



# MINUTES

## GENERAL MEETING

**Tuesday 13 August 2019**

commencing at 10.34am

Strathpine Chambers  
220 Gympie Road, Strathpine

**ENDORSED GM20190820**

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***Adoption Extract from General Meeting – 20 August 2019 (19/1806)***

**4 A) CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING**

**General Meeting - 13 August 2019 (Pages 19/1681 - 19/1803)**

**RESOLUTION**

**Moved by Cr Matt Constance**

**Seconded by Cr Peter Flannery**

**CARRIED 11/0**

**That the minutes of the General Meeting held 13 August 2019, be confirmed**

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<b>13. CLOSURE</b>	<b>1803</b>

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## 1. OPENING PRAYER

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The Mayor recited the Opening Prayer and invited Councillors to join him in the recitation of the Lord's Prayer.

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## 2. ATTENDANCE & APOLOGIES

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### **Attendance:**

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

Chief Executive Officer	(Mr Daryl Hitzman)
Director Community & Environmental Services	(Mr Bill Halpin)
Director Planning	(Mr Mike Pickering)
Director Engineering, Construction & Maintenance	(Mr Tony Martini)
Director Infrastructure Planning	(Mr Andrew Ryan)
Acting Manager Executive Services	(Darren Dallinger)
Manager Legal Services	(John Hall)
Senior Legal Officer	(Elton Morais)
Acting Manager Development Services	(Marco Alberti)
Team Leader Planning	(Amy White)
Accounting Services Manager	(Denis Crowe)
Meeting Support	(Kim Reid)

### **Suspended:**

Under section 182A of the *Local Government Act 2009* Cr Adrian Raedel is currently suspended from office.

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## 3. MEMORIALS OR CONDOLENCES

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Cr Darren Grimwade made special mention of the late **Mr Max Morrison**, long-term resident of Cedar Creek, who passed away recently aged 81. Cr Grimwade noted Mr Morrison was a significant member of the Cedar Creek community who will be sadly missed.

Council observed a moment's silence for residents who have passed away.

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#### 4. CONFIRMATION OF MINUTES FROM PREVIOUS GENERAL MEETING

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##### RESOLUTION

Moved by Cr Denise Sims

Seconded by Cr Koliana Winchester

CARRIED 12/0

That the minutes of the General Meeting held 6 August 2019 (Pages 19/1602- 19/1661), be confirmed.

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#### 5. PRESENTATION OF PETITIONS

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*(Addressed to the Council and tabled by Councillors)*

##### 5.1. Petition - Mr John Davidson - Objection to expansion of the Samford Soccer Precinct (A18900694)

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Cr Grimwade tabled a petition containing 33 signatures, received from Mr John Davidson reading as follows:

*"We the undersigned, wish to express our objection and concern as to:*

- the lack of any engagement and consultation by Cr Grimwade and the Moreton Bay Regional Council (MBRC) with those directly affected by this very substantial development and the residents of the Estate generally;*
- the inappropriate height, scale and negative impact of the field lighting, causing the undue light spillage across large area of rural / residential communities;*
- the increased flow of vehicle traffic through the Samford Royal Estate resulting from the extension of fields alongside Sovereign Way, and the resulting risk to the safety of residents and visitors to the estate;*
- the inappropriate (late night) operating hours of the fields, causing serious nuisance and disruption to residents, including many young families;*
- the lack of any after hours security to ensure the carpark is locked at night to prevent anti-social behaviour."*

Council received the petition, referring it to the Director Infrastructure Planning for investigation and report to Council, if required.

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#### 6. CORRESPONDENCE

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There was no correspondence tabled.

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#### 7. COMMUNITY COMMENT

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There are no participants in the Community Comment session for this meeting.

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#### 8. NOTIFIED MOTIONS

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There was no notified motions.

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#### 9. NOTICES OF MOTION (Repeal or amendment of resolutions)

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*(s262 of the Local Government Regulation 2012)*

There were no notices of motions.

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10. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions)

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*(as referred by the Chief Executive Officer)*

Consideration of officers' reports as referred by the Chief Executive Officer, to be conducted in Sessions.

