corridors have been identified as part of the green infrastructure network.		

3.14 .12 Element - Enterprise and employment areas place type		
Strategic Outcome	Complies	Assessment
<b>Strategic Outcome</b>	<b>Complies</b>	<b>Assessment</b>
<b>3.14.12.1 Specific Outcomes - Sustainability and resilience</b>	<b>No</b>	The mixed industry and business component of the application is consistent with the intent of the Specific Outcome by creating appropriately sized allotments to accommodate future low impact industry and related business uses. It is acknowledged that Mixed industry and businesses uses can generally co-locate with sensitive uses given the negligible impacts to sensitive uses from these uses. Despite this, within the same Enterprise and employment area but external to the site are a number of existing Special industry, High Impact industry and Medium impact industries that have the potential to result in environmental harm or nuisance to the sensitive (residential) uses. These existing higher impact industries have been geographically separated from sensitive uses, given their potential for significant off-site impacts. The proposed reduction in this separation between sensitive land uses and high impact industries has the potential to result in environmental harm or nuisance.
<ol style="list-style-type: none"> <li>1. Industry and related businesses are conducted without adverse impacts on adjacent areas;</li> <li>2. Development does not cause environmental harm or nuisance;</li> <li>3. Development is oriented and designed in response to local climate conditions to conserve non-renewable energy and incorporate the use of appropriate renewable energy and low emission technologies; and</li> <li>4. New development is designed to avoid exposure to flood and storm tide inundation events and coastal erosion.</li> </ol>		
<b>3.14.12.4 Specific Outcomes - Settlement pattern and urban form</b>	<b>No</b>	The proposed Mixed industry and business component of the application is consistent with the Strategic outcome.  The proposed residential component of the application is inconsistent with the strategic outcome as it would result in the loss/displacement of Industry zoned land and associated local employment intended to be accommodated on the site.
<ol style="list-style-type: none"> <li>1. This place type is an integral element of the urban structure of the Region and key areas for the creation of higher levels of local enterprise employment;</li> <li>2. The place type is primarily intended for manufacturing, engineering, transport, logistics and warehouse activities and related business activity;</li> </ol>		

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<p>3. New Enterprise and employment activities recognise adjacent sensitive land uses and buffer the enterprise and employment activities appropriately; and</p> <p>4. Enterprise and employment areas in visually prominent locations on the major road network will present well designed facades and a high standard of landscaping to the major roads.</p>		
<p><b>3.14.12.6 Specific Outcomes - Integrated transport</b></p> <p>1. Enterprise and employment areas accommodate business and industry activities that require a high level of accessibility to the regional freight network;</p> <p>2. The transport systems in the Enterprise and employment areas provide a high level of integration between the needs of industry and business;</p> <p>3. The safe and efficient operation of the transport systems are maintained and improved in Enterprise and employment areas;</p> <p>4. Safe legible and convenient walking and cycling facilities are provided and public transport is facilitated from the dominant workforce and customer catchments to and through Enterprise and employment areas; and</p> <p>5. Public transport feeder services support the Enterprise and employment place type and connect Enterprise and employment areas with adjacent neighbourhoods and transport hubs.</p>	<p><b>No</b></p>	<p>The subject site is geographically located within proximity to a major transit route being the Bruce Highway and is strategically located between two existing industrial areas being the mixed business and business area of North Lakes and the Narangba Innovation Precinct. The proposal to convert part of the site to residential purposes would erode the intent of the Place type to have high level of integration between the needs of industry and business.</p> <p>The proposed conversion and displacement of industry land to accommodate residential uses on the site would affect the safe and efficient operation of the transport systems in Enterprise and employment areas.</p>

2.4.2 Assessment of Applicable Codes

Code Compliance Summary

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

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



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Assessment Benchmarks	Compliance with Overall Outcomes	Performance Outcomes assessment is required
<b>Zone Code</b>		
6.2.7.1 - Industry Zone Code - Mixed industry and business precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A - Overall outcome assessment only
6.2.6.2 General residential zone code, Suburban neighbourhood	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	N/A - Overall outcome assessment only
6.2.8 Limited development zone	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<b>Overlay Codes</b>		
8.2.2 Flood hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<b>Development Codes</b>		
9.4.1.7 Reconfiguring a lot code, Industry zone	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO2, PO18, PO19, PO56
9.4.1.6.2 Reconfiguring a lot code, General residential zone code, Suburban neighbourhood precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1, PO3, PO4, PO13, PO19, PO52, PO53,
9.3.1 Dwelling house code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
9.3.2 Residential uses code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A

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

2.4.3 Performance Outcome Assessment

Performance Outcome	Acceptable Outcome
<b>9.4.1.7 Reconfiguring a lot code - Industry Zone</b>	
<b>PO2</b> Road layouts facilitate regular and consistent shaped lots through the use of rectilinear grid	No acceptable outcome provided.

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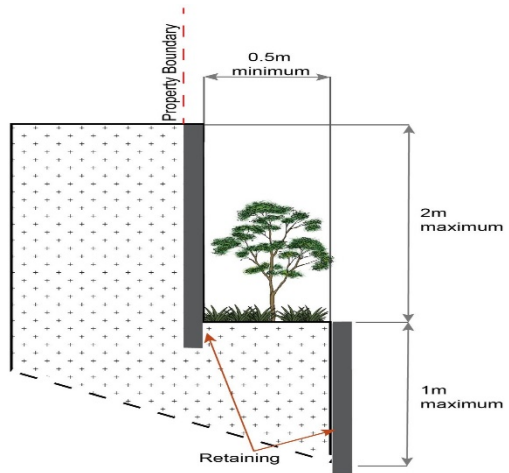
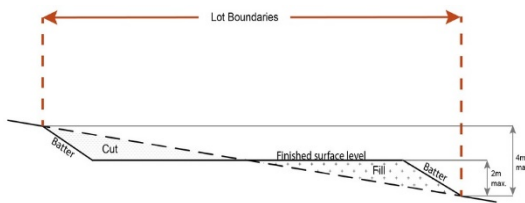
Performance Outcome	Acceptable Outcome
patterns where not unduly constrained by topographical barriers.	
<i>Performance Outcome Assessment</i>	
<p>The proposed Mixed industry and business subdivision does not provide for rectilinear grid pattern road layout. Instead the application proposed four (4) cul-de-sac streets, resulting in irregular shaped allotment, particularly where adjoining the head of the cul-de-sac. It is acknowledged that limited access would be permitted to Boundary Road (west) and a waterway corridor is located along the eastern boundary, however an alternative road network such as a loop road could be reasonably accommodated on the site.</p> <p>As the proposal is unable to comply with the Performance Outcome, an assessment against the Overall Outcome of the Reconfiguring a lot code, Industry zone is required.</p>	
<b>PO18</b> Stormwater management facilities are located outside of riparian areas and prevent increased channel bed and bank erosion.	No acceptable outcome provided.
<i>Performance Outcome Assessment</i>	
<p>The proposed bioretention basin associated with the Mixed industry and business subdivision is proposed to be partially located within the mapped riparian and wetland setback area. In addition, the proposed development seeks to remove riparian vegetation including non-juvenile Koala habitat trees to facilitate stormwater management infrastructure.</p> <p>As the proposal is unable to comply with the Performance Outcome, an assessment against the Overall Outcome of the Reconfiguring a lot code, Industry zone is required.</p>	
<b>PO19</b> Natural streams and riparian vegetation are retained and enhanced through revegetation.	No acceptable outcome provided.
<i>Performance Outcome Assessment</i>	
<p>The proposed bioretention basin associated with the Mixed industry and business subdivision is proposed to be partially located within the mapped riparian and wetland setback area. In addition, the proposed development seeks to remove riparian vegetation including non-juvenile Koala habitat trees to facilitate stormwater management infrastructure.</p> <p>As the proposal is unable to comply with the Performance Outcome, an assessment against the Overall Outcome of the Reconfiguring a lot code, Industry zone is required.</p>	
<b>PO56</b> Lots are designed to: <ul style="list-style-type: none"> <li>a. minimise the extent of encroachment into the riparian and wetland setback;</li> <li>b. ensure the protection of wildlife corridors and connectivity;</li> <li>c. reduce the impact on fauna habitats;</li> <li>d. minimise edge effects;</li> <li>e. ensure an appropriate extent of public access to waterways and wetlands.</li> </ul>	<p><b>AO56</b> Reconfiguring a lot ensures that:</p> <ul style="list-style-type: none"> <li>a. no new lots are created within a riparian and wetland setback;</li> <li>b. new public roads are located between the riparian and wetland setback and the proposed new lots.</li> </ul> <p>Note - Riparian and wetlands are mapped on Schedule 2, Section 2.5 Overlay Maps – Riparian and wetland setbacks.</p>

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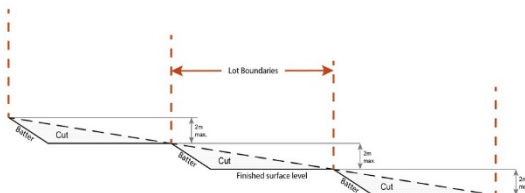
Performance Outcome	Acceptable Outcome
<i>Performance Outcome Assessment</i>	
<p>The proposal does not comply with example E56 as the proposed mixed industry and business subdivision does not propose a new public road between the proposed lots and the mapped riparian and wetland setback area.</p> <p>The proposal does not comply with the Performance Outcome as:</p> <ul style="list-style-type: none"> <li>the proposed lots have not been designed to minimise the extent of encroachment into the riparian and wetland setback, by way of locating associated infrastructure within the setback.</li> <li>The proposed lot and bioretention basin will impact fauna habitat and result in clearing of riparian vegetation including non-juvenile Koala habitat trees.</li> <li>Increase the potential for edge effects by not providing an esplanade style road between the proposed lots and the riparian setback.</li> </ul> <p>As the proposal is unable to comply with the Performance Outcome, an assessment against the Overall Outcome of the Reconfiguring a lot code, Industry zone is required.</p>	

<b>Reconfiguring a Lot Code - General residential zone, Suburban neighbourhood precinct</b>	
<p><b>PO1</b> Reconfiguring a lot does not exceed a net residential density of 11 lots per hectare unless the resultant lot/s are consistent with the low density and established character of the surrounding neighbourhood.</p>	<p><b>AO1</b> Lots have a minimum site area of 600m<sup>2</sup> and a minimum primary frontage of 12.5m.</p>
<i>Performance Outcome Assessment</i>	
<p>The application proposes to create 132 residential lots which range in area from 250m<sup>2</sup> to 680m<sup>2</sup> with varying frontage widths. The majority of the proposed allotments do not comply with the acceptable outcome for both minimum lots size and minimum frontage width.</p> <p>The proposed density equates to 13.78 lots per hectare, exceeding the maximum net residential density of 11 lots per hectare within the Suburban neighbourhood precinct. It is however noted that the proposed lot sizes are generally consistent with the established low density character of surrounding developments contained within the Mango Hill Development Control Plan area (Stockland's master planned community).</p> <p>The proposal is considered to comply with the Performance Outcome.</p>	
<p><b>PO3</b> Reconfiguring a lot does not create the opportunity for medium and high density development through the provision of lots with frontages of less than 10m.</p>	<p>No acceptable outcome provided.</p>
<i>Performance Outcome Assessment</i>	
<p>The application proposes a lot (Lot 15) with a frontage of less than 10m (9.9m proposed).</p> <p>As the proposal is unable to comply with the Performance Outcome, an assessment against the Overall Outcome of the Reconfiguring a lot code, General residential zone, Suburban neighbourhood precinct is required.</p>	

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<p><b>PO4</b></p> <p>Lot layout and design avoids the impacts of cutting, filling and retaining walls on the visual and physical amenity of the streetscape, each lot created and of adjoining lots ensuring, but not limited to, the following:</p> <ol style="list-style-type: none"> <li>The likely location of private open space associated with a Dwelling House on each lot will not be dominated by, or encroached into by built form outcomes such as walls or fences;</li> <li>Walls and/or fences are kept to a human scale and do not represent barriers to local environmental outcomes and conditions such as good solar access and access to prevailing breezes; and</li> <li>The potential for overlooking from public land into private lots is avoided wherever possible; and</li> <li>Lot design is integrated with the opportunities available for Dwelling House design to reduce impacts.</li> </ol> <p>Note - Refer to Planning scheme policy - Residential design for guidelines on building design on sloped land.</p>	<p><b>AO4.2</b></p> <p>Retaining walls and benching and associated cutting, filling and other earthworks associated with reconfiguring a lot are limited to:</p> <ol style="list-style-type: none"> <li>a maximum vertical dimension of 1.5m from natural ground for any single retaining structure; or</li> <li>where incorporating a retaining structure greater than 1.5m in height, the retaining wall is stepped, terraced and landscaped as follows:             <ol style="list-style-type: none"> <li>maximum 1m vertical, minimum 0.5m horizontal, maximum 2m vertical (refer figure below);</li> <li>Maximum overall structure height of 3m; or</li> </ol> </li> </ol>  <ol style="list-style-type: none"> <li>where incorporating benching along the short axis (from side to side boundary) of a lot:             <ol style="list-style-type: none"> <li>The difference between levels at each boundary is no greater than 4m per lot;</li> <li>each bench has a maximum height of 2m (refer Figure below); or</li> </ol> </li> </ol> 
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	<p>d. Where incorporating benching along the long axis (from front to rear boundary):</p> <ul style="list-style-type: none"> <li>i. each bench has a maximum height of 2m;</li> <li>ii. lots orientate up/down the slope (refer Figure below).</li> </ul> 
<p><i>Performance Outcome Assessment</i></p>	
<p>The residential component of the application proposes earthworks (cut) located along the western boundary of the site, adjacent to the 10m wide landscape buffer adjoining Boundary Road. Proposed residential lots 1-15 are proposed to have a finished surface level approximately 2.5m lower than the proposed landscape buffer (Lot 902). The proposed retaining wall located on the western boundary will have an approximate maximum height of 2.5m, in a single vertical plane, exceeding the suggested maximum height of 1.5 for a single plane wall. In addition, the recommendations of the noise impact assessment recommends a 1.8m high acoustic barrier to sit above the retaining wall, to attenuate road traffic noise from Boundary Road. The overall combined height of the retaining wall and acoustic barrier will be 4.3m in a single vertical rise.</p> <p>The proposed earthworks and retaining wall and boundary fence (acoustic barrier) does not comply with the Performance outcome as the will result in private open space areas of future Dwelling houses being visually dominated by a high wall that does not represent human scale and will result in a negative environmental outcome with respect to solar access and access to prevailing breezes.</p> <p>As the proposal is unable to comply with the Performance Outcome, an assessment against the Overall Outcome of the Reconfiguring a lot code, General residential zone, Suburban neighbourhood precinct is required.</p>	
<p><b>PO13</b> Cul-de-sacs or dead end streets are not proposed unless:</p> <ul style="list-style-type: none"> <li>a. topography or other physical barriers exist to the continuance of the street network or vehicle connection to an existing road is not permitted;</li> <li>b. there are no appropriate alternative solutions;</li> <li>c. the cul-de-sac or dead end street will facilitate future connections to adjoining land or development.</li> </ul>	<p>No alternative solution provided.</p>

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<i>Performance Outcome Assessment</i>	
<p>The road network of the proposed residential subdivision includes the use of the cul-de-sac road (Road 6) in the vicinity of proposed Lot 126 and a dead end street as an extension of Sundown Circuit, providing access to Lot 72, 73 and 74.</p> <p>With respect to the cul-de-sac proposed as part of Road 6, this road could be extended to form a rectilinear grid formation by connecting to Road 1 to the east. With respect to the dead-end street, this road could extend through to form a four-way intersection with proposed roads 4 and 5. The proposed cul-de-sac and dead end roads result in irregular shaped allotments (i.e. 125 and 74) which could be improved through the use of a rectilinear road network.</p> <p>As the Proposal is unable to comply with Performance Outcome PO13, an assessment against the Overall Outcomes of the Reconfiguring a lot code, General residential zone, Suburban neighbourhood precinct is required.</p>	
<p><b>PO19</b> The road network has sufficient reserve and pavement widths to cater for the current and intended function of the road in accordance with the road type in accordance with Planning scheme policy - Integrated design.</p>	<p>No example provided.</p>
<i>Performance Outcome Assessment</i>	
<p>Boundary Road (Arterial standard) has not been provided with road dedication to suit the ultimate 37m wide road reserve requested in Council's information Request letter.</p> <p>As the proposal is unable to comply with the Performance Outcome, an assessment against the Overall Outcome of the Reconfiguring a lot code, Industry zone is required.</p>	
<p><b>PO52</b> No new boundaries are located within 2m of High Value Areas.</p>	<p>No example provided</p>
<i>Performance Outcome Assessment</i>	
<p>The application proposes the creation of a number of lots (proposed lots 74 to 84) within a mapped High Value Area being Matters of Local Environmental Significance (MLES) as shown on Overlay map - Environmental areas.</p> <p>As the Proposal is unable to comply with Performance Outcome PO52, an assessment against the Overall Outcomes of the Reconfiguring a lot code, General residential zone, Suburban neighbourhood precinct is required.</p>	
<p><b>PO53</b> Lots are designed to:</p> <ol style="list-style-type: none"> <li>minimise the extent of encroachment into the MLES waterway buffer or a MLES wetland buffer;</li> <li>ensure quality and integrity of biodiversity and ecological values is not adversely</li> </ol>	<p><b>AO53</b> Reconfiguring a lot ensures that no additional lots are created within a Value Offset Area.</p>