The Session Chairperson and designated Spokesperson for the respective portfolio, is as follows:

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

**ATTENDANCE**

Darren Dallinger attended the meeting at 10.39am for discussion on Item 1.1.



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**1 GOVERNANCE SESSION**

(Cr A Sutherland, Mayor)

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**ITEM 1.1**

**DELEGATIONS – ENVIRONMENTAL OFFSETS ACT 2014 AND ENVIRONMENTAL OFFSETS REGULATION 2014 - REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A18934172 : 6 August 2019 - **Refer Supporting Information A18167123**  
*Responsible Officer:* DD, Acting Manager Executive Services

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**Executive Summary**

The purpose of this report is to recommend that Council delegate certain powers under the *Environmental Offsets Act 2014* and Environmental Offsets Regulation 2014, to the Chief Executive Officer (CEO). This would then enable the CEO to sub-delegate powers as required to appropriately qualified employees or contractors of the Council:

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**RESOLUTION**

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Moved by Cr Mick Gillam

Seconded by Cr Adam Hain

**CARRIED 12/0**

That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers under the *Environmental Offsets Act 2014* and Environmental Offsets Regulation 2014 as outlined in supporting information #1 to this report.

ITEM 1.1 DELEGATIONS – ENVIRONMENTAL OFFSETS ACT 2014 AND ENVIRONMENTAL OFFSETS  
REGULATION 2014 - REGIONAL - A18934172 (Cont.)

**OFFICER'S RECOMMENDATION**

That pursuant to section 257 of the *Local Government Act 2009*, Council delegates to the Chief Executive Officer its powers under the *Environmental Offsets Act 2014* and *Environmental Offsets Regulation 2014* as outlined in supporting information #1 to this report.

**REPORT DETAIL**

**1. Background**

Council has certain powers under the *Environmental Offsets Act 2014* and *Environmental Offsets Regulation 2014*.

It is appropriate to delegate these powers to the Chief Executive Officer (CEO) to enable the CEO to sub-delegate powers as required to appropriately qualified employees or contractors of the Council.

It must be noted that a delegation of the Council's powers does not prevent the Council from exercising any of those powers itself.

**2. Explanation of Item**

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

In delegating Council's powers under the *Environmental Offsets Act 2014* and *Environmental Offsets Regulation 2014* as outlined in this report, The CEO may then sub-delegate powers as required to appropriately qualified employees or contractors of the Council.

The proposed delegations specified in the supporting information have been drafted utilising the Local Government Association of Queensland template Delegations Register as a starting point and amended, as required.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

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

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

**3.2 Corporate Plan / Operational Plan**

Strengthening Communities: Office of the CEO – overall leadership and co-ordination of Council activities.

**3.3 Policy Implications**

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

**3.4 Risk Management Implications**

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

**3.5 Delegated Authority Implications**

The CEO will be delegated authority to exercise various powers of Council under the *Environmental Offsets Act 2014* and *Environmental Offsets Regulation 2014*.

*ITEM 1.1 DELEGATIONS – ENVIRONMENTAL OFFSETS ACT 2014 AND ENVIRONMENTAL OFFSETS  
REGULATION 2014 - REGIONAL - A18934172 (Cont.)*

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

3.6 Financial Implications

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

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

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

**ATTENDANCE**

Darren Dallinger left the meeting at 10.40am after Item 1.1.

**ITEM 1.2**

**123RD ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND  
CONFERENCE - MORETON BAY REGIONAL COUNCIL MOTIONS - REGIONAL**

*Meeting / Session:* 1 GOVERNANCE  
*Reference:* A18868559 : 8 August 2019 - **Refer Supporting Information A18723337, A18866517 & A18936993**  
*Responsible Officer:* LK, Executive Support Officer (CORP Executive Services)

**Executive Summary**

The 123<sup>rd</sup> annual Local Government Association of Queensland (LGAQ) conference will be held in Cairns from 14-16 October 2019. The purpose of this report is to seek Council approval to submit the following three motions, as appearing in the supporting information to this report, for inclusion in the 2019 LGAQ conference agenda.