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<p>impacted upon but are maintained and protected;</p> <ul style="list-style-type: none"> <li>c. incorporate native vegetation and habitat trees into the overall subdivision design, development layout, on-street amenity and landscaping where practicable;</li> <li>d. provide safe, unimpeded, convenient and ongoing wildlife movement;</li> <li>e. avoid creating fragmented and isolated patches of native vegetation;</li> <li>f. ensuring that soil erosion and land degradation does not occur;</li> <li>g. ensuring that quality of surface water is not adversely impacted upon by providing effective vegetated buffers to water bodies.</li> </ul> <p>AND</p> <p>Where development results in the unavoidable loss of native vegetation within a MLES waterway buffer or a MLES wetland buffer, an environmental offset is required in accordance with the environmental offset requirements identified in Planning scheme policy - Environmental areas.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The application proposes a performance solution against Acceptable Outcome AO53 by proposing the creation of new lots within the Value Offset Area as shown on Overlay Map - Environmental Areas. Almost the entirety of the site is mapped as a Matters of State Environmental Significance (MSES) - Koala Offset area.</p> <p>It is acknowledged that the vast majority of the site is cleared of vegetation; however, a few trees occur around the periphery of the site. The applicant has identified that 44 non-juvenile koala trees will be removed as a result of the development and 37 non-juvenile koala trees will potentially be impacted (based on landscape buffer requirements to Boundary Road, and the final design of bio-basins). Compliance with the Performance Outcome can be achieved through a condition of development requiring an environmental offset under the Queensland Environmental Offsets Policy. Accordingly, the recommendations of this report include a condition of development requiring the applicant to submit a notice of election and undertake and environmental offset (either land based or financial).</p>	

As the proposal does not comply with a number of Performance Outcomes, an assessment against the Overall Outcomes is as follows:

*2.4.4 Overall Outcome Assessment*

The development proposal does not comply with a number of Performance Outcome of the Reconfiguring a lot code, Industry zone and Reconfiguring a lot code, General residential zone, Suburban neighbourhood precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows:

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9.4.1.7 Reconfiguring a Lot Code - Industry zone		
Overall Outcomes	Complies Y/N	Comments
The purpose of the code will be achieved through the following overall outcomes for the Mixed industry and business precinct:		
a. Industrial lots have access to a sufficient level of infrastructure and essential services and convenient access to major transport routes.	Yes	The proposed Mixed industry and business lots will have access to a sufficient level of infrastructure and essential services and convenient access to major transport routes including Boundary Road and the Bruce Highway. The recommendations of this report include conditions of development requiring full infrastructure provision to the proposed lots.
b. Reconfiguring a lot for industrial purposes ensures that lot sizes and dimensions are appropriate for the scale, intensity and operation of uses consistent in the applicable precinct.	Yes	The proposed Mixed industry and business lots range in size from 1,950m <sup>2</sup> to 8,150m <sup>2</sup> and have appropriate dimensions for the intended scale, intensity and operation of Mixed industry and business uses.
c. Reconfiguring a lot avoids areas subject to constraint, limitation, or environmental values. Where reconfiguring a lot cannot avoid these identified areas, it responds by: <ul style="list-style-type: none"> <li>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;</li> <li>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>iii. maintaining environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of environmental offsets, landscaping and facilitating safe wildlife movement through the environment;</li> <li>iv. protecting native species and protecting and enhancing native species habitat;</li> </ul>	Yes	The proposed Mixed industry and business Reconfiguring a lot has been designed to generally avoid areas subject to constraint, limitation or environmental values. It is noted that the proposal plans show the bio-retention basin encroaching the mapped riparian and wetland setback and also resulting in the removal of a number of non-juvenile Koala habitat trees. The recommendations of this report include conditions of development requiring the proposed bio-retention basin to be relocated full outside the mapped Riparian and wetland setback area.



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9.4.1.7 Reconfiguring a Lot Code - Industry zone		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>v. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</li> <li>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;</li> <li>vii. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of major infrastructure;</li> <li>viii. Ensuring effective and efficient disaster management response and recovery capabilities.</li> </ul>		
<p>d. The Reconfiguring a lot, Operational works associated with the Reconfiguring a lot, and uses expected to occur as a result of the Reconfiguring a lot:</p> <ul style="list-style-type: none"> <li>i. responds to the risk presented by overland flow and minimises risk to personal safety;</li> <li>ii. is resilient to overland flow impacts by ensuring the siting and design accounts for the potential risks to property associated with overland flow;</li> <li>iii. does not impact on the conveyance of overland flow up to and including the Overland Flow Defined Flood Event;</li> <li>iv. directly, indirectly and cumulatively avoids an increase in the severity of overland flow and potential for</li> </ul>	Yes	The proposed Mixed industry and business Reconfiguring a lot has been designed to avoid areas subject to risk by overland flow or flooding.

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9.4.1.7 Reconfiguring a Lot Code - Industry zone		
Overall Outcomes	Complies Y/N	Comments
damage on the premises or to a surrounding property.		
e. Reconfiguring a lot achieves the intent and purpose of the Industry zone outcomes as identified in Part 6.	No	The application, specifically the proposed reconfiguring a lot to create residential lots does not achieve the intent and purpose of the Industry zone code. Refer assessment against the 6.2.7.1 Industry zone code, Mixed industry and business precinct, below.

6.2.7.1 Industry zone code, Mixed industry and business precinct		
Overall Outcomes	Complies Y/N	Comments
a. A range of employment-intensive, knowledge-based, low impact industrial activities and associated commercial activities are established in the precinct which benefit from high levels of exposure and access to high quality transport infrastructure.	No	The application proposes a Reconfiguring a Lot component to create 132 residential lots. The proposed residential lots are inconsistent with the form of development anticipated within the overall outcome.
b. The operation and viability of existing and future industrial activities is protected from the intrusion of incompatible uses.	No	The proposed Residential subdivision (to accommodate future residential uses) has the potential to affect the operation and viability of existing and future industrial activities occurring in the locality through the intrusion of incompatible uses. The proposed residential uses are incompatible with existing Special and High impact industry uses occurring within the Narangba Innovation precinct.
c. Development is located, designed and managed to: <ul style="list-style-type: none"> <li>i. maintain the health and safety of people;</li> <li>ii. avoid significant adverse effects on the natural environment;</li> <li>iii. minimise the possibility of adverse impacts on nearby non-industrial uses;</li> <li>iv. be adaptable for alternative industry uses.</li> </ul>	No	The proposed Residential subdivision (to accommodate future residential uses) has not been designed to ensure the health and safety of people. The applicant has failed to demonstrate that future sensitive (residential) uses will not be subjected to environmental harm or nuisance.
d. Development has access to infrastructure and essential services and safe and convenient access to major transport routes.	Yes	The proposed Mixed industry and business lots will have access to a sufficient level of infrastructure and essential services and convenient

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6.2.7.1 Industry zone code, Mixed industry and business precinct		
Overall Outcomes	Complies Y/N	Comments
		access to major transport routes including Boundary Road and the Bruce Highway. The recommendations of this report include conditions of development requiring full infrastructure provision to the proposed lots.
e. Development is designed to incorporate sustainable practices including water sensitive design and energy efficient building design.	N/A	The application is for Reconfiguring a Lot and does not propose any built form.
f. The scale, character, and built form of development and the resulting streetscape contribute to a high standard of visual and physical amenity and incorporate crime prevention through environmental design (CPTED) principles.	N/A	The application is for Reconfiguring a Lot and does not propose any built form.
g. Commercial, Shop and Office activities only occur in the precinct where: <ul style="list-style-type: none"> <li>i. there is a justified need for the use to be located in the precinct;</li> <li>ii. the use does not compromise the role or function of the region's centres network.</li> </ul>	N/A	The application is for Reconfiguring a Lot and does not propose land uses.
h. Sensitive land uses do not occur where they could compromise or constrain existing or future industrial land uses in the precinct or adjoining industrial areas.	No	The application includes proposes Reconfiguring a Lot to create 132 residential lots to accommodate future sensitive (residential uses).
i. Special industry does not establish within the precinct.	N/A	The application is for Reconfiguring a Lot and does not propose land uses.
j. Development encourages public transport patronage and active transport choices through streetscape improvements and the provision of appropriate end of trip facilities.	N/A	The application is for Reconfiguring a Lot and does not propose land uses.
k. The continued operation of Places of worship and Medium impact industries that were lawfully established at commencement is supported. Any extensions to these uses needs to satisfy the outcomes of this code.	N/A	The application is for Reconfiguring a Lot and does not propose land uses.
l. Large format retail, car dominated uses or uses that require large	N/A	The application is for Reconfiguring a Lot and does not propose land uses.

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6.2.7.1 Industry zone code, Mixed industry and business precinct		
Overall Outcomes	Complies Y/N	Comments
outdoor storage space are not located in the precinct.		
m. Development provides a high quality urban form and landscaped environment.	N/A	The application is for Reconfiguring a Lot and does not propose land uses.
n. General works associated with the development achieves the following: 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); ii. the development manages stormwater to: 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 and safety of the external road network; iv. the development ensures the safety, efficiency and use ability 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	The proposed Mixed industry and business lots will have access to a sufficient level of infrastructure and essential services and convenient access to major transport routes including Boundary Road and the Bruce Highway. The recommendations of this report include conditions of development requiring full infrastructure provision to the proposed lots.  The proposed Mixed industry and business Reconfiguring a lot has been designed to generally avoid areas subject to constraint, limitation or environmental values. It is noted that the proposal plans show the bio-retention basin encroaching the mapped riparian and wetland setback and also resulting in the removal of a number of non-juvenile Koala habitat trees. The recommendations of this report include conditions of development requiring the proposed bio-retention basin to be relocated full outside the mapped Riparian and wetland setback area.
o. Development does not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.	N/A	The application is for Reconfiguring a Lot and does not propose land uses.

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6.2.7.1 Industry zone code, Mixed industry and business precinct		
Overall Outcomes	Complies Y/N	Comments
p. 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.	N/A	The application is for Reconfiguring a Lot and does not propose land uses.
q. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.	Yes	The applicant has submitted an Noise Impact assessment to demonstrate that noise sensitive uses (residential uses) can be provided with an acceptable level of noise within accepted standards.
r. 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"> <li>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;</li> <li>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>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.</li> <li>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:</li> </ul>	Yes	The proposed Mixed industry and business Reconfiguring a lot has been designed to generally avoid areas subject to constraint, limitation or environmental values. It is noted that the proposal plans show the bio-retention basin encroaching the mapped riparian and wetland setback and also resulting in the removal of a number of non-juvenile Koala habitat trees. The recommendations of this report include conditions of development requiring the proposed bio-retention basin to be relocated full outside the mapped Riparian and wetland setback area.

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6.2.7.1 Industry zone code, Mixed industry and business precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</li> <li>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</li> <li>C. the requiring of environmental offsets in accordance with the <i>Environmental Offsets Act 2014</i>.</li> <li>v. protecting native species and protecting and enhancing species habitat;</li> <li>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</li> <li>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;</li> <li>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</li> <li>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</li> <li>x. ensuring effective and efficient disaster management response and recovery capabilities;</li> <li>xi. where located in an overland flow path: <ul style="list-style-type: none"> <li>A. development siting, built form, layout and access</li> </ul> </li> </ul>		

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6.2.7.1 Industry zone code, Mixed industry and business precinct		
Overall Outcomes	Complies Y/N	Comments
<p>responds to the risk presented by the overland flow and minimises risk to personal safety;</p> <p>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</p> <p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
<p>s. Development in the Mixed industry and business precinct includes one or more of the following:</p> <ul style="list-style-type: none"> <li>• Caretaker's accommodation</li> <li>• Educational establishment (if for technical or trade related education)</li> <li>• Emergency services</li> <li>• Food and drink outlet (if less than 100m<sup>2</sup> GFA)</li> <li>• Hardware and trade supplies (where a maximum of 500m<sup>2</sup> GFA)</li> <li>• Indoor sport and recreation</li> <li>• Low impact industry</li> <li>• Medium impact industry (if at least 250 metres from a sensitive land use or zone)</li> <li>• Office (where on a District Collector road or higher)</li> <li>• Outdoor sales (where for sale of goods manufactured on-site)</li> </ul>	No	The application is for reconfiguring a lot and does not seek approval for specific land uses. It is however noted the application proposes a residential subdivision to accommodate future residential uses within the Mixed industry and business precinct. Residential uses including Dwelling house and Dual occupancy are not consistent uses within the zone.

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6.2.7.1 Industry zone code, Mixed industry and business precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>• Research and technology industry</li> <li>• Sales office</li> <li>• Service industry</li> <li>• Service station</li> <li>• Showroom (where for industry or trade related products and a maximum of 500m<sup>2</sup> GFA)</li> <li>• Warehouse</li> </ul>		
<p>t. Development in the Mixed industry and business precinct does not include any of the following:</p> <ul style="list-style-type: none"> <li>• Air services</li> <li>• Animal keeping</li> <li>• Bar</li> <li>• Brothel</li> <li>• Cemetery</li> <li>• Community care centre</li> <li>• Community residence</li> <li>• Community use</li> <li>• Cropping</li> <li>• Detention facility</li> <li>• Dual occupancy</li> <li>• Dwelling house</li> <li>• Dwelling unit</li> <li>• Education establishment (where not for technical or trade related education)</li> <li>• Environment facility</li> <li>• Extractive industry</li> <li>• Food and drink outlet (where exceeding 100m<sup>2</sup> GFA)</li> <li>• Function facility</li> <li>• Funeral parlour</li> <li>• Garden centre</li> <li>• Hardware and trade supplies (Where exceeding 500m<sup>2</sup> GFA)</li> <li>• High Impact Industry</li> <li>• Hospital</li> <li>• Hotel</li> <li>• Intensive animal industry</li> <li>• Intensive horticulture</li> <li>• Landing</li> <li>• Major sport, recreation and entertainment facility</li> <li>• Market</li> <li>• Multiple dwelling</li> <li>• Nature-based tourism</li> </ul>	No	The application is for reconfiguring a lot and does not seek approval for specific land uses. It is however noted the application proposes a residential subdivision to accommodate future residential uses within the Mixed industry and business precinct. Residential uses including Dwelling house and Dual occupancy are listed are inconsistent uses within the zone.



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6.2.7.1 Industry zone code, Mixed industry and business precinct		
Overall Outcomes	Complies Y/N	Comments
<ul style="list-style-type: none"> <li>• Nightclub entertainment facility</li> <li>• Non-resident workforce accommodation</li> <li>• Outdoor sport and recreation</li> <li>• Parking station</li> <li>• Permanent plantation</li> <li>• Relocatable home park</li> <li>• Residential care facility</li> <li>• Resort complex</li> <li>• Retirement facility</li> <li>• Roadside stall</li> <li>• Rooming accommodation</li> <li>• Rural industry</li> <li>• Rural workers' accommodation</li> <li>• Shopping Centre</li> <li>• Short-term accommodation</li> <li>• Showroom (where not for industry or trade related products or exceeds 500m<sup>2</sup> GFA)</li> <li>• Special industry</li> <li>• Theatre</li> <li>• Tourist park</li> <li>• Veterinary services</li> <li>• Wholesale nursery</li> <li>• Winery</li> </ul>		
t. Development not included in the tables above may be considered on its merits and where it reflects and supports the outcomes of the precinct.	N/A	

9.4.1.6.2 Reconfiguring a lot code, General residential zone, Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
The purpose of this part of the code will be achieved through the overall outcomes as identified in Part 9.4.1 - Reconfiguring a lot code and the following additional General residential zone - Suburban neighbourhood precinct specific overall outcomes		
a. Reconfiguring a lot maintains the low density character of the Suburban neighbourhood precinct by not exceeding a net residential density of 11 lots per hectare unless the resultant lots are consistent with the density and character of the surrounding established neighbourhood.	Yes	The proposed residential subdivision exceeds the maximum net residential density of 11 lot/s ha (13.78 lots/ha proposed) however the proposed lots are generally consistent with the established character of the North Lakes master planned community area.