- Flying Fox Management - Grants, Planning and Research
- Compulsory Participation by Packaging Producers in the Australian Packaging Covenant Organisation (APCO)
- Regulated Dog Management - *Animal Management (Cats and Dogs) Act 2008*

**RESOLUTION**

**Moved by Cr Matt Constance**

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

**CARRIED 12/0**

**That the Chief Executive Officer be authorised to submit Moreton Bay Regional Council's three motions contained in this report for inclusion in the 2019 Local Government Association of Queensland (LGAQ) conference agenda.**

ITEM 1.2 123RD ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND CONFERENCE - MORETON BAY REGIONAL COUNCIL MOTIONS - REGIONAL - A18868559 (Cont.)

### OFFICER'S RECOMMENDATION

That the Chief Executive Officer be authorised to submit Moreton Bay Regional Council's three motions contained in this report for inclusion in the 2019 Local Government Association of Queensland (LGAQ) conference agenda.

### **REPORT DETAIL**

#### **1. Background**

The LGAQ has requested that Councils submit motions for inclusion in the 2019 conference agenda.

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

It is recommended that Council approve the submission of the following three motions for inclusion in the 2019 LGAQ conference agenda:

- Flying Fox Management - Grants, Planning and Research
- Compulsory Participation by Packaging Producers in the Australian Packaging Covenant Organisation (APCO)
- Regulated Dog Management - *Animal Management (Cats and Dogs) Act 2008*

Moreton Bay Regional Council has co-sponsored with Goondiwindi Regional Council to submit the LGAQ conference motion in relation to regulated dogs. This motion was developed by Goondiwindi Regional Council officers in partnership with Moreton Bay Regional Council officers.

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

##### 3.1 Legislative/Legal Implications

There are no legislation/legal implications directly arising from this report.

##### 3.2 Corporate Plan / Operational Plan

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

##### 3.3 Policy Implications

There are no policy implications directly arising from this report.

##### 3.4 Risk Management Implications

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

##### 3.5 Delegated Authority Implications

There are no delegated authority implications arising from this report.

##### 3.6 Financial Implications

There are no financial implications arising from this report.

##### 3.7 Economic Benefit

Topics and motions associated with the conference will address a range of economic factors in local government.

##### 3.8 Environmental Implications

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

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*ITEM 1.2 123RD ANNUAL LOCAL GOVERNMENT ASSOCIATION OF QUEENSLAND CONFERENCE - MORETON BAY REGIONAL COUNCIL MOTIONS - REGIONAL - A18868559 (Cont.)*

3.9 Social Implications

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

3.10 Consultation / Communication

Consultation has been undertaken with all Councillors, the Chief Executive Officer and Directors.

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**2 PLANNING & DEVELOPMENT SESSION**

**(Cr M Gillam)**

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**ITEM 2.1 - DECLARATION OF INTEREST**

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

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a real conflict of interest in Item 2.1 as the development permit for multiple dwellings located at 156a, 156 and 158 Griffith Road, Newport are located in close proximity to where the Mayor resides.

**Cr Allan Sutherland (Mayor) retired from the meeting at 10.42am taking no part in the debate or resolution regarding same.**

Cr Mike Charlton (Deputy Mayor) assumed the Chair at this time.

**ATTENDANCE**

John Hall, Elton Morais, Marco Alberti and Amy White attended the meeting at 10.42am for discussion on Item 2.1.