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<p>b. Reconfiguring a lot achieves 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>Yes</p>	<p>The proposed residential subdivision would provide a well-connected street and open space network.</p>
<p>c. 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> <ul style="list-style-type: none"> <li>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;</li> <li>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>iii. maintaining environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values through the provision of environmental offsets, landscaping and facilitating safe wildlife movement through the environment;</li> <li>iv. protecting native species and protecting and enhancing native species habitat;</li> <li>v. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</li> <li>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;</li> <li>vii. ensuring it promotes and does not undermine the ongoing</li> </ul>	<p>Yes</p>	<p>The application proposes to dedicate a 4.10ha open space area associated with the residential subdivision. This open space area contains Saltwater creek Tributary and significant vegetation.</p> <p>The application proposes the creation of a number of lots (proposed lots 74 to 84) within a mapped High Value Area being Matters of Local Environmental Significance (MLES) as shown on Overlay map - Environmental areas. This area is however void of vegetation and the proposal would not compromise the ecological values of the site.</p>

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<p>viability, integrity, operation, maintenance and safety of major infrastructure;</p> <p>viii. Ensuring effective and efficient disaster management response and recovery capabilities.</p>		
<p>d. The Reconfiguring a lot, Operational works associated with the Reconfiguring a lot, and uses expected to occur as a result of the Reconfiguring a lot:</p> <p>i. responds to the risk presented by overland flow and minimises risk to personal safety;</p> <p>ii. is resilient to overland flow impacts by ensuring the siting and design accounts for the potential risks to property associated with overland flow;</p> <p>iii. does not impact on the conveyance of overland flow up to and including the Overland Flow Defined Flood Event;</p> <p>iv. directly, indirectly and cumulatively avoids an increase in the severity of overland flow and potential for damage on the premises or to a surrounding property.</p>	Yes	<p>The site is mapped as containing a number of overland flow paths as shown on Overlay map - Overland flow path.</p> <p>The proposed residential subdivision responds to the risk presented by overland flow, would ensure future residential properties are not subjected to risk and would not comprise the conveyance of overland flow during a defined flood event.</p>
<p>c. Subdivision achieves the intent and purpose of the Suburban neighbourhood precinct outcomes as identified in Part 6.</p>	No	<p>The proposed residential subdivision is inconsistent with the intent and purpose of the Suburban neighbourhood precinct. Refer assessment below.</p>

6.2.6.2 - General residential zone code, Suburban neighbourhood precinct		
Overall Outcomes	Complies Y/N	Comments
<p>1. The purpose of the code will be achieved through the following overall outcomes for the Suburban neighbourhood precinct:</p> <p>a. The suburban neighbourhood precinct consists of a primarily residential urban fabric providing predominantly low density, low rise, detached housing on a variety of lot sizes with a maximum site density of 15 dwellings per hectare or a maximum site density of 75 dwellings per hectare if complying with b. v. below.</p>	No	<p>The proposed residential subdivision would equate to a net residential density of 13.78 lots/ha. The proposed unique Table of Assessment and Development Code (Residential uses code - North Lakes North) would allow for subsequent Dual Occupancies to be potentially self-assessable on all allotments, instead of Impact Assessment as per the MBRC</p>

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		<p>Planning scheme for lots less than 1000m<sup>2</sup> in area).</p> <p>As a result of the lowered level of assessment, it is expected that a proportion of lots would be developed as Dual Occupancies and the resultant site density of the overall residential development would exceed 15 dwellings per hectare.</p>
<p>b. Residential activities consist of:</p> <ul style="list-style-type: none"> <li>i. Detached dwelling houses, predominantly on traditional lots;</li> <li>ii. Detached dwelling houses on narrow lots and Dual Occupancies where they are dispersed within the streetscape or are located within easy walking distance to services (centre, public transport node, community facilities) or park;</li> <li>iii. Domestic outbuildings are subordinate in appearance and function to the dwelling;</li> <li>iv. Retirement facilities, Residential care facilities, and Relocatable home parks are located within easy walking distance of a centre;</li> <li>v. Multiple dwellings, Rooming accommodation, short-term accommodation and tourist park only establish where they will support a higher order or district centre or a train station by being adjacent (within 400m walking distance) to that higher order or district centre or train station.</li> <li>vi. The built form of concentrated residential uses and managed communities (e.g. townhouse developments, retirement facility, residential care facility, relocatable home parks) are</li> </ul>	<p>No</p>	<p>The proposed residential subdivision would result detached Dwelling houses that are not predominantly located of traditional lots. The majority of lots proposed are considered to be small lots, with only seven (7) of the 132 lots proposed as traditional lots (lots typically larger than 450m<sup>2</sup>).</p> <p>The proposed unique Table of Assessment and Development Code (Residential uses code - North Lakes North) would allow for subsequent Dual Occupancies to be potentially self-assessable on all allotments, instead of Impact Assessment as per the MBRC Planning scheme for lots less than 1000m<sup>2</sup> in area). The proposed table of assessment would remove assessment against Performance Outcome PO47 which requires that <i>Dual Occupancies are infrequent and dispersed within the streetscape and are not located within 200m (measured along the street alignment) of a lot containing an existing, approved or a properly made application for a Dual Occupancy.</i> As a result the proposal would have the potential for proliferation of Dual occupancies that would dominate the streetscape and be inconsistent with the low density character of the Suburban neighbourhood precinct.</p>

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<p>designed to integrate with the surrounding neighbourhood.</p>		
<p>c. The design, siting and construction of residential uses are to:</p> <ul style="list-style-type: none"> <li>i. contribute to an attractive streetscape with priority given to pedestrians;</li> <li>ii. encourage passive surveillance of public spaces;</li> <li>iii. result in privacy and residential amenity consistent with the low density residential character of the area;</li> <li>iv. provide a diverse and attractive built form;</li> <li>v. provide a low rise built form compatible with its surrounds;</li> <li>vi. incorporate sub-tropical urban design principles that respond to local climatic conditions;</li> <li>vii. incorporate sustainable practices including maximising energy efficiency and water conservation;</li> <li>viii. incorporate natural features and respond to site topography;</li> <li>ix. cater for appropriate car parking and manoeuvring areas on site;</li> <li>x. be of a scale and density consistent with the low density residential character of the area;</li> <li>xi. provide urban services such as reticulated water, sewerage, sealed roads, parks and other identified infrastructure.</li> </ul>	<p>No</p>	<p>The proposed unique Table of Assessment and Development Code (Residential uses code - North Lakes North) would allow for subsequent Dual Occupancies to be potentially self-assessable on all allotments, instead of Impact Assessment as per the MBRC Planning scheme for lots less than 1000m<sup>2</sup> in area). The proposed table of assessment to lower the level of assessment would remove assessment against Performance Outcome PO47 which requires that <i>Dual Occupancies are infrequent and dispersed within the streetscape and are not located within 200m (measured along the street alignment) of a lot containing an existing, approved or a properly made application for a Dual Occupancy.</i> As a result the proposal would have the potential for proliferation of Dual occupancies that would be of a scale and density inconsistent with the low density residential character of the area</p> <p>The proposal retaining walls (up to 2.5m high) and combined acoustic fencing (1.8m high) would result in proposed Lots 1-15 being on the low side of a combined vertical wall of up to 4.3m in height, restricting passive surveillance to Boundary Road and compromising the amenity of these lots.</p>

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<p>d. Non-residential uses in the suburban neighbourhood precinct take the form of community activities, corner stores, neighbourhood hubs or local centres.</p>	<p>N/A</p>	<p>The proposed residential component of the application does not propose non-residential uses.</p>
<p>e. Community activities:</p> <ul style="list-style-type: none"> <li>i. establish in a location that may be serviced by public transport;</li> <li>ii. do not negatively impact adjoining residents or the streetscape;</li> <li>iii. do not undermine the viability of existing or future centres.</li> </ul>	<p>N/A</p>	<p>The proposed residential component of the application does not propose non-residential uses.</p>
<p>f. Corner stores may establish as standalone uses (not part of a neighbourhood hub) where:</p> <ul style="list-style-type: none"> <li>i. the store is of a scale that remains subordinate to all centres and neighbourhood hubs within the region;</li> <li>ii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. The corner store should not be within 1600m of another corner store, neighbourhood hub or centre measured from the centre of the corner store, neighbourhood hub or centre;</li> <li>iii. they are appropriately designed and located to include active frontages.</li> </ul>	<p>N/A</p>	<p>The proposed residential component of the application does not propose non-residential uses.</p>
<p>g. Retail and commercial activities (forming part of a neighbourhood hub):</p> <ul style="list-style-type: none"> <li>i. cluster with other non-residential uses (excluding corner stores) forming a neighbourhood hub;</li> <li>ii. are centred around a 'Main Street' central core fostering opportunities for social and economic exchange;</li> <li>iii. are of a small scale, appropriate for a neighbourhood hub;</li> </ul>	<p>N/A</p>	<p>The proposed residential component of the application does not propose non-residential uses.</p>
<p>h. The design, siting and construction of non-residential uses:</p>	<p>N/A</p>	<p>The proposed residential component of the application does not propose non-residential uses.</p>

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<ul style="list-style-type: none"> <li>i. maintains a human scale, through appropriate building heights and form;</li> <li>ii. provides attractive, active frontages that maximise pedestrian activity along road frontages, movement corridors and public spaces;</li> <li>iii. provides for active and passive surveillance of road frontages, movement corridors and public spaces;</li> <li>iv. promotes active transport options and ensures an oversupply of car parking is not provided;</li> <li>v. does not result in large internalised shopping centres (e.g. large blank external walls with tenancies only accessible from within the building) surrounded by expansive areas of surface car parking.</li> </ul>		
<ul style="list-style-type: none"> <li>i. Neighbourhood hub expansion (into adjoining lots) or the establishment of a new neighbourhood hub only occurs where: <ul style="list-style-type: none"> <li>i. it is of a scale that remains subordinate to all centres within the region;</li> <li>ii. the expansion (into adjoining lots) will strengthen the existing neighbourhood hub as an important neighbourhood activity node;</li> <li>iii. clear separation from existing neighbourhood hubs and centres within the network are maintained to reduce catchment overlap. New neighbourhood hubs are to service a currently unserved catchment. The centre of a neighbourhood hub should not be located within 1600m of another neighbourhood hub or centre measured from the centre of each hub or centre;</li> <li>iv. for a new neighbourhood hub, it is located on sub-arterial or collector road;</li> <li>v. they are appropriately designed and located to include active</li> </ul> </li> </ul>	<p>N/A</p>	<p>The proposed residential component of the application does not propose non-residential uses.</p>

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<p>frontages around a 'main street' core and are staged where relevant to retain key (highly accessible) sites for long term development.</p>		
<p>j. General works associated with the development achieves the following:</p> <ul style="list-style-type: none"> <li>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);</li> <li>ii. the development manages stormwater to: <ul style="list-style-type: none"> <li>A. ensure the discharge of stormwater does not adversely affect the quality, environmental values or ecosystem functions of downstream receiving waters;</li> <li>B. prevent stormwater contamination and the release of pollutants;</li> <li>C. maintain or improve the structure and condition of drainage lines and riparian areas;</li> <li>D. avoid off-site adverse impacts from stormwater.</li> </ul> </li> <li>iii. the development does not result in unacceptable impacts on the capacity and safety of the external road network;</li> <li>iv. the development ensures the safety, efficiency and useability of access ways and parking areas;</li> <li>v. site works including earthworks are managed to be safe and have minimal impacts on adjoining or adjacent premises, the streetscape or the environment.</li> </ul>	<p>Yes</p>	<p>Insufficient road reserve is provided for the development frontage of Boundary Road to suit Council's ultimate 37m wide road reserve needed to support the needs of road users in the future.</p> <p>The proposed residential subdivision could be conditioned to provide additional road widening and a high standard of infrastructure to service the development.</p>
<p>k. Activities associated with the use do not cause a nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>	<p>Yes</p>	<p>The proposed residential subdivision is unlikely to cause nuisance by way of aerosols, fumes, light, noise, odour, particles or smoke.</p>



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<p>l. Noise generating uses are designed, sited and constructed to minimise the transmission of noise to appropriate levels and do not cause environmental harm or nuisance.</p>	<p>N/A</p>	<p>The proposed residential subdivision and future residential uses are not considered to be a noise generating use.</p>
<p>m. Noise sensitive uses are designed, sited and constructed so as not to be subject to unacceptable levels of noise.</p>	<p>Yes</p>	<p>The proposed future residential uses are considered to be a noise sensitive use, however implementation of the recommendations of the noise impact assessment would ensure residential uses would not be subjected to unreasonable noise impacts.</p>
<p>n. Development in a Water supply buffer is undertaken in a manner which contributes to the maintenance and enhancement where possible of water quality to protect the drinking water and aquatic ecosystem environmental values in those catchments.</p>	<p>N/A</p>	<p>The site is no within a water supply buffer.</p>
<p>o. Development avoids areas subject to constraint, limitation, or environmental value. Where development cannot avoid these identified areas, it responds by:</p> <ul style="list-style-type: none"> <li>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;</li> <li>ii. ensuring no further instability, erosion or degradation of the land, water or soil resource;</li> <li>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.</li> <li>iv. maintaining, restoring and rehabilitating environmental values, including natural, ecological, biological, aquatic, hydrological and amenity values, and enhancing these values</li> </ul>	<p>Yes</p>	<p>The site is mapped as containing a number of values and constraints including Environmental areas, Flood hazard and Overland flow paths.</p> <p>The proposed residential subdivision responds to the risk presented by Flooding and overland flow, would ensure future residential properties are not subjected to risk and would not comprise the conveyance of overland flow during a defined flood event. The application proposes to dedicate a 4.10ha open space area associated with the residential subdivision. This open space area contains Saltwater creek Tributary and significant vegetation.</p> <p>The application proposes the creation of a number of lots (proposed lots 74 to 84) within a mapped High Value Area being Matters of Local Environmental Significance (MLES) as shown on Overlay map - Environmental areas. This area is however void of vegetation and the proposal would not compromise the ecological values of the site. Approximately</p>

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<p>through the provision of planting and landscaping, and facilitating safe wildlife movement and connectivity through:</p> <ul style="list-style-type: none"> <li>A. the provision of replacement, restoration, rehabilitation planting and landscaping;</li> <li>B. the location, design and management of development to avoid or minimise adverse impacts on ecological systems and processes;</li> <li>C. the requiring of environmental offsets in accordance with the <i>Environmental Offsets Act 2014</i>.</li> </ul> <ul style="list-style-type: none"> <li>v. protecting native species and protecting and enhancing species habitat;</li> <li>vi. protecting and preserving the natural, aesthetic, architectural historic and cultural values of significant trees, places, objects and buildings of heritage and cultural significance;</li> <li>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;</li> <li>viii. establishing, maintaining and protecting appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat;</li> <li>ix. ensuring it promotes and does not undermine the ongoing viability, integrity, operation, maintenance and safety of identified infrastructure;</li> <li>x. ensuring effective and efficient disaster management response and recovery capabilities;</li> <li>xi. where located in an overland flow path:             <ul style="list-style-type: none"> <li>A. development siting, built form, layout and access responds to the risk presented by the</li> </ul> </li> </ul>		<p>eight-one (81) Non-Juvenile Koala Habitat Trees (NJKHT) are proposed to be removed across the site (including the residential and MIBA area of the site). The proposal could comply with the Overall Outcome through the imposition of a reasonable and relevant condition requiring an Environmental Offset in accordance with the Queensland Environmental Offsets Policy.</p>
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<p>overland flow and minimises risk to personal safety;</p> <p>B. development is resilient to the impacts of overland flow by ensuring the siting and design accounts for the potential risks to property associated with the overland flow;</p> <p>C. development does not impact on the conveyance of the overland flow for any event up to and including the 1% AEP for the fully developed upstream catchment;</p> <p>D. development directly, indirectly and cumulatively avoid an increase in the severity of overland flow and potential for damage on the premises or other premises, public lands, watercourses, roads or infrastructure.</p>		
<p>p. Development in the Suburban neighbourhood precinct includes 1 or more of the following:</p> <ul style="list-style-type: none"> <li>• Child care centre</li> <li>• Club</li> <li>• Community care centre</li> <li>• Community residence</li> <li>• Community use</li> <li>• Dual occupancy</li> <li>• Dwelling house</li> <li>• Dwelling unit</li> <li>• Educational establishment</li> <li>• Emergency services</li> <li>• Health care services</li> <li>• Home based business</li> <li>• Multiple dwelling - if within 400m walking distance of a higher order or district centre or a train station</li> <li>• Place of worship</li> <li>• Relocatable home park - if within 800m walking distance of a higher order or district centre</li> <li>• Residential care facility - if within 800m walking distance of a higher order or district centre</li> <li>• Retirement facility - if within 800m walking distance of a higher order or district centre</li> </ul>	<p>Yes</p>	<p>The proposed residential uses being Dwelling houses and Dual occupancies would be inconsistent with the current MBRC Planning Scheme zoning being Industry zone, Mixed industry and business precinct.</p> <p>The proposed Dwelling houses and Dual occupancies would be consistent with the Suburban neighbourhood precinct, proposed to apply to the land through the Preliminary Approval to Vary the Affect of the Planning Scheme component of the application.</p>

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<ul style="list-style-type: none"> <li>• Sales office</li> <li>• Shop - if for a corner store</li> <li>• Where in a Neighbourhood hub:             <ul style="list-style-type: none"> <li>- Food and drink outlet</li> <li>- Health care services</li> <li>- Hardware and trade supplies</li> <li>- Office</li> <li>- Service industry</li> <li>- Shop</li> <li>- Veterinary services</li> </ul> </li> </ul>		
<p>q. Development in the Suburban neighbourhood precinct does not include any of the following:</p> <ul style="list-style-type: none"> <li>• Adult store</li> <li>• Agricultural supplies store</li> <li>• Air services</li> <li>• Animal husbandry</li> <li>• Animal keeping</li> <li>• Aquaculture</li> <li>• Bar</li> <li>• Brothel</li> <li>• Cemetery</li> <li>• Crematorium</li> <li>• Cropping</li> <li>• Detention facility</li> <li>• Extractive industry</li> <li>• High impact industry</li> <li>• Hardware and trade supplies- if 250m<sup>2</sup> GFA or more</li> <li>• Hotel</li> <li>• Intensive animal industry</li> <li>• Intensive horticulture</li> <li>• Low impact industry</li> <li>• Marine industry</li> <li>• Medium impact industry</li> <li>• Motor sport facility</li> <li>• Multiple dwelling- if not within 400m of a higher order centre or district centre or a train station</li> <li>• Nature-based tourism</li> <li>• Nightclub entertainment facility</li> <li>• Non-resident workforce accommodation</li> <li>• Outdoor sales</li> <li>• Parking station</li> <li>• Permanent plantation</li> <li>• Port services</li> </ul>	<p>Yes</p>	<p>A number of mixed industry and business uses that would be consistent with the current MBRC Planning Scheme zoning being Industry zone, Mixed industry and business precinct would be made inconsistent uses as part of the proposal to apply the Suburban neighbourhood precinct over the land through the Preliminary Approval to Vary the Affect of the Planning Scheme component of the application.</p> <p>The proposed unique Table of Assessment and development code proposed as part of the Preliminary Approval to apply the Suburban neighbourhood precinct over the site does not include any inconsistent uses.</p>

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<ul style="list-style-type: none"> <li>• Renewable energy facility</li> <li>• Research and technology industry</li> <li>• Rooming accommodation - if not within 400m of a higher order centre or district centre or a train station</li> <li>• Rural industry</li> <li>• Rural workers' accommodation</li> <li>• Service Station - if standalone use</li> <li>• Short-term accommodation - if not within 400m of a higher order centre or district centre or a train station</li> <li>• Showroom</li> <li>• Special industry</li> <li>• Theatre</li> <li>• Tourist attraction</li> <li>• Tourist park- if not within 400m of a higher order centre or district centre or a train station</li> <li>• Transport depot</li> <li>• Warehouse</li> <li>• Wholesale nursery</li> <li>• Winery</li> </ul>		
<p>r. Development not listed in the tables above may be considered on its merits and where it reflects and supports the outcomes of the zone.</p>	<p>Yes</p>	<p>Refer comments against overall outcomes p. and q. above.</p>

Based on the assessment above, the proposal is inconsistent with the Overall Outcomes of the relevant codes. 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.