**ITEM 2.1 (further considered later in the meeting - refer Page 19/1800)**  
**DA/38402/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (54 DWELLINGS), SHOP, FOOD AND DRINK OUTLET, OFFICE AND MARINE INDUSTRY, LOCATED AT 156A, 156 (COMMON PROPERTY) AND 158 GRIFFITH ROAD, NEWPORT - DIVISION 5**

**APPLICANT: KINDRED DEVELOPMENTS PTY. LTD. C/- URBIS PTY. LTD.**

**OWNER: JD KINDRED AND DB PTY. LTD.**

*Meeting / Session:* 2 PLANNING & DEVELOPMENT  
*Reference:* A18729575: 13 August 2019 – Refer Supporting Information A18729634, A18901878, A18926239, A18937307 (provided separately)  
*Responsible Officer:* GH, Planning and Economic Development (Development services)

### Executive Summary

APPLICATION DETAILS	
<b>Applicant:</b>	Kindred Developments Pty. Ltd. C/- Urbis Pty Ltd.
<b>Lodgement Date:</b>	18 April 2019
<b>Properly Made Date:</b>	23 April 2019
<b>Confirmation Notice Date:</b>	7 May 2019
<b>Information Request Date:</b>	13 May 2019 (No further information required)
<b>Info Response Received Date:</b>	N/A
<b>Public Notification Dates:</b>	16 May 2019 until 06 June 2019
<b>No. of Submissions:</b>	Properly Made: 829 Not Properly Made: 55
<b>Decision Due Date:</b>	20 August 2019
<b>Prelodgement Meeting Held:</b>	No

PROPERTY DETAILS	
<b>Division:</b>	Division 5
<b>Property Address:</b>	156A Griffith Road, 156 (Common Property) and 158 Griffith Road, Newport
<b>RP Description</b>	Lot 21 SP297765; Lot 34 SP105124; and Lot 0 SP111814 (easement area 'L' only).
<b>Land Area:</b>	Total: 18,296m <sup>2</sup> or 11,133m <sup>2</sup> (excluding Easement 'L' on 156 Griffith Road): <ul style="list-style-type: none"> <li>• Lot 21 SP297765 - 10,040m<sup>2</sup> (development footprint/ vacant/overflow parking area)</li> <li>• Lot 34 SP105124 - 1,093m<sup>2</sup> (vacant/proposed pathway)</li> <li>• Lot 0 SP111814 - 7,163m<sup>2</sup> (easement area 'L' only)</li> </ul>
<b>Property Owner</b>	<ul style="list-style-type: none"> <li>• Lot 21 SP297765 - JD Kindred &amp; DB Pty. Ltd.</li> <li>• Lot 34 SP105124 - JD Kindred &amp; DB Pty. Ltd.</li> <li>• Lot 0 SP111814 - Body Corporate "Newport Harbour" (easement area 'L' only)</li> </ul>



ITEM 2.1 (further considered later in the meeting - refer Page 19/1800) DA/38402/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (54 DWELLINGS), SHOP, FOOD AND DRINK OUTLET, OFFICE AND MARINE INDUSTRY, LOCATED AT 156A, 156 (COMMON PROPERTY) AND 158 GRIFFITH ROAD, NEWPORT - DIVISION 5 - A18729575 (Cont.)

STATUTORY DETAILS	
Planning Legislation:	Planning Act 2016
Planning Scheme:	Moreton Bay Regional Council Planning Scheme (Version 2 - effective 3 July 2017)
Planning Locality / Zone	Industry zone, Marine Industry precinct; and General residential zone, Next generation neighbourhood precinct
Level of Assessment:	Impact Assessment

This development application seeks a Material Change of Use - Development Permit for Multiple dwelling (54 dwellings), Shop, Food and drink outlet, Office and Marine industry, located at 156A, 156 (Common Property) and 158 Griffith Road, Newport on land described as Lot 21 SP297765, Lot 0 SP111814 (easement area 'L' only) and Lot 34 SP105124.

The site is included within the Industry zone, Marine industry precinct (Lot 21 on SP297765) and the General residential zone, Next generation neighbourhood precinct (Lot 0 SP111814 and Lot 34 SP105124). The site is included within the Suburban neighbourhood Place type under the Strategic Framework of the Moreton Bay Regional Council Planning Scheme. The site has a total area of approximately 1.8296ha or 1.1133ha where excluding Easement 'L' for shared access purposes. The approximate development footprint (proposed building footprint, car parking and communal open space over the eastern portion of the site) is 0.4872ha and a balance area (existing marina car parking area and landscaped open space over the western portion of the site) has an area of approximately 0.4265ha is proposed to remain unaffected by the proposal.