In addition, section 326 of the *Sustainable Planning Act 2009* states a decision to approve the proposal can only be granted if there are sufficient grounds to justify the decision despite the conflict. The conflicts, and any sufficient grounds to justify any approval of the proposal despite the conflicts, are discussed in section 2.9 of this report.

## 2.5 Trunk Infrastructure

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

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### 2.5.1 Levied Charge

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

### 2.5.2 Levied Charge Credit

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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

There is no current existing lawful use of the land or record of a previous lawful use of the land that is no longer taking place. Accordingly, the credit available under this option is \$0.00.

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

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

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

The credit available under this option for two (2) existing lots is \$34,430.70 based on the proportional split stated in Table 3 of the CR.

### 2.5.3 Levied Charge Offset or Refund

#### *Stormwater*

The site is affected by a Trunk Infrastructure requirement (Stormwater Riparian Corridor - Item HAY\_SWC\_RC) and it is recommended to include a condition in the development approval requiring the trunk infrastructure item to be delivered by the development. In accordance with section 17 of the CR, the value of the Trunk Infrastructure item is yet to be determined. The establishment cost of the item will be offset against the levied charge only with the balance of the levied charge payable by the development.

#### *Road Works - Boundary Road*

Boundary Road is mapped as a Council Arterial Road on Overlay map - Road hierarchy. Boundary Road is mapped as an 'existing trunk transport network' under Council's Local Government Infrastructure Plan (LGIP). Required road widening to achieve the ultimate road corridor (i.e. 37m) is considered to be trunk infrastructure and the provision of road widening will be eligible for an infrastructure offset. Similarly, the construction of the four-way signalized intersection with Potassium Street is considered to be trunk infrastructure and will also be eligible for an infrastructure offset. Pedestrian pathways that do not meet the desired standard

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of service and that are not on the ultimate road alignment are not considered to be trunk infrastructure and will not be eligible for an infrastructure offset.

#### *2.5.4 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 the development assumed in the ICR, or
- (b) requires new trunk infrastructure earlier than when identified in the ICR; or
- (c) is 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.

#### 2.6 Recording of particular approvals on the MBRC Planning Scheme

Not applicable in this instance (refer to recommendation).

#### 2.7 Referrals

##### *2.7.1 Council Referrals*

##### *2.7.1.1 Development Engineering*

##### *Traffic, Access & Parking*

Access to the site will be gained from Boundary Road (Council Arterial Standard). Road concept plans were prepared for the proposed subdivision which adopted the typologies from Council's Planning Scheme Policy - Integrated Design. The roads within the development have all been proposed to be the Industrial Access Standard (23.2m road reserve) which is consistent with Council's preferred typology. Concept plans have been provided with the proposal to demonstrate that all attributes and service requirements, however further amendments are recommended which are to be imposed through conditions.

Boundary Road shall require road reserve widening to suit Council's ultimate 37m road reserve for the full frontage of the development site. Road reserve widening has generally been provided for the northern frontage of the development site with minor amendments recommended to be conditioned to achieve 37m for the industrial component. No road reserve widening was proposed as part of the residential component contrary to the overall outcomes of the Reconfiguring a Lot Code - Suburban Neighbourhood Precinct.

As a consequence, it is a recommendation of this report to include conditions for the industrial component requiring construction of the new internal roads within the proposed development and road reserve dedication on Boundary Road. With respect to the residential component of the application, additional road widening to achieve the ultimate road corridor (i.e. 37m) is not proposed to be provided.

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### *Stormwater / Flooding*

A Stormwater Management Plan (SMP) has been prepared in support of the proposed development. The stormwater quality proposal for the development nominates to treat the development site with bio-retention basins. The SMP demonstrates to Council that the stormwater quality treatment proposal achieves the water quality objectives of the State Planning Policy and the MBRC Planning Scheme. Stormwater quantity will follow natural catchments and discharge to existing riparian areas.

The Stormwater Management Plan will require amendments to demonstrate that the proposed development can achieve the requirements of MBRC Planning Scheme and the State Planning Policy, most notably the relocation of bio-retention areas outside of riparian corridors. It should be noted that as a result of these amendments the Subdivision Plan and Plan of Development could result in changes including removal of lots.

As a consequence, it is a recommendation of this report that a condition be included requiring amendments to the Stormwater Management Plan which will need to be approved by Council prior to the any development application being lodged for operational works.

### *Earthworks*

The proposed development will require bulk earthworks to be undertaken to enable the site to be serviced by the necessary utilities and to suit roadworks and drainage strategy. The proposed earthworks will introduce retaining walls throughout the development. The earthworks will be reviewed in detail during the operational works phase of the development.

#### 2.7.1.2 Environmental Health

##### *Air Quality/Odour*

Several air quality assessments have been conducted for development involving sensitive uses in the area including this proposed development. Air quality assessments that were undertaken as part of the Qld Government commissioned health impacts assessment resulting from the Binary fire incident have also been referenced in many of the above mentioned reports. These have variously been internally and peer reviewed. Due to the nature of these assessments there are a variety of outcomes depending on assessment and modelling methodologies. Some of the modelling predicted outcomes indicate residents within the proposed development will be impacted above the 2.5OU criteria limit and some do not. What is clear however is that at times some residents within the proposed development will be impacted by odour and a number of community complaints from the surrounding area have been recorded to confirm this. The frequency and duration of these events is variable.

A key consideration for the proposed development is whether the establishment of sensitive uses in proximity to the NIE will impact the operation of some activities. The Katestone Air Quality Assessment submitted in support of the development included a review of odour complaints made to Council and the then state government Department of Environment and Heritage Protection. Broadly there were a total of 221 complaints between the period of January 2010 and August 2015. Analysis of these complaints by Katestone indicates that they are from various sources, some of which may be outside the NIE, and that they were reported from a mixture of locations around the estate. These findings further indicate that there will be impacts to future residents in the proposed development and in fact that by increasing the number of people potentially exposed to these odour emissions, it will lead



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to an increase in complaints to relevant authorities. A recent review of complaints data post August 2015 reveals a similar trend in complaints being received from the community.

*Acoustic amenity*

An acoustic report was provided in support of the development application. Since submission of the original layout an amended plan has been provided. The new plan has been supported by an amended acoustic report by Vipac.

Crushing and screening activities from the Council depot to the northwest of the site were only considered with respect to internal impacts of future sensitive uses and not to private open spaces. It is noted that crushing and screening activities may be discontinued however mechanical works noises are expected to continue to occur.

The submitted acoustic report has not considered noise impacts from other activities associated with the Narangba Industrial Estate (NIE) on future residential uses. The basis for not assessing these impacts is due to the establishment of mixed industry and business uses between the residential lots and the NIE.

The assessment modelled noise impacts from the proposed mixed industry and business uses on proposed residential uses on the site as well as to existing residential. The submitted modelling is considered inadequate as the source of the modelling has been taken internal to the MIBA area and not from the outer edge, closest to the proposed sensitive (residential) uses (i.e. worst case scenario).

With respect to road traffic noise impacts to future residential uses, the report recommends the following measures are implemented:

- (a) Boundary Rd barrier to be 1.8m high above up to a 2.5m high retaining wall; and
- (b) A 10 metre wide landscaping buffer is provided between the lot boundaries and Boundary Road.

Based on the above, it is considered that acoustic impacts on future residential uses have not been fully explored.

**2.7.1.3 Environmental Planning**

*Bushfire Hazard Area Overlay*

A small portion of the site is mapped as a High Potential Bushfire intensity area under the Bushfire hazard overlay. The area mapped as High Potential Bushfire intensity is located within the proposed Drainage Corridor (Lot 901). The site also contains areas mapped as Potential Impact Buffer areas which may affect proposed industrial Lots 209 and 226. The applicant has submitted a Bushfire Hazard Assessment and Mitigation Plan to demonstrate compliance with the bushfire hazard assessment criteria of the code. The plan recommends a 20-metre-wide fire trail east of Lots 226 and 227 to be maintained within the Drainage Corridor. Proposed residential Lots fronting the internal road along the Drainage Corridor also contain an asset protection zone along the southeast boundaries. The proposed plan prepared by Bushland Protection Systems Pty Ltd dated 26 October 2018 adequately addresses the bushfire hazard requirements of the code, however due to expected development layout changes as a result of the development approval, an amended plan will be required as a condition of approval to reflect the approved development layout and adjust the recommendations of the plan accordingly.

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*Environmental Areas Overlay - RAL*

The site is mapped under the Environmental area overlay. Performance Outcome PO52 of the code requires no new boundaries within two metres of a High Value Area. Although the site does contain mapped High Value Areas in the south east corner of the site, the development of the site occurs outside this area. The proposed development complies with PO52.

Acceptable Outcome AO53 of the code requires reconfiguring a lot ensures that no additional lots are created within a Value Offset Area. The area of the site proposed to be reconfigured is mapped as Value Offset Area MSES Koala Offsets. The development will create new lots in the Value Offset Area, therefore the proposed development must demonstrate compliance with PO53 of the code. The vast majority of the site is cleared of vegetation; however, a few trees occur around the periphery of the site. The applicant has stated that 44 non-juvenile koala trees will be removed as a result of the development and 37 non-juvenile koala trees will potentially be impacted (based on landscape buffer requirements to Boundary Road, and the final design of bio-basins). The proposed development achieves compliance with PO53 due to the existing cleared nature of the site. The actual number of trees affected is likely to differ due to the final approved layout.

*Environmental Areas Overlay - MCU*

Performance Outcome PO76 of the code requires development to avoid locating in a High Value Area or a Value Offset Area. The proposed development appears to avoid the High Value Area and the MLES Value Offset Area. However, as the majority of the site is mapped as an MSES Value Offset Area, avoidance of the Value Offset Area is not possible in this instance. The proposed development must ensure that the ecological values inherent to the Value Offset Area are maintained and not lost or degraded; and that on-site mitigation measures are in place such as replacement, restoration or rehabilitation planting and this implementation of a Vegetation Management Plan. Any minor clearing resulting from the proposed development should be conducted in accordance with an approved Vegetation Management Plan and in the presence of a licenced fauna spotter. Conditions of approval are recommended requiring these provisions to ensure compliance with PO76 of the code is maintained during site works.

Performance Outcome PO82 of the code requires development to maintain or improve the quality of groundwater and surface water within, and downstream, of a site by ensuring an effective vegetated buffers and setbacks from waterbodies. PO85 requires development to minimise potential adverse 'edge effects' on ecological values by providing dense planting buffers of native vegetation between a development and environmental areas; and restoring, rehabilitating and increasing the size of existing patches of native vegetation. A separate condition is provided requiring the submission of an ecological restoration plan for areas of the site below the Q100 area in order to meet the objectives of these performance outcomes.

*Riparian and wetland setbacks overlay*

The southeast corner of the site is traversed by a tributary of Saltwater Creek. The vegetation surrounding this tributary is mapped as being within both the riparian buffer and the wetland buffer. The applicant has proposed to position Bioretention basin A and B as well as the sediment pond outside the wetland buffer but has not taken into consideration the greater riparian buffer area of the overlay.

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Performance Outcome PO79 of the RAL code requires the development to minimise the extent of encroachment into the riparian and wetland setback. PO115 of the MCU code requires development to provide and maintain a suitable setback from waterways and wetlands that protects natural and environmental values. The proposed location of the bioretention basins and the sediment pond encroach within the overlay area without sufficient justification, given the extent of area of the site available to be developed. A condition of approval will be required ensuring all stormwater infrastructure is located outside the Riparian and wetland setbacks overlay.

#### *SEQ Koala Conservation SPRP*

The site is mapped within the Priority Koala Assessable Development Area under the SEQ Koala Conservation State Planning Regulatory Provisions (SPRP). The proposed development is assessable against Division 6 of the SPRP. The northern portion of the site where the reconfiguration is proposed is mapped as medium value rehabilitation area. The SPRP requires any clearing of non-juvenile koala habitat trees in the medium value rehabilitation area to be minimised and offset. The proposed development will require clearing of the non-juvenile koala habitat trees.

The applicant was asked under Council's information request dated 5 April 2017 to submit a Vegetation Management Plan identifying the vegetation proposed to be removed from the site. The applicant was also requested to provide details regarding the environmental offset obligation resulting from the proposed development to demonstrate compliance with the SPRP. In responding to Council's information request, the applicant stated that a Vegetation Management Plan will not be submitted and has asked for a condition of approval relating to offsetting be provided similar to that on the Decision Notice for the previously approved DA/31485/2016/V3N.

The applicant has stated that 44 non-juvenile koala trees will be removed as a result of the development and 37 non-juvenile koala trees will potentially be impacted (based on landscape buffer requirements to Boundary Road, and the final design of bio-basins). Any removal of non-juvenile koala habitat trees will require an environmental offset in accordance with the Queensland Environmental Offsets Policy. As a result, the applicant has not satisfactorily demonstrated how the proposed development complies with Division 6 of the SPRP. Consequently, a condition of approval will be required to ensure that the development will meet its statutory obligations under the SPRP and the *Environmental Offsets Act 2014*.

#### *2.7.1.4 Strategic Planning*

##### *Economic Analysis and Land Use Review Assessment*

The applicant is relying on a high supply of industrial land within the region to support the conversion to residential uses. The applicant has not sufficiently addressed the higher rates of industrial land take up in southern part of the Moreton Bay Region nor the established steady demand for and land take-up rates for mixed industry and business land within the North Lakes employment area. The applicant's reporting has not given appropriate consideration to Council's vision of a 70% employment self-containment and the estimated loss/displacement of approximately 260 to 330 jobs, that would otherwise be accommodated over part of the site proposed to be converted to residential purposes. In addition, there is sufficient supply of residential land within the region (contained within the urban footprint) to accommodate between 25 to 39 years of projected demand of residential land supply, depending on the demand scenario. There is insufficient justification to support the conversion.

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2.7.1.5 Strategic Planning - Infrastructure Planning

The site is located within the Priority Infrastructure Area (PIA). Any trunk infrastructure required as part of this development, including road widening along Boundary Road and land for stormwater conveyance adjacent to Saltwater Creek Tributary (land accommodating the 1% AEP flows or 30m from top of bank, whichever is the greater), may be applicable for an offset where meeting Council's Desired Standards of Service (DSS).

2.7.1.6 External Specialist – Air Quality and Odour

The Katestone report dated February 2017 submitted in support of the application makes review of the Health Impact Assessment report by Queensland Health dated 2011. (HIA report) and a further Katestone report dated 2013 relating to nearby development.

The HIA report, 2011 (executive summary) identifies:

*Air quality criteria for protection of the aesthetic environment were predicted to be exceeded for two compounds - styrene and methyl mercaptan... (With some limitations). However, further investigation of these odour emissions is required. Given the nature of processes emitting odorous pollutants, continued effort to manage these odour emissions will need to occur to ensure that the community can have confidence that the aesthetic environment is protected.* (and)

*Overall the NIE was found to meet the requirements of the odour guidelines for the Department of Environment and Resource Management (DERM) at all receptor sites. Odour will be detectable within the wider community under certain meteorological conditions which may result in nuisance to residents.*

The HIA report examined odour concentration estimates from individual sources. The HIA did not consider the Boral Asphalt plant as it was not operational at that time. Another report was submitted to the Council in support of a previous application for nearby development. That report prepared by Max Winders and Associates dated 5 July 2011, identifies the 3 main odour emitters (Qld Organics, Aqua-Feed, and Packer Leather) and examines the cumulative effect of those emitters in the form of odour contours. The contours identified in that report vary in comparison with the contours for individual emitters identified in the Katestone report dated February 2017 submitted in support of the application.

Concern remains with the likelihood and expected frequency of odour events between 1.0 odour units and 2.5 odour units. Consequently an addendum to the Katestone report dated February 2017, is required to address the following additional matters:

- (i) Assess the cumulative effect of odour from the 4 main emitters (Boral Asphalt, Qld Organics, Aqua-Feed, and Packer Leather).
- (ii) Compare the cumulative odour contours with that in the Max Winders and Associates report dated 5 July 2011, as referenced above, and justify or assess any differences.
- (iii) Clarify the implications of the cumulative 99.5<sup>th</sup> percentile odour levels in terms of number of odour events above the cumulative 1.0 odour unit contour per year, longer than 1 hour duration.

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It is to be noted that the applicant did not address the above items specifically, rather increased the separation distance of the residential component from the Narangba Innovation Precinct.

2.7.2 Referral Agencies

2.7.2.1 Concurrence Agencies - Department of State Development, Manufacturing, Infrastructure and Planning

The application was referred to the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) for the following;

- Schedule 7, Table 2, Item 4 – Clearing vegetation
- Schedule 7, Table 3, Item 2 – Development impacting on state transport infrastructure
- Schedule 7, Table 3, Item 10 – Clearing vegetation

Council was advised on 27 November 2018 that DSDMIP has no objection to the development application subject to a number of conditions being attached to Council's Decision Notice.

2.7.2.2 Advice Agencies

There were no Advice Agencies involved in assessing this application.

2.7.2.3 Third Party Agencies

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

2.8 Public Consultation

2.8.1 *Public Notification Requirements under the Development Assessment Rules*

- (a) Public Notification was served on all adjoining landowners on 5 November 2018.
- (b) The development application was advertised in the Courier Mail on 6 November 2018.
- (c) A notice in the prescribed form was posted on the relevant land on 6 November 2018 and maintained for a period of thirty (30) business days until 20 December 2018.

2.8.2 *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		12
	Petition		Nil
Not Properly Made	Letter, Email, Fax		Nil
	Petition		Nil
<b>Total</b>			12

The matters raised within the submissions are outlined below:

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**Assessment of Submissions**

**Issue: Conflict with the Moreton Bay Regional Council Planning Scheme**

- The Strategic framework of the MBRC planning scheme does not contemplate nor does it support the introduction of sensitive residential uses on the subject site.
- The Strategic framework (2016) is based on a 20 planning horizon and has been in effect for a relatively short period. It should be adhered to as an up to date expression of public interest and orderly sequence of anticipated development.
- Strategic Outcome 3.7.3 seeks that new industrial activities that have potential for environmental harm and that generate adverse impacts on the local community will not be encouraged or supported to establish within the Moreton Bay Regional Council area. Accordingly, it is imperative that Council protect existing industrial land use rights within the NIP.
- The purpose of the Industry zone and Mixed industry and business precinct of the subject site does not anticipate the introduction of sensitive, residential land uses.
- The need or demand for additional residential land has not been demonstrated by the applicant and there are insufficient town planning reasons or justification to otherwise approve the residential component of the development.
- The Restricted industry precinct in the NIP further supports the continued viability of a range of high impact and hard to locate industrial uses which contribute significantly to the regional economy and require locations which are well separated from incompatible uses. The Restricted Industry Precinct is also only located within the NIP – i.e. there are no comparable industrial precincts located within the whole of LGA that provide for high impact and difficult to locate industrial uses that are well separated from incompatible (residential) land uses.
- The land the subject of the development application has been clearly mapped under the Strategic Framework as a *Future Enterprise and Employment Area (Map 3.6.1 Settlement pattern)* and contributes to Council's adopted 70% employment target.
- Enterprise and employment areas under the planning scheme are further intended to be the primary locations for industry and related business activities and clearly not intended under the life of the planning scheme to be reallocated (ad-hoc) for residential development purposes or as a de facto extension to the adjoining Master Planned community at North Lakes (which is subject to separate planning approvals and the Mango Hill Infrastructure Development Control Plan No 14).

**Discussion**

As identified in section 2.4 'Local Planning Scheme Assessment' of this report, the matters raised by the submitters are valid and the proposed residential component of the application is in conflict with the Moreton Bay Regional Council Planning Scheme. Specifically:

- The proposal does not seek to protect enterprise and employment areas and associated existing and future infrastructure corridors and sites from incompatible development, including residential development.
- The proposed residential component of the application has the potential to compromise the continued viability of a range of high impact and hard to locate industrial uses which contribute significantly to the regional economy and require locations which are well separated from incompatible uses. The Industry zone code, Mixed industry and business precinct does not contemplate the introduction of sensitive (residential) land uses;
- No overriding need for the conversion of industry land for residential purposes has been established.
- The proposed conversion of industry land for residential purposes is inconsistent with the Council's vision for 70% local employment self-containment.

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<b>Assessment of Submissions</b>
This is sufficient grounds for refusal of the application.
<b><u>Issue: Conflict with other legislation</u></b>
<ul style="list-style-type: none"> <li>• The proposed development contravenes the State Planning Policy and State Interest pertaining to emissions and hazardous activities.</li> <li>• The SPP states that encroachment of sensitive land uses and other incompatible development on the existing or approved uses listed in Policy 3 may adversely impact upon the operation of the existing or approved use and/or prompt health and safety issues for encroaching sensitive land use.</li> <li>• The planning scheme seeks to protect the operation and viability of <u>existing and future</u> industrial activities from the intrusion of incompatible uses, and sensitive land uses including residential development should not occur where they could compromise or constrain existing or future industrial land uses. This is a reflection of the South East Queensland Regional Plan (Chapter 3, Goal 2, Element 5), and State Planning Policy and State Interest pertaining to emissions and hazardous activities, which seek to protect industrial development from encroachment from development that is incompatible with existing / approved land uses. The proposed development therefore conflicts with both the Moreton Bay Regional Council Planning Scheme, and the State Planning Policy which the scheme must reflect and incorporate.</li> <li>• The Moreton Bay Regional Council Planning Scheme 2016 Zoning and Precinct reflects the intent of the SPP in that it clearly does not anticipate the introduction of sensitive residential land uses at this location.</li> <li>• The proposed development is inconsistent with the planning scheme strategic framework / outcomes in Part 3 of the planning scheme and there are insufficient town planning reasons or justification to otherwise approve the development.</li> <li>• The proposal remains inconsistent with the South East Queensland Regional Plan 2017, with there being insufficient town planning reasons or justification to approve the development</li> <li>• The significance of the NIP is further recognised in the SEQ Regional Plan 2017, being identified as being located within a Major Enterprise and Industrial Area within the North Lakes – Mango Hill Regional Economic Cluster – representative of an area which supports a globally competitive economy and establishes baselines for employment planning across the region. Regional Economic Clusters are geographic concentrations of interconnected businesses, suppliers and associated institutions which result in greater economic activity and are significant economic drivers – as opposed to areas intended for residential development.</li> <li>• The NIP further provides for the essential infrastructure (and separation distances) necessary for industrial development and difficult to locate industries, which is vital to the local and regional economy in terms of a range of diverse industrial activities and as a generator of local and regional employment.</li> <li>• Given the regional and state significance of the area, it would be incomprehensible that Council (or for that matter the State) would seek to reduce the stock of industrial land that clearly forms part of a wider regional economic cluster as identified within the Regional Plan.</li> <li>• Approval of the residential component of the application would be inconsistent with and contrary to Goal 2 – Element 2, given the introduction of a significant number of residential allotments would:             <ul style="list-style-type: none"> <li>○ limit the ability for intensification and/or expansion of the REC, given the proximity to the large number of the proposed new sensitive receptors;</li> </ul> </li> </ul>

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**Assessment of Submissions**

- fail to protect core components within the REC (i.e. Major enterprise and industrial area Narangba M25 as shown in Table 4 of the Regional Plans) and their enabling infrastructure from encroachment by incompatible residential land uses; and
- disrupt synergies between core components within the REC, given the encroachment of a large number of proposed new sensitive receptors.

**Discussion**

*State Planning Policy*

The MBRC Planning Scheme (version 2) reflects all State Interests (SPP July 2014) and these state interests have 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 application is assessable against the interim development assessment requirements set out within the State Planning Policy (SPP) for coastal hazards - erosion prone areas only and the proposal is considered to comply with this state interest.

It should however be noted that since this development application was deemed 'properly made' on 23 February 2017, a new State Planning Policy (SPP) commenced in July 2017. In accordance with section 318 of the *Sustainable Planning Act 2009*, in assessing the application, the assessment manager may give the weight it is satisfied is appropriate to a planning instrument, code, law or policy that came into effect after the application was made. Accordingly, it is considered prudent to undertake an assessment against the current State Planning Policy July 2017.

The State Planning Policy Assessment benchmarks of the SPP July 2017 (Part E) - *Emissions and hazardous activities* - identifies that 'protecting the health and safety and amenity of communities and the environment is a fundamental role of land use planning. It identifies that certain development need to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous impacts. The relevant assessment benchmark requires that:

*Designing incompatible developments to avoid or mitigate any potential impacts:*

- (5) *Protect the following existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively:*
  - (a) *Medium-impact, high-impact and special industries.*
  - (b) *Extractive industries.*
  - (c) *Hazardous chemical facilities.*
  - (d) *Explosives facilities and explosives reserves.*
  - (e) *High pressure gas pipelines.*
  - (f) *Waste management facilities.*
  - (g) *Sewage treatment plants.*
  - (h) *Industrial land in a state development area, or an enterprise opportunity area or employment opportunity area identified in a regional plan.*
  - (i) *Major sport, recreation and entertainment facilities.*
  - (j) *Shooting facilities.*
  - (k) *Motor sport facilities.*



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**Assessment of Submissions**

*Mitigation of adverse impacts from emissions and hazardous activities:*

(6) *Development that is incompatible with the existing and approved land uses or areas included in policy 5 above, is located to avoid adverse impacts of environmental emissions, or health and safety risks, and where the impacts cannot be practicably avoided, development is designed to minimise the impacts.*

The Narangba Innovation Precinct accommodates various established 'hard to locate' hazardous industrial uses that have a high potential for adverse impacts upon sensitive land uses including impacts of noise, light, odour, dust / particulates, and noxious emissions. A number of established industries within the NIP reflect those listed Assessment Benchmark 5 including Medium-impact, high-impact and special industries, *Hazardous chemical facilities and Waste management facilities.*

The proposed residential component of the application represents encroachment on an established noxious and hazardous industrial area has the potential to adversely impact upon the operation of the existing or future industrial activities and in turn has the potential to result in environmental harm/nuisance for future sensitive land use. The sensitive (residential) uses cannot be located to avoid or designed to minimise the adverse impact of adjoining industrial activities.

The proposed residential component of the application is in conflict with State Planning Policy July 2017.

*South East Queensland Regional Plan.*

Since the application was deemed properly made on 23 February 2017, a new regional plan 'ShapingSEQ' - South East Queensland Regional Plan commenced in August 2017. As the current MBRC Planning Scheme is yet to reflect the requirements of the ShapingSEQ' - South East Queensland Regional Plan August 2017, an assessment against current regional plan is considered prudent.

The ShapingSEQ Regional Plan - Goal 2: Prosper - identifies that:

- 'SEQ has a globally competitive economy focused on high-value economic activities supported by population-serving jobs; and
- 'Regional Economic Clusters will leverage traditional strengths and competitive advantages to advance the economy, strengthen our global and national relationships, and embrace emerging technology and new opportunities'.

ShapingSEQ defines a 'Regional Economic Cluster' as 'geographic concentrations of interconnected businesses, suppliers and associated institutions result in greater economic activity and are significant economic drivers'. Recs are areas that demonstrate synergies across important economic and employment areas as they contain a concentration of significant economic activity.

The subject site is identified within ShapingSEQ as being within the North-Lakes Mango Hill Regional Economic Cluster (REC). The REC is comprised of the Narangba major enterprise and industrial area and the Regional Activity centre of North Lakes with economic enabling infrastructure being the Bruce Highway and the heavy rail network.

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**Assessment of Submissions**

Element 2: Regional Economic Clusters requires that High-value and outward-facing economic opportunities and synergies within SEQ's RECs are accelerated. This is intended to be achieved by the following strategies:

1. Plan for the intensification and/or expansion of RECs to enhance regional economic growth and activity.
2. Identify and protect core components within RECs (Table 4) and their enabling infrastructure from encroachment by incompatible land uses.
3. Facilitate synergies between core components within RECs.
4. Invest in economic enabling infrastructure that support RECs, including the port and airports, intermodal terminals, public transport, freight linkages, and data and energy.
5. Ensure that planning frameworks provide sufficient flexibility to respond to the dynamic and evolving nature of RECs, and support growth and investment in their core components.

The proposal to convert part of the North-Lakes Mango Hill Regional Economic Cluster for residential purposes is in conflict with the ShapingSEQ regional plan in that it would:

- limit the intensification and/or expansion of the REC to enhance regional economic growth and activity;
- does not protect, but rather fragments and compromises core components of the REC would result in an underutilization of economic enabling infrastructure being the sites proximity to the Bruce Highway and Heavy Rail Network.
- disrupt synergies and inter-dependencies of between core components within the REC;
- does not support the investment in economic enabling infrastructure;
- is contrary to the planning framework that would support and encourage growth and investment in the core components of the REC.

This is sufficient grounds for refusal of the application.

**Issue: Previous Planning Scheme**

- The now superseded *PineRiversPlan* included the site within the Future Urban Zone of the Major Employment Centres Locality. Specific Outcome 11 specified that future development of the precinct is predominantly intended to accommodate –
  - Industrial areas containing general industries on land close to Boundary Road
  - Service industries on land adjacent to and on the northern side of the unnamed watercourse traversing the land; and
  - Residential and open space purposes in areas to the south of the unnamed watercourse traversing the land.
- The proposed will result in residential uses protruding extensively beyond the northern bank of the watercourse. Therefore, the proposed development would not be consistent with the historical intent of subject site designations, which specifically anticipated non-residential uses.
- The Industrial Areas Buffer Overlay Code of the superseded *PineRiverPlan* specified the following Overall Outcome:
  - (1) Development adjacent to industrial areas is compatible with the impacts of risk / hazard and air quality (including odour and noise) associated with the present and future industrial uses within the industrial areas; and
  - (2) Development has adequate separation from established industries or likely future locations of industries and activities associated with assessed risk / hazard and air quality impacts.

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**Assessment of Submissions**

**Discussion**

The subject application is made and assessed against the provision of the Moreton Bay Regional Council Planning Scheme (version 2). The requirements of the *PineRiversPlan* 2006 (now superseded) are acknowledged but are not considered relevant to the assessment of this application.

This is not sufficient grounds for refusal of the application.

**Issue: Separation Distance / Buffer to Industrial Area / Amenity impacts to proposed residential uses / Reverse amenity impacts on established and future businesses.**

- The application to vary the effect of the Moreton Bay Regional Council Planning Scheme seeks to erode the necessary buffer to the Industry Zone. The effect of the proposal is to bring sensitive receptors into close proximity to the NIP. For existing tenants of the NIP, if this proposal proceeds, it will compromise existing use rights and development opportunities. Importantly, the proposal has the potential to place existing industrial uses into a position of non-compliance with conditions of approval. The effect of non-compliance driven by encroachment is felt by industry (not by the applicant or future residents of the proposed development) and can require costly mitigation and result in punitive and legal action by Regulators. It is common for encroachment to drive closure and or relocation of industrial uses.
- The Narangba Industrial Estate provides substantial local employment opportunities that would be diminished through reverse amenity impacts associated with the proposed development and new constraints imposed on existing industrial uses.
- A reduction in separation distance to noxious industrial uses as a result of the proposed development would not meet reasonable lifestyle expectations of new residents.
- The future prosperity of the Region is underpinned by a foundation of local jobs for local residents, and also identifies the need to understand the needs of business and industry. The proposed development would be significantly counter-productive as it would prejudice operation of existing legitimate industrial uses that provide local employment, in addition to future capacity through constraints imposed by reverse amenity impacts upon potential for expansion of uses or development of under-utilised industrial land.
- The ability to accommodate and expand a range of existing hazardous industries is clearly a competitive advantage for the NIP and the Region, given wider regional pressures upon industrial land supply by urban expansion, and should be prioritised by Council, rather than relegated to inevitable decline.
- The purpose of the General Industry Precinct, which is the most prolific and closest to the subject site, is to - "... facilitate and maintain the long term viability of a broad range of industrial uses which provide significant employment opportunities and require locations which are well separated from incompatible uses". It is important to note that the General Industry Precinct designation is not a reliable indicator of the industrial activities operating to the north of the subject site, with more noxious industries (including major hazard facilities) more akin to the Restricted Industry Precinct having previously been established, and expanded in what is now the General Industry Precinct.
- The proposed development would conflict with the relevant purposes of the Industry Zone, by prejudicing the viability of existing industrial uses through decreasing established separation distances to incompatible sensitive uses.
- The residential component of the development could accommodate 356 – 396 people, potential for residential development to be negatively affected from nearby industrial uses to the north (as identified by Council officers in the prelodgement meeting).