The application seeks approval for a mixed-use development, comprising a six (6) storey residential (multiple dwelling) building with retail, commercial and marine industry uses at ground level. No built form is proposed over 156A Griffith Road however the lot is included within the application as a pedestrian pathway is proposed within the lot. The proposed building has an overall building height of 22.1m (RL 24.2m to the roof of the building) to the highest point of the roof (excluding lift overrun and building services). The ground level of the building is proposed to be a maximum Gross Floor Area of 400m<sup>2</sup>, consisting of 345m<sup>2</sup> to be utilised for Shops, Food and drink outlets and office and 55m<sup>2</sup> to be utilised for either Marine industry or Office. The resultant residential density of the development is 48.5 dwellings per hectare (or approx. 93.5 dwellings per hectare where excluding the balance area of the site).

The application was publicly advertised with 884 submissions received, including 829 'properly made' and 55 'not properly made' submissions received. The proposed development does not comply with a number of provisions of the Moreton Bay Regional Council Planning Scheme. The conflicts with the Planning Scheme - relating to building height, residential density and the alternative use of industrial zoned land for residential and commercial purposes, have been assessed in detail and are not sufficient to warrant refusal of the application. In addition, there are other relevant matters identified to warrant support of the proposal. Accordingly, the application is recommended to be approved, subject to conditions.

## MOTION - DECLARED LOST

Moved by Cr James Houghton

Seconded by Cr Adam Hain

LOST 5/6

Cr Koliانا Winchester, Cr Adam Hain, Cr Denise Sims, Cr Brooke Savige, Cr Matt Constance, Cr Peter Flannery voted against the motion

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

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

**OFFICER'S RECOMMENDATION**

- A. That Council, in accordance with the *Planning Act 2016*, approves the development application for a Material Change of Use - Development Permit for Multiple dwelling (54 dwellings), Shop, Food and drink outlet, Office and Marine industry, located at 156A, 156 (Common Property) and 158 Griffith Road, Newport on land described as Lot 21 SP297765, Lot 0 SP111814 (easement area only) and Lot 34 SP105124, subject to the following plans/documents and conditions:

<b>Approved Plans and Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Proposed Site Plan	TP00.02	Rothelowman	12/04/2019
Basement Plan	TP01.00	Rothelowman	12/04/2019
Ground Level Plan	TP01.01	Rothelowman	12/04/2019
Level 1 Plan	TP01.02	Rothelowman	12/04/2019
Typical Floor Plan Lower	TP01.03	Rothelowman	12/04/2019
Level 5	TP01.06	Rothelowman	12/04/2019
Roof Plan	TP01.09	Rothelowman	12/04/2019
North and South Elevations	TO02.01	Rothelowman	12/04/2019
East and West Elevations	TP02.03	Rothelowman	12/04/2019
Section 01	TP03.01	Rothelowman	12/04/2019
Setbacks diagrams		Rothelowman	12/04/2019
Landscape DA	-	Urbis	12/04/2019
Perspective View	5.01	Rothelowman	-
Perspective View	5.02	Rothelowman	-
Perspective View	5.03	Rothelowman	-
Perspective View	5.04	Rothelowman	-
Traffic Impact Assessment	19-318, Revision A	Pekol Traffic and Transport	12 April 2018
Stormwater Management Plan	R001-G18042, Revision 6	Michael Bale and Associates	8 April 2019

<b>Amended Plans and Documents Required</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Acoustic Report	2018149 RO2A	AcousticWorks	3 April 2019

<b>CONDITION</b>		<b>TIMING</b>
<b>MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT</b>		
<b>DEVELOPMENT PLANNING</b>		
<b>1</b>	<b>Approved Plans and/or Documents</b>	
	Undertake development generally in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.
<b>2</b>	<b>Community Management Statement</b>	

ITEM 2.1 (further considered later in the meeting - refer Page 19/1800) DA/38402/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (54 DWELLINGS), SHOP, FOOD AND DRINK OUTLET, OFFICE AND