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**Assessment of Submissions**

- The proposal will dramatically increase the number of people exposed to potential health and amenity impacts by introducing sensitive land uses that are incompatible with both established and future industrial uses, in an area for which the intent, under current and superseded local planning instruments, is to provide for a separation buffer and non-sensitive uses.
- The buffer is critical, as it not only provides an important function during normal operation of industrial activities, but also provides a critical function when unforeseen hazardous incidents occur. Given the nature of the existing hazardous uses accommodated by the NIP, it is considered that the importance of appropriate buffers has not been adequately considered and addressed by the applicant or supporting specialist technical assessments.
- The concept of reverse amenity impacts is an established town planning principle. In the example of the XXXX Brewery at Milton, the issue of reverse amenity was so critical it required specific legislative protection.
- Despite the existing separation buffer to sensitive land uses, there is a history of community concern and complaints over health and amenity issues, during the course or routine operations and also including during accidents and unforeseen incidents. A reduction in the separation buffer can only serve to inappropriately exacerbate potential for health and amenity impacts from new residents.
- The proposal has the potential to constrain operational matters such quantities and throughput of industrial products, stockpiling and delivery, hours of operation and deliveries, and conducting of activities outdoors as urban development encroached closer to existing lawfully approved industrial activities.
- Any implicit assumption by the applicant, or community for that matter, that industrial uses within the NIP will or should eventually relocate elsewhere is erroneous. Existing use rights for established and legitimate uses are explicitly protected under the Planning Act 2016 (chapter 7, part 1, section 260), which specifies that a lawful existing use can continue, cannot be further regulated or be required to be changed. This is at odds with the proposed development, whereby the incremental erosion of separation buffers would appear to pre-empt some type of transition from existing approved hazardous and noxious industries in the NIP.
- The site at 207 Potassium Street Narangba was chosen and purchased from Economic Developments Queensland (a State Government business) based on both the property's zoning as Industry within the Restricted Industry Precinct as well as its distance to any existing and future zoned sensitive uses, such as residential or commercial properties. Significant investigations into potential noise and air emissions from our operations – which are required to operate 24 hours, 7 days a week – were undertaken to ensure we could confidently operate into the future.
- The buffer between land proposed to permit development in accordance with the *General Residential Zone – Suburban Neighbourhood Precinct* and the balance of the land proposed for reconfiguration in the *Mixed Industry and Business Precinct* is inadequate.
- Existing use rights for established and legitimate industrial development within the NIP are specifically protected under the (former) *Sustainable Planning Act 2009* (s.685) and current *Planning Act 2016* (section 260), such that the existing use of those premises can continue, cannot be further regulated or be required to be changed. The erosion of separation distances that would result from of the residential component of the development would however jeopardise the ongoing high impact industrial land uses within the NIP, many of which operate on a 24 hour / 7 days per week basis, with approval of the residential component of the application potentially being contrary to the provisions of the Act.

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**Assessment of Submissions**

**Discussion**

It is acknowledged that the Narangba Innovation Precinct contains a number of existing 'hard-to-locate' noxious and hazardous uses. These existing uses have been lawfully established and these existing land use rights must be recognised. The proposed encroachment of sensitive (residential) land uses would have the potential to constrain the existing and future operations of these existing businesses (reverse amenity).

The proposed sensitive (residential) uses are considered incompatible with the established enterprise and employment area, which contains a number of High Impact and Special Industries. The proposed residential component of the application has the potential to result in 'reverse amenity impact' which may constrain the on-going operation and viability of these uses.

The proposed encroachment of sensitive (residential) uses has the potential to constrain the operation of existing established industrial land uses through encroachment of sensitive (residential) land uses (reverse amenity impacts). A number of established industrial activities within the surrounding area operate subject to an Environmental Authority (EA) or Environmentally Relevant Activity (ERA) permit. A review the conditions of these permits reveals that although the conditions vary slightly vary between permits, they can be generalised as follows:

- (a) activities must not emit odour or airborne contaminates that cause a nuisance beyond the boundaries of the approved place; or
- (b) activities must not emit odour or airborne contaminates that cause a nuisance to a sensitive place.

Further to this, it is noted that surrounding land located on the opposite side of Boundary Road is contained within the Industry zone, General industry precinct. A High Impact Industry is listed as a policy neutral land use, to be considered on its merits where it reflects and supports the overall outcomes of the zone. Performance Outcome PO58 and Overall outcome i. requires that a High impact industry does not establishment within 500m of a sensitive use. The proposed residential component of the application would restrict the establishment of High impact industry uses on adjoining land.

The proposed conversion of industrial zoned land to residential uses would result in the introduction of sensitive uses in proximity to established industrial activities and would increase the potential for environmental nuisance to be experienced by the future residential uses. Accordingly, the increased potential of nuisance to be experienced would have the potential to restrict the establishment of new industrial activities, constrain existing industrial activities, restrict expansion of existing industrial activities and therefore compromise local jobs. The proposed development would have the potential to undermine investment in the local business sector and the region's economy.

In addition, the Narangba Innovation Precinct (formerly known as the Narangba Industrial Area) has been the subject of community complaints over the years. The submitted Air Quality and Odour Impact Assessment identifies that between the period of January 2010 to August 2015, a total of 265 complaints were received regarding air quality and odour, including seventy-seven (77) complaints made to DEHP and 188 complaints made to MBRC, however not all of these complaints could be directly attributed to the Narangba Innovation Precinct. A more recent review of complaints data received by MBRC post August 2015 has revealed a similar trend in complaints being received. The proposal to create an additional 132 residential properties within proximity to the Narangba Innovation

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**Assessment of Submissions**

precinct would likely expose a greater number of persons to environmental impacts and in turn exacerbate the number of complaints made to both MBRC and DEHP/DES.

This is sufficient grounds for refusal of the application.

**Issue: - Technical Reporting – Air Quality, Odour and Noise**

- In 2011, Queensland Health (QH) found that odour generated across the NIP would be detectable within the wider community under certain meteorological conditions (but would not be in concentrations that would elicit an adverse health response). The modelling assessment was limited to certain facilities in the NIP and did not consider the emissions from the existing Boral Asphalt plant.
- In addition to the modelling assessment, QH reviewed odour complaints data from people living near the NIP. The review found that odour impacts were experienced in the north, northeast and easterly directions and up to as far as 1.5 km away from the NIP. Odour surveys, undertaken by specially trained panellists concluded that odours were clearly detectable up to 1,400 m from the NIP. These findings indicate that there are existing odour related issues associated with multiple industries in the NIP.
- Dispersion modelling assessments performed in support of the DA find that the odour impacts of individual industries comply with emission criteria. A key difference between the NIP, and other industrial locations, is that the NIP was set-aside for noxious, offensive and hazardous operations. This means that to some extent, odorous operations are expected. Conversely, due to the number of odorous operations in the estate, compliance at the nearest sensitive receptor cannot be “assumed” simply based on the C99.5 1hr = 2.5 ou concentration.
- The definition of a sensitive receptor within the Queensland Odour Guideline (Queensland Government, 2013) defines a sensitive receptor includes ‘a commercial place or part of the place potentially affected’. The dispersion modelling has completely ignored the fact that the proposed Mixed Industry and Business Precinct (MIBP) will constitute a sensitive receptor for the purposes of compliance.
- While dispersion modelling has considered Boral Asphalt, it has failed to include emissions from Fulton Hogan and Suncoast Asphalt. Therefore, dispersion modelling has potentially significantly under estimated odour generated from asphalt manufacturing. In addition, the air impact assessment has not considered the potential impacts of locating residential development in close proximity to industry from the perspective of other industrial emissions such as: PM10, TSP, Metals, etc.
- Boral has undertaken modelling of various operational scenarios. Findings indicate that, when other sources from within the NIP are considered, complying with the criteria at the nearest receptor could lead to non-compliance. For the proposed MIBP receivers compliance may be impracticable.
- Uses located in the NIP require 24 / 7 operating capability, including but not limited to asphalt manufacture. The noise impact assessment lodged in support of the DA has not adequately assessed noise emission from the NIP.
- The applicant has not undertaken noise modelling in accordance with best practice guidelines. Accordingly, it is extremely important that the applicant properly assesses the background noise levels and that Council (in its assessment process) takes into account the effect of encroachment of residential sensitive receptors on the compliance position of tenants within the NIP.
- the method used to assess odour emissions has not taken into account the complexity of the NIP, and omitted sources of odour, and failed to adequately assess the effect of encroachment of sensitive receptors on existing industrial development, it is likely that odour exceedances will occur

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**Assessment of Submissions**

- As the method used to assess noise has not followed recognised guidelines, omitted noise sources, and failed to assess the effect of encroachment of sensitive receptors on existing industrial development, it is likely that exceedance of health and compliance criteria will occur.
- The submission in regard to environmental assessments (air and noise) appears to be based on outdated data in regard to the existing operational and/or approved industrial uses in proximity to the site and this fact was not reflected in Council's information request. We received no response from Council on this matter.
- The noise assessment and recommendations fail to acknowledge in any meaningful way the array of potential High impact industry uses located in the NIP, the regional significance of the NIP, or existing High impact industrial uses already established in the NIP (many which operate 24 hours / 7 days per week).
- The noise assessment and recommendations further relies upon residents being confined indoors (with windows closed), as well as Council further regulating noisy industrial and business uses.
- Importantly, the applicant has also submitted a letter from Katestone (25 October 2018) which is provided as a 'formal response to the Moreton Bay Regional Council's (MBRC) Request for Further Information (RFI) that was issued in April 2017'. Given the substantially different development proposed by the applicant, it is considered that the response to the information request in regard to air quality assessment is wholly inadequate for any normal reasonable person to consider as being sufficient to assess the air quality impacts of the changed development application.
- The methodology adopted from the Queensland Odour Impact Assessment from Developments Guideline for the application of this odour guideline has identified three areas with the potential to adversely impact on the results of the assessment as follows:
  - cumulative assessment of emissions from odour sources;
  - application of the 2.5 OU criteria for the assessment of all activities; and
  - identification of sensitive receptors within the proposed development layout.
- The submitter engaged peer review of the air quality impact assessment prepared in support of a proposed development at Boundary Road, Narangba has identified a number of deficiencies or areas where the adopted assumptions have the potential to adversely impact on the outcomes of the assessment. Given this, it is recommended that the air quality impact assessment be revised to address these deficiencies prior to determination of the application. Where this is not undertaken, it is considered likely that unacceptable risk of adverse nuisance impacts on the proposed development could occur as a result of the on-going operation of the NIP both now and into the future.

**Discussion**

An Air Quality and Odour Impact Assessment has been submitted with the application to assess the potential impacts on proposed residential uses, emanating from the Narangba Innovation Precinct. The Narangba Innovation Precinct is located on the northern site of Boundary Road opposite the site and contains a range of industries that are known to emit contaminants to the atmosphere and includes a number of facilities that are classified under the *Dangerous Goods Safety Management Act (2001)* as Large Dangerous Goods Locations (LDGL) and Major Hazard Facilities (MHF).

The initial Air Quality and Odour Impact Assessment prepared by Katestone dated February 2017 undertook an assessment of the degree to which the site may be affected by air contaminants that cause odour nuisance and/or adverse health outcomes to sensitive (residential) land uses. The assessment was undertaken based on the State Government Department of Environment and Heritage Protection (DEHP) document titled: Guideline-

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**Assessment of Submissions**

Odour Impact Assessment from Developments, 2013 (EHP, 2013). The submitted air quality dispersion modelling undertook an assessment of four (4) emitters operating in isolation, being Boral Asphalt, Ridley Aquafeed, Atlantic Pool and Qld Organics. No new modelling was undertaken as part of the assessment, rather modelling utilised in the Queensland Health – Health Impact Assessment Report from 2010 has been adapted within the report.

Council identified concern with the submitted Air Quality and Odour Assessment and concern with the likelihood and expected frequency of odour events. As part of its information request, Council requested an amended report that incorporated the following:

- (i) An assessment of the cumulative effect of odour from the 4 main emitters within the Narangba Innovation Precinct being: Boral Asphalt; Qld Organics; Aqua-Feed; and Packer Leather.
- (ii) Compare the cumulative odour contours with that in the Max Winders and Associates report dated 5 July 2011 (prepared in support of The Rise Estate application, directly to the south of the subject site) and assess or justify any differences.
- (iii) Clarify the implications of the cumulative 99.5th percentile odour levels in terms of estimated number of odour events above the cumulative 1.0 odour unit contour per year, longer than 1 hour duration.

In response to Council's Information Request, the applicant provided an addendum to the original Katestone Air Quality and Odour Impact Assessment, addendum dated 25 October 2018. The addendum did not address the matters requested by Council, instead the following responses were received (as summarised):

- A cumulative assessment has not been undertaken as there is no basis in Queensland Odour Guideline for assessing cumulative odour impacts from sources with different odour characteristics;
- A comparative assessment of the Max Winders and Associates report dated 5 July 2011 has not been undertaken. The MWA Report did not provide any justification for conducting a cumulative assessment for facilities that emit odour with different characteristics. The dispersion modelling methodology adopted in the MWA Report has therefore not been conducted in accordance with the Queensland Odour Guideline.
- An assessment of the cumulative percentile odour levels has not been undertaken as there is no basis in Queensland Odour Guideline for assessing cumulative odour impacts from sources with different odour characteristics or for assessing impacts using areas within the 1 odour unit contour.

In addition to the above, the response to the information request also identified that the proposed residential development footprint had been reduced from the original proposal plan, to now align with the separation distance between the Narangba Innovation Precinct and the neighbouring (opposite Saltwater Creek Tributary) 'Trask Land' Development Permit (DA/28766/2014/V23R) being 414.5m. The applicant has utilised the most south-easterly point of the Narangba Innovation Precinct as the reference point for the 414.5m separation distance, however has not recognised that the proposed residential uses will be located closer to existing High Impact and Special Industry uses.



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**Assessment of Submissions**

Insufficient justification has been provided to demonstrate that a future residential community will not be subject to unreasonable air quality impacts and odour nuisance. This is sufficient grounds for refusal of the residential component of the application.

It is acknowledged that the sensitive receptor within the Queensland Odour Guideline (Queensland Government, 2013) defines a sensitive receptor includes ‘a commercial place or part of the place potentially affected’. A ‘commercial place’ as defined within the guideline is ‘a place used as an office or for business, industry or commercial purposes. Despite this, the site has been included within the Industry zone, Mixed industry and business precinct which contemplate a range of office, industry and commercial uses occurring on the site. Furthermore, the Planning Scheme has been determined to appropriately integrate the State Interests of SPP July 2014 with respect to Emissions and hazardous activities.

The submitted noise impact assessment considered noise impacts on future sensitive (residential) uses from the proposed Mixed industry and business uses as well as crushing and screening activities from the Council depot on the opposite side of Boundary Road but did not consider the impacts on private open space areas of future dwellings. No consideration given to noise from other activities associated with the Narangba Industrial Estate. Noise impacts from use operating within the Narangba Innovation Precinct are not expected to result in a significant noise impact and should the residential component be supported; an amended noise impact assessment could be required through conditions of development.

This is sufficient grounds for refusal of the application.

**Issue: - Regulations/Recommended conditions of development**

- If approved, to ensure mitigation is inherent in design, Council must require a Development Code stipulating design elements for the Mixed Industry and Business Precinct and Residential Precinct. The Code must be supported by valid science though, we suggest Council engage an independent third party (paid for by the applicant) to redo the impact assessments and provide advice on necessary mitigation. Application of the Code would play out through building covenants and development assessment conditions.
- With regard to the Tables of Assessment – ALL building works will require assessment against the Code.
- With regard to odour compliance in the proposed MIBP, a practical approach similar to the Brisbane City Council odour criteria is suggested where the goal for non-sensitive receiving environment areas is double the criteria for sensitive locations.
- A property note should be included on all future titles.

**Discussion**

With respect to the Mixed industry and business component of the land, a unique development code is not considered warranted to stipulate design elements for future uses occurring within the Mixed industry and business precinct of the site. Future land uses will be subject to the MBRC Planning Scheme Requirements as they relate the current requirements. The recommendations of this report include a property notes to advise owners.

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**Assessment of Submissions**

With respect to the residential component of the land, it is considered that sensitive (residential) uses cannot be located to avoid or designed to minimise the adverse impact of adjoining industrial activities and accordingly this component of the application should be refused.

This is sufficient grounds for refusal of the application.

**Issue: - Lack of demonstrated Need**

- The need or demand for additional residential land has not been demonstrated by the applicant and there are insufficient town planning reasons or justification to otherwise approve the residential component development
- The applicant has submitted a *Land Use Review [Update]*<sup>1</sup> prepared by Urbis. The development for residential development remains outside of the planning horizon under the current planning scheme, with the applicant demonstrating only that the LGA has an adequate stock of available industrial land.
- The assessment provided by Urbis however fails to recognise the state and regional significance and intent of the land and the NIP
- The development for residential development remains outside of the planning horizon under the current planning scheme, with the applicant demonstrating that the LGA already has an adequate stock or available residential land for development for the next 26-31 years (i.e. 2042-2047).
- The subject site does not represent an anomaly, rather the site represents an appropriate transition of land use planning for Mixed Industry and Business – interceding and buffering existing residential developments from height impact industrial development in the NIP.

**Discussion**

An Economic Analysis and Land Use Review Assessment has been submitted by the applicant to assess the proposed conversion of part of the site from mixed industry and business uses to residential uses. The assessment is relying on a high supply of industrial land within the region to support the conversion to residential uses. The applicant has not sufficiently addressed the higher rates of industrial land take up in southern part of the Moreton Bay Region nor the established steady demand for and land take-up rates for mixed industry and business land within the North Lakes employment area. The applicant's reporting has not given appropriate consideration to Council's vision of a 70% employment self-containment and the estimated loss/displacement of approximately 260 to 330 jobs, that would otherwise be accommodated over part of the site proposed to be converted to residential purposes. In addition, there is sufficient supply of residential land within the region (contained within the urban footprint) to accommodate between 25 to 39 years of projected demand of residential land supply, depending on the demand scenario. There is insufficient justification to support the conversion.

This is sufficient grounds for refusal of the application.

**Issue: Traffic Access and Parking**

- The revised layout establishes new road access to mixed industry and business lots which aligns with existing Potassium Street
- The changed traffic conditions and increased traffic are likely to result in adverse impacts to the Narangba Business Park access.

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**Assessment of Submissions**

**Discussion**

The proposed development will impact on access to the Narangba Innovation Precinct. An existing approval exists over the land which permits access to Boundary Road. The proposed access alignment with Potassium Street (to create a 4-way signalised intersection) is the safest location on the Northern side of the development site to manage vehicle safety and movements to/from both Narangba Innovation Precinct and the proposed development.

This is not sufficient grounds for refusal of the application.

**Issue: Vegetation and Wildlife Habitat**

- The Koala population of SEQ has been steadily declining
- A Koala corridor runs through the proposed development site along Saltwater Creek Tributary
- The existing Koala corridor must be maintained at its current width to allow for movement of Koalas through the site.
- The corridor is mapped as MSES Vegetation and the adjoining areas as MLES vegetation under the Environmental Areas overlay. These areas must be protected.
- Insufficient buffer areas to the Koala corridor are provided to minimise edge effects.
- There is a likelihood of other vulnerable and endangered species on the proposed development site including Wallum froglet, grey-headed flying fox and Less swamp-orchid.

**Discussion**

The site is mapped within the Priority Koala Assessable Development Area under the SEQ Koala Conservation State Planning Regulatory Provisions (SPRP). The proposed development is assessable against Division 6 of the SPRP. The northern portion of the site where the reconfiguration is proposed is mapped as medium value rehabilitation area. The SPRP requires any clearing of non-juvenile koala habitat trees in the medium value rehabilitation area to be minimised and offset. The proposed development will require clearing of the non-juvenile koala habitat trees.

The applicant was asked under Council's information request dated 5 April 2017 to submit a Vegetation Management Plan identifying the vegetation proposed to be removed from the site. The applicant was also requested to provide details regarding the environmental offset obligation resulting from the proposed development to demonstrate compliance with the SPRP. In responding to Council's information request, the applicant stated that a Vegetation Management Plan will not be submitted and has asked for a condition of approval relating to offsetting be provided similar to that on the Decision Notice for the previously approved DA/31485/2016/V3N.

The applicant has stated that 44 non-juvenile koala trees will be removed as a result of the development and 37 non-juvenile koala trees will potentially be impacted (based on landscape buffer requirements to Boundary Road, and the final design of bio-basins). Any removal of non-juvenile koala habitat trees will require an environmental offset in accordance with the Queensland Environmental Offsets Policy. As a result, the applicant has not satisfactorily demonstrated how the proposed development complies with Division 6 of the SPRP. Consequently, a condition of approval will be required to ensure that the development will meet its statutory obligations under the SPRP and the *Environmental Offsets Act 2014*.

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**Assessment of Submissions**

The site is mapped under the Environmental area overlay. The Performance Outcomes of Reconfiguring a lot codes (Residential and Industrial) requires no new boundaries within two metres of a High Value Area. Although the site does contain mapped High Value Areas in the south east corner of the site, the development of the site occurs outside this area. The proposed development complies with the performance outcomes.

The Acceptable Outcomes of the Reconfiguring a lot code (Residential and industrial) requires reconfiguring a lot ensures that no additional lots are created within a Value Offset Area. The area of the site proposed to be reconfigured for residential uses is mapped as Value Offset Area MSES Koala Offsets. The development will create new lots in the Value Offset Area, therefore the proposed development must demonstrate compliance with PO53 of the code. The vast majority of the site is cleared of vegetation; however, a few trees occur around the periphery of the site. The applicant has stated that 44 non-juvenile koala trees will be removed as a result of the development and 37 non-juvenile koala trees will potentially be impacted (based on landscape buffer requirements to Boundary Road, and the final design of bio-basins). The proposed development achieves compliance with PO53 due to the existing cleared nature of the site. The actual number of trees affected is likely to differ due to the final approved layout (refer recommendation of this report).

This is not sufficient grounds for refusal of the application.

**Issue: - Miscellaneous**

- Council should consider developing walking paths through the development, as well as providing walking access (boardwalk) through the forest areas adjacent to and accessible from Tarong Avenue, Thirlmere Street, Sundown Circuit, Wallarah Parade Goanna Court.
- The Stocklands advised almost all the owners in the area that the Lot 1 & Lot2 are preserved Green space and no development would be proposed there.
- Residents are already suffering from the industrial area's smell and noise. What mitigation is in place to minimise the noise pollution and the nature of the businesses which can be run there?
- Why Stock land does not develop the North Lakes business Park next to Costco and other vacant lands. I believe there is a reason as why the businesses are separately located to the residential area.
- On the residential proposal, there is no Green space. No play ground is planned or considered for the new residents. The rise is already has minimum Green space which is not enough for the residents. There is no capacity within this Play grounds to accommodate for more people.
- The proposed road to boundary road, what safety consideration is in place to assure the safety of the residents as this type of access to North Lakes is the unique way of access.
- At the end I strongly oppose the proposal due to the reasons above especially the business developments which is in nature against the residential area planning basics to have the businesses without any distance to the residential places.
- The proposed industrial development would be affecting our property value and would compromise our life quality drastically.
- The provision of owner's consent - for the originating and changed development application - does not meet the requirements stated in s.263 (1) and s.263 (2) of the *Sustainable Planning Act 2009*. The application remains not properly made pursuant to s.261
- the changes to the application made by the applicant cannot reasonably be considered as being either a 'minor change' to the application or 'changes made in response to an information request', given the quantum of changes.

ITEM 2.1 - MATERIAL CHANGE OF USE - PRELIMINARY APPROVAL TO VARY THE EFFECT OF THE MBRC PLANNING SCHEME (S242 OF SPA 2009) TO PERMIT DEVELOPMENT IN ACCORDANCE WITH THE GENERAL RESIDENTIAL ZONE - SUBURBAN NEIGHBOURHOOD PRECINCT & RECONFIGURING A LOT - DEVELOPMENT PERMIT FOR SUBDIVISION (2 INTO 132 RESIDENTIAL LOTS & 36 MIXED INDUSTRY AND BUSINESS LOTS IN STAGES) - LOT 1 & LOT 2 BOUNDARY ROAD, NORTH LAKES - DIVISION 4 (A18077823) (Cont.)

**Assessment of Submissions**

- We further note that the trigger for referral to the State (Schedule 7, Table 3, Item 2) has also been altered as a result of the changes to the application, with the State's interest transferred to 'Business activities and Industry activities' rather than 'residential lots'. The State has, to this end, not been given proper referral of the changed application nor given the opportunity to assess whether an information request for the changed application should be sought, in consideration of the above altered referral criteria.
- Council should reject the application as not properly made, or otherwise re-issue an amended acknowledgement notice for the change application and re-commence the IDAS process, including referral of the application to DSDMIP/SARA for the additional referral trigger.
- The need or demand for additional residential land has not been demonstrated by the applicant and there are insufficient town planning reasons or justification to otherwise approve the residential component development.

**Discussion**

There is no requirement for the establishment of a pathway or boardwalk within the areas proposed to be dedicated as drainage reserve. These areas are typically located below the 1% AEP Flood and in addition contain significant vegetation (mapped as medium value Koala bushland habitat).

The subject site is included within the Industry zone, Mixed industry and business precinct under the MBRC planning Scheme. The site is not mapped as park and open space.

The mixed industry and business subdivision will accommodate a range of employment-intensive, knowledge-based, low impact industrial activities and associated commercial activities. Future development of these lots will be in accordance with the MBRC Planning Scheme which requires development to be located, designed and managed to maintain the health and safety of people; avoid significant adverse effects on the natural environment; minimise the possibility of adverse impacts on nearby non-industrial uses.

It is acknowledged that a Local Recreation Park has not been proposed within the residential component of the application. It is noted that a Local Recreation Park is located within walking distance to 'The Rise' development to the south.

The proposed access to the residential component is via a new three-way signalised intersection. This intersection is considered satisfactory, should this component of the application be supported.

The impact of property values is not a relevant planning consideration. Furthermore, no evidence has been provided to substantiate this claim.

The proposed changes made to the application has considered to be a minor change. The proposed changes are considered to be in response to Council's information request.

It is noted that the referral trigger for development impacting on state public passenger transport has been altered as a result to the proposed minor change to the application. It is considered that the proposed minor change of the application did not affect the State Referral and Assessment Agency's (SARA's) ability to issue a concurrence agency response.

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**Assessment of Submissions**

The applicant has submitted an amended IDAS Form 1 and updated owners consent to reflect the proposed changes made to the application through the information response.

Owner’s consent was not required to be provided from Council with respect to the existing access easement over the land. Owners Consent is not required for the purposes of an ‘easement in gross’ (as is the case on the subject site), as the entity in whose favour the easement is created is not the registered proprietor of the land, and hence the consent of the entity is not required.

This is not sufficient grounds for refusal of the application.

2.8.3 Notice of Compliance

The Notice of Compliance was received by Council on 20 December 2018. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of the *Sustainable Planning Act 2009*.

2.9 Other Matters

2.9.1 Air Quality and Odour Impact Assessment - Residential

An Air Quality and Odour Impact Assessment has been submitted with the application to assess the potential impacts on proposed residential uses, emanating from the Narangba Innovation Precinct. The Narangba Innovation Precinct is located on the northern site of Boundary Road opposite the site and contains a range of industries that are known to emit contaminants to the atmosphere and includes a number of facilities that are classified under the *Dangerous Goods Safety Management Act (2001)* as Large Dangerous Goods Locations (LDGL) and Major Hazard Facilities (MHF).

The initial Air Quality and Odour Impact Assessment prepared by Katestone dated February 2017 undertook an assessment of the degree to which the site may be affected by air contaminants that cause odour nuisance and/or adverse health outcomes to sensitive (residential) land uses. The assessment was undertaken based on the State Government Department of Environment and Heritage Protection (DEHP) document titled: Guideline-Odour Impact Assessment from Developments, 2013 (EHP, 2013). EHP’s guideline defines generic criteria for assessing odour annoyance through dispersion modelling as follows:

- 0.5 Odour Units (ou) for a 1-hour average, 99.5th percentile concentration for tall stacks.
- 2.5 Odour Units (ou) for a 1-hour average, 99.5th percentile concentration for ground-level sources and down-washed plumes from short stacks.

No new modelling was undertaken as part of the assessment, rather modelling utilised in the Queensland Health – Health Impact Assessment Report from 2010 has been adapted within the report. The report as focussed on four (4) emitters from the Narangba Innovation Precinct being Atlantic Pools, Ridley Aquafeed, Boral Asphalt and Queensland Organics. The submitted analysis of the odour dispersion modelling results from these facilities indicated the following at the site:

- The ground-level concentrations of odour due to Atlantic Pools were predicted to be below 1 ou (1-hour average, 99.5th percentile).
- The ground-level concentrations of odour due to Ridley Aquafeeds were predicted to be between 0.5 ou and 1.5 ou (1-hour average, 99.5th percentile).
- The ground-level concentrations of odour due to Ridley Aquafeeds and Queensland Organics were predicted to be between 0.5 ou and 1.0 ou (1-hour average, 99.5th percentile).

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Council engaged an independent peer review of the Katestone Report dated February 2017. The peer review undertaken by SLR Consulting identified concern with the likelihood and expected frequency of odour events between the cumulative 1.0ou and 2.5ou levels and recommended the following further that further information be provided by the applicant:

- (i) An assessment of the cumulative effect of odour from the 4 main emitters within the Narangba Innovation Precinct being: Boral Asphalt; Qld Organics; Aqua-Feed; and Packer Leather.
- (ii) Compare the cumulative odour contours with that in the Max Winders and Associates report dated 5 July 2011 (prepared in support of The Rise Estate application, directly to the south of the subject site) and assess or justify any differences.
- (iii) Clarify the implications of the cumulative 99.5th percentile odour levels in terms of estimated number of odour events above the cumulative 1.0 odour unit contour per year, longer than 1 hour duration.

In response Council's Information Request, the applicant provided an addendum to the original Katestone Air Quality and Odour Impact Assessment, addendum dated 25 October 2018. The addendum did not address the matters requested by Council, instead the following responses were received (as summarised):

- A cumulative assessment has not been undertaken as there is no basis in Queensland Odour Guideline for assessing cumulative odour impacts from sources with different odour characteristics;
- A comparative assessment of the Max Winders and Associates report dated 5 July 2011 has not been undertaken. The MWA Report did not provide any justification for conducting a cumulative assessment for facilities that emit odour with different characteristics. The dispersion modelling methodology adopted in the MWA Report has therefore not been conducted in accordance with the Queensland Odour Guideline.
- An assessment of the cumulative percentile odour levels has not been undertaken as there is no basis in Queensland Odour Guideline for assessing cumulative odour impacts from sources with different odour characteristics or for assessing impacts using areas within the 1 odour unit contour.

In addition to the above, the response to the information request also identified that the proposed residential development footprint had been reduced from the original proposal plan, to now align with the separation distance between the Narangba Innovation Precinct and the neighbouring (opposite Saltwater Creek Tributary) 'Trask Land' Development Permit (DA/28766/2014/V23R) being 414.5m. The applicant has utilised a the most south-easterly point of the Narangba Innovation Precinct as the reference point for the 414.5m separation distance, however has not recognised that the proposed residential uses will be located closer to existing High Impact and Special Industry uses.

In addition, it should be noted that the Department of Environment and Heritage Protection's *Odour Impact Assessment from Developments Guideline* states that atmospheric dispersion modelling may assist in predicting potential impacts from facilities, however community feedback on existing operations should be given greater weight than modelling estimates of the same. In this regard, it is noted that the Narangba Innovation Precinct (formerly known as the Narangba Industrial Area) has been the subject of community complaints over the years. The submitted Air Quality and Odour Impact Assessment identifies that between the period of January 2010 to August 2015, a total of 265 complaints were received regarding air quality and odour, including seventy-seven (77) complaints made to DEHP and 188 complaints made to MBRC, however not all of these complaints could be directly attributed to the Narangba Innovation Precinct. No new assessment of complaints data was provided by the applicant as part of this application, however a review of complaints received by MBRC from August 2015 to present reveals a similar trend in complaints from industrial activities in and around the Narangba Innovation Precinct has continued.

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Insufficient justification has been provided to demonstrate that a future residential community will not be subject to unreasonable air quality impacts and odour nuisance. This is sufficient grounds for refusal of the residential component of the application.

### *2.9.2 Economic Analysis and Land Use Review Assessment*

An Economic Analysis and Land Use Review Assessment has been submitted by the applicant to assess the proposed conversion of part of the site from mixed industry and business uses to residential uses. The applicant's submitted report, prepared by Urbis and dated January 2017, concludes that that:

- *“there is significant oversupply of industrial land in the Moreton Bay Region.*
- *It is evident that there is a substantial supply of industrial land in the Moreton Bay Region that will provide for the industrial land demands of the region to the end of this century.*
- *In comparison, strong population growth has resulted in significant demand for residential dwellings which has driven growth in the median price for house and land at North Lakes.*
- *In order to limit the upward pressure on the affordability in the area, additional residential land is required”.*

As part of the Information Request to the applicant, Council requested additional information suitability of the proposed residential uses over Mixed industry and business land. Specifically, the request required a more focused assessment on the specific attributes of the site, noting it's proximity to the Bruce Highway and is geographically located to benefit from its proximity to regional centres and Brisbane, as opposed, to other industrial land in the region. The request also required a more detailed assessment of the residential land supply study including an revised figures on key future growth areas such as Caboolture West and redevelopment of existing urban areas.

The applicant response to Council's information request with an addendum to the Economic Analysis and Land Use Review Assessment, which incorporated the following conclusions:

- *Recent land supply reports indicate that the Moreton Bay local government area (“LGA”) has significantly more undeveloped industrial land supply than residential land supply, with a particular shortage of infill residential development sites. In order to satisfy the continuing demand levels for residential dwellings in North Lakes and the broader Moreton Bay Region, and meet the targets of the South East Queensland Regional Plan 2017 (“ShapingSEQ”), there is a requirement for additional non-residential zoned land parcels to be converted to residential zoning.*
- *The Moreton Bay LGA currently has a self-containment target of 70% (as set out in the Moreton Bay Regional Council Strategic Framework). Assuming the subject site retains its current zoning, the LGA will achieve a self-containment rate of 27% by the time its residential land supply is exhausted (2047).*
- *If the subject site is partially rezoned to allow for residential uses, the self-containment rate in 2047 will not be substantially affected – it is also forecast to be 27%. Importantly, the LGA will still have 775.2 ha of gross industrial land remaining for development over the following 27 years. As such, rezoning the subject site will not substantially impact Moreton Bay's ability to achieve 70% self-containment.*

The applicant's reporting has focussed the of the availability of industrial land supply within the region, to justify the proposed conversion of industrial land to residential purposes. Specifically, the reporting references the Council commissioned *Industrial Land Supply and Demand Study* prepared by AEC Group and dated July 2017, which identifies there is sufficient industrial land supply to accommodate projected growth until 2041. The applicant's reporting has not sufficiently addressed the higher rates of industrial land take up in southern part of the Moreton Bay Region (as opposed to the northern part of the Region) nor the established steady demand for and land take-up rates for mixed industry and business land within the North Lakes employment area. The applicant's reporting has not addressed the site's formation within the North Lakes - Mango Hill Regional Economic Cluster as identified within the *ShapingSEQ* Regional Plan and the implications of fragmentation of the cluster, including the



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disruptions to synergies and inter-dependencies between related uses or the underutilisation of economic enabling infrastructure, including the site's proximity to the interchange of the Bruce Highway. The reporting as not given appropriate consideration to importance of local employment growth in the region and has dismissed Council's vision of a 70% employment self-containment, by stating the loss/displacement of anticipated employment on the site would not substantially alter the employment self-containment rate of the Region.

Further to this, it is to be noted that the Council commissioned '*Residential Land Supply Assessment Project*', prepared by Spatial Economics and dated March 2017, identifies there is sufficient supply of Residential zoned land to accommodate projected growth until post 2041, based on a conservative scenario which excludes dispersed infill, high density and rural residential land supply.

Based on the above, no overriding community need has been established for the proposed conversion of Industrial land for residential purposes, noting there are similar land supply of both industrial and residential land availability within the region.

### *2.9.3 Other relevant Planning Instrument assessment*

In accordance with section 318 of the *Sustainable Planning Act 2009*, in assessing the application, the assessment manager may give the weight it is satisfied is appropriate to a planning instrument, code, law or policy that came into effect after the application was made, but—

- (a) before the day the decision stage for the application started; or
- (b) if the decision stage is stopped—before the day the decision stage is restarted.

Prior to decision stage started, the Planning Act was introduced and new SPP and Regional plan took effect. Accordingly, the policy documents have not be incorporated into the MBRC planning Scheme and an assessment against these documents is warranted.

#### *2.9.3.1 Shaping SEQ - Regional Plan*

Since the application was accepted as 'properly made' on 23 February 2017, a new regional plan '*ShapingSEQ*' - *South East Queensland Regional Plan* commenced in August 2017. As the current MBRC Planning Scheme is yet to reflect the requirements of the *ShapingSEQ* - South East Queensland Regional Plan August 2017, an assessment against current regional plan is considered prudent.

The subject site is identified within *ShapingSEQ* as being within the '*North-Lakes Mango Hill Regional Economic Cluster*' (NLMH-REC). The NLMH-REC is comprised of the Narangba major enterprise and industrial area and the Regional Activity centre of North Lakes with economic enabling infrastructure being the Bruce Highway and the heavy rail network. A 'Regional Economic Cluster' is defined as a: *geographic concentrations of interconnected businesses, suppliers and associated institutions result in greater economic activity and are significant economic drivers*. Recs are areas that demonstrate synergies across important economic and employment areas as they contain a concentration of significant economic activity.

The *ShapingSEQ* Regional Plan - Theme 2 identifies that 'by working together, SEQ will have a competitive edge that ensures it is a magnet for trade, investment and sustainable growth. It will attract investment and high-value economic activities that flow from its strong regional growth. This will be underpinned by sustainable management of the region's diverse natural assets and resources, and a focus on high-quality design and place-making'. *SEQ's competitive advantages will be built on:*

- *major economic areas, including our capital city centre and Regional Economic Clusters that will be connected and supported so people can choose to work in attractive employment precincts throughout the region.*

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- *our economic advantages in key export-oriented industries including knowledge, education and creative industries; food production and agribusiness; energy and resources; tourism; and high-value manufacturing.*
- *our position as Australia's eastern global gateway to Asia and beyond, facilitated by our port, airports and freight networks;*
- *the continuing role of SEQ's centres, knowledge and technology precincts, and other major industry and enterprise areas, with collective outputs far greater than once envisioned;*
- *our investment and reputation in health, science, education and training that has created a highly skilled workforce which is a major advantage for our economy, and attracts people who want to learn and prosper in SEQ.*

The *ShapingSEQ* Regional Plan - Goal 2: Prosper - identifies that:

- *'SEQ has a globally competitive economy focused on high-value economic activities supported by population-serving jobs; and*
- *'Regional Economic Clusters will leverage traditional strengths and competitive advantages to advance the economy, strengthen our global and national relationships, and embrace emerging technology and new opportunities'.*

*ShapingSEQ* identifies that 'when it comes to economic activity, the whole is greater than the sum of the parts – that is, when industries and businesses co-locate and are well-connected, they increase their productivity and capacity to compete nationally and globally. These geographic concentrations of interconnected businesses, suppliers and associated institutions result in greater economic activity and are significant economic drivers. In *ShapingSEQ*, these areas are defined as Regional Economic Clusters (RECs). These areas are likely to involve higher-value and 'outward looking' industries and jobs, and as such, present enormous opportunities for the SEQ economy. Maximising the region's traditional strengths and RECs will drive greater levels of local employment throughout SEQ'. *ShapingSEQ* aims for:

- *more jobs where the people are (RECs and population-serving)*
- *more people where the jobs are*
- *better connections between where people live and work.*

Element 2: Regional Economic Clusters requires that *High-value and outward-facing economic opportunities and synergies within SEQ's RECs are accelerated. This is intended to be achieved by the following strategies:*

1. *Plan for the intensification and/or expansion of RECs to enhance regional economic growth and activity.*
2. *Identify and protect core components within RECs (Table 4) and their enabling infrastructure from encroachment by incompatible land uses.*
3. *Facilitate synergies between core components within RECs.*
4. *Invest in economic enabling infrastructure that support RECs, including the port and airports, intermodal terminals, public transport, freight linkages, and data and energy.*
5. *Ensure that planning frameworks provide sufficient flexibility to respond to the dynamic and evolving nature of RECs, and support growth and investment in their core components.*

The proposal to convert part of the North-Lakes Mano Hill Regional Economic Cluster for residential purposes is in conflict with the *ShapingSEQ* regional plan in that it would:

- *limit the intensification and/or expansion of the REC to enhance regional economic growth and activity;*
- *does not protect, but rather fragments and compromises core components of the REC would result in an underutilisation of economic enabling infrastructure being the sites proximity to the Bruce Highway and Heavy Rail Network.*

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- disrupt synergies and inter-dependencies of between core components within the REC;
- does not support the investment in economic enabling infrastructure;
- is contrary to the planning framework that would support and encourage growth and investment in the core components of the REC.

This is sufficient grounds for refusal of the residential component of the application.

#### *2.9.3.2 State Planning Policy (July 2017)*

The MBRC Planning Scheme (version 2) reflects all State Interests (SPP July 2014) and these state interests have 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 application is assessable against the interim development assessment requirements set out within the State Planning Policy (SPP) for coastal hazards - erosion prone areas only and the proposal is considered to comply with this state interest.

It should however be noted that since this development application was deemed 'properly made' on 23 February 2017, a new State Planning Policy (SPP) commenced in July 2017.

In accordance with section 318 of the *Sustainable Planning Act 2009*, in assessing the application, the assessment manager may give the weight it is satisfied is appropriate to a planning instrument, code, law or policy that came into effect after the application was made. Accordingly, it is considered prudent to undertake an assessment against the current State Planning Policy July 2017.

The State Planning Policy Assessment benchmarks of the SPP July 2017 (Part E) - *Emissions and hazardous activities* - identifies that 'protecting the health and safety and amenity of communities and the environment is a fundamental role of land use planning. It identifies that certain development need to be planned and effectively managed to avoid or minimise any potential adverse impacts from emissions and hazardous impacts. The relevant assessment benchmark requires that:

*Designing incompatible developments to avoid or mitigate any potential impacts:*

*(5) Protect the following existing and approved land uses or areas from encroachment by development that would compromise the ability of the land use to function safely and effectively:*

- (a) Medium-impact, high-impact and special industries.*
- (b) Extractive industries.*
- (c) Hazardous chemical facilities.*
- (d) Explosives facilities and explosives reserves.*
- (e) High pressure gas pipelines.*
- (f) Waste management facilities.*
- (g) Sewage treatment plants.*
- (h) Industrial land in a state development area, or an enterprise opportunity area or employment opportunity area identified in a regional plan.*
- (i) Major sport, recreation and entertainment facilities.*
- (j) Shooting facilities.*
- (k) Motor sport facilities.*

*Mitigation of adverse impacts from emissions and hazardous activities:*

*(6) Development that is incompatible with the existing and approved land uses or areas included in policy 5 above, is located to avoid adverse impacts of environmental emissions, or health and safety risks, and where the impacts cannot be practicably avoided, development is designed to minimise the impacts.*

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The Narangba Innovation Precinct accommodates various established 'hard to locate' hazardous industrial uses that have a high potential for adverse impacts upon sensitive land uses including impacts of noise, light, odour, dust / particulates, and noxious emissions. A number of established industries within the NIP reflect those listed Assessment Benchmark 5 including Medium-impact, high-impact and special industries, *Hazardous chemical facilities and Waste management facilities*.

The proposed residential component of the application represents encroachment on an established noxious and hazardous industrial area has the potential to adversely impact upon the operation of the existing or future industrial activities and in turn has the potential to result in environmental harm/nuisance for future sensitive land use. The sensitive (residential) uses cannot be located to avoid or designed to minimise the adverse impact of adjoining industrial activities.

The proposed residential component of the application is in conflict with State Planning Policy July 2017.

This is sufficient grounds for refusal of the residential component of the application.

### 3. Strategic Implications

#### 3.1 Legislative/Legal Implications

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

#### 3.2 Corporate Plan / Operational Plan

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

#### 3.3 Policy Implications

The proposal in part 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 in part would undermine the achievement of Council's vision of 70% local employment self-containment.

#### 3.8 Environmental Implications

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

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3.9 Social Implications

The proposed development (residential component) would subject a future community to environmental harm/nuisance.

3.10 Consultation / Communication

Refer to clause 2.8.

**ATTENDANCE**

Ms Kate Isles, Ms Amy White and Mr Elton Morais left the meeting at 12.09pm after consideration of Item 2.1.

Mr Keith Pattinson attended the meeting at that time for discussion on Item 3.1.

**3 CORPORATE SERVICES SESSION**

**(Cr M Constance)**

**ITEM 3.1**

**2019/20 FEES AND CHARGES SCHEDULE - FINANCIAL AND PROJECT SERVICES  
- REGIONAL**

*Meeting / Session:* 3 CORPORATE SERVICES  
*Reference:* A18259122 : 28 February 2019 - **Refer Supporting Information A18259441**  
*Responsible Officer:* KP, Manager - Financial and Project Services (CEO Financial & Project Services)

**Executive Summary**

The proposed Schedule of Fees and Charges for the 2019/20 financial year for the Financial and Project Services Department is submitted for adoption.

**COMMITTEE RECOMMENDATION**

Moved by Cr Mick Gillam

Seconded by Cr Adrian Raedel

**CARRIED 12/0**

**That the Schedule of Fees and Charges for the 2019/20 financial year for Financial and Project Services as tabled, be adopted.**

ITEM 3.1 2019/20 FEES AND CHARGES SCHEDULE - FINANCIAL AND PROJECT SERVICES - REGIONAL - A18259122 (Cont.)

## OFFICER'S RECOMMENDATION

That the Schedule of Fees and Charges for the 2019/20 financial year for Financial and Project Services as tabled, be adopted.

### **REPORT DETAIL**

#### **1. Background**

Council recently conducted a workshop to review the proposed fees and charges applicable to the 2019/20 financial year for the Financial and Project Services Department. The outcome of that workshop is attached as supporting information #1.

It is prudent for Council to adopt its 2019/20 Schedule of Fees and Charges as early as possible to the start of the forthcoming financial year so that adequate communication to relevant stakeholders can be provided and that corporate systems can be updated.

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

The Schedule of Fees and Charges for 2019/20 represents all the 2019/20 Fees and Charges as they relate to the Financial and Project Services Department to be presented for adoption.

Circumstances can arise during the financial year whereby certain fees and charges may require amending.

If this eventuates a further report will be presented to Council with those proposed amendments.

The setting of separate fees and charges applies the user-pays philosophy to the services of the Council.

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

##### 3.1 Legislative/Legal Implications

All cost recovery fees identified in the attached reports have been prepared 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

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

##### 3.4 Risk Management Implications

Fees and charges revenue represents a sizeable portion of the Council's overall operating revenues and as such there is an element of risk associated with forecasting the expected revenue as many fees and charges are dependent on the level of economic activity and/or demand for Council services.

To mitigate this risk, a conservative approach is taken as to the expected levels of revenue anticipated in the context of the fee that is set.

##### 3.5 Delegated Authority Implications

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

##### 3.6 Financial Implications

Fees and charges represent a significant component of Council's operational revenues and feeds into Council's annual budget process.

##### 3.7 Economic Benefit

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

*ITEM 3.1 2019/20 FEES AND CHARGES SCHEDULE - FINANCIAL AND PROJECT SERVICES - REGIONAL - A18259122 (Cont.)*

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

Council, Accounting Services Manager, Financial Operations Manager, Information and Communication and Technology Manager

**ATTENDANCE**

Mr Keith Pattinson left the meeting at 12.11pm after consideration of Item 3.1.



**4 ASSET CONSTRUCTION & MAINTENANCE SESSION**

**(Cr A Hain)**

No items for consideration.

**5 PARKS, RECREATION & SPORT SESSION**

**(Cr K Winchester)**

No items for consideration.

**6 LIFESTYLE & AMENITY SESSION**

**(Cr D Sims)**

No items for consideration.

**7 ECONOMIC DEVELOPMENT, EVENTS & TOURISM SESSION**

**(Cr P Flannery)**

No items for consideration.

**8 REGIONAL INNOVATION**

**(Cr D Grimwade)**

No items for consideration.

## 9 GENERAL BUSINESS

### ITEM 9.1

#### **RYDA PROGRAM - ROTARY CABOOLTURE - DIVISIONS 3 AND 12 (AR)**

Cr Adrian Raedel reported on his attendance and officiation at the launch of the first **Rotary Caboolture RYDA (Rotary Youth Driver Awareness) Program** held at the Morayfield Sporting Centre this morning, 12 March 2019.

Cr Raedel said that the program is for Year 11 students from local schools who will be attending the program over a number of days and advised that Council supported the program through its Discretionary Fund which was very much appreciated.

#### **COMMITTEE RECOMMENDATION**

Moved by Cr Adrian Raedel

Seconded by Cr Mike Charlton (Deputy Mayor)

**CARRIED 12/0**

**That a Mayoral letter of congratulation be provided to Rotary Caboolture for their successful launch of the RYDA program.**

### ITEM 9.2

#### **INTERNATIONAL WOMEN'S DAY EVENTS - REGIONAL**

Cr Koliana Winchester reported her attendance at various **International Women's Day** events held last week, one of which was the **Zonta Club Redcliffe High Tea** held on Sunday 10 March 2019, where she had represented the Mayor. Cr Winchester said all of the events were a great celebration of women and highlighted the importance of raising awareness of women's success.

Cr Julie Greer reported her attendance at two **International Women's Day** events. A Deception Bay event that was very well attended, as well as the Pine Rivers Heritage Museum event which celebrated the life of Madame Weigel - a paper pattern manufacturer during the 1800's. Cr Greer said that the morning was fantastic and she enjoyed listening to the guest speakers.

Cr Brooke Savige reported attendance of herself and Cr Adrian Raedel to the **Celebrating the Women of Bribie - International Women's Day** event held at the Bribie Island Seaside Museum on Thursday 7 March 2019. Cr Savige said it was fantastic to attend the event that reflected on progress made, to call for change and to celebrate acts of courage and determination by ordinary women who have played an extraordinary role in the history of their countries and communities, in particular those in government and politics which historically have been heavily male-dominated roles. Cr Savige expressed her thanks and congratulations to the Director and his team for the well-run event.

Cr Mike Charlton (Deputy Mayor) reported his attendance at the **Zonta North Brisbane International Women's Day** event held at the North Lakes Sports Club on Saturday 2 March 2019. Cr Charlton advised that the event was supported by Council and by the Member for Bancroft, Chris Whiting, and that the support was much appreciated for this significant event.

**ITEM 9.3  
SECONDARY AND ASSOCIATED DWELLINGS - REGIONAL  
(MC)**

**COMMITTEE RECOMMENDATION**

Moved by Cr Matt Constance

Seconded by Cr Mike Charlton (Deputy Mayor)

CARRIED 12/0

That a workshop be conducted in regard to secondary and associated dwellings in suburban neighbourhoods and how to address community concerns about unintended intensification and use.

**ITEM 9.4  
MORETON BAY REGIONAL COUNCIL EQUITY SCHOLARSHIPS - REGIONAL  
(AS)**

Cr Allan Sutherland (Mayor) referred to the **Moreton Bay Regional Council Equity Scholarships** launch held on Thursday 7 March 2019 at The Corso, North Lakes. The Mayor said that the initiative had been very well received, noting that School Principals were delighted with the scholarships and the Mayor thanked his colleagues for their support.

The Mayor also mentioned Channel 9 coverage of the launch stating that over the next couple of years it was hoped that businesses will also support the scholarship as the University grows.

**CLOSED SESSION (Confidential items)**

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

**CLOSED SESSION**

**COMMITTEE RECOMMENDATION**

Moved by Cr Adrian Raedel

Seconded by Cr James Houghton

**CARRIED 12/0**

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 12.18pm.

**OPEN SESSION**

**COMMITTEE RECOMMENDATION**

Moved by Cr Koliana Winchester

Seconded by Cr Matt Constance

**CARRIED 12/0**

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

The open session resumed at 12.20pm.

**ITEM C.1 – CONFIDENTIAL**  
**REVIEW OF ORGANISATIONAL STRUCTURE - REGIONAL**

**Meeting / Session: 1 GOVERNANCE**

Reference: A18283071 : 6 March 2019 – Refer **Confidential Supporting Information**  
**A18283069**

Responsible Officer: DH, Chief Executive Officer (CEOs Office)

**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (b), as the matter involves industrial matters affecting employees.

**Executive Summary**

Pursuant to s196(1) the *Local Government Act 2009*, (Act), the Council must have an organisational structure that is appropriate to the performance of its responsibilities.

The organisational structure has been one of continuous progression since amalgamation to enable the ongoing delivery of services as efficiently and effectively as possible. This report provides recommendations for Council in relation to changes which will contribute to the Council's goals for operational savings and effective and sustainable service delivery.

**COMMITTEE RECOMMENDATION**

Moved by Cr Mick Gillam

Seconded by Cr Koliana Winchester

CARRIED 12/0

1. That the organisational structure dated 12 March 2019 be approved as contained in the supporting information to this confidential report.
2. That the Chief Executive Officer be authorised to do all things necessary to implement the new structure.

**CLOSURE**

There being no further business the Chairperson closed the meeting at 12.21pm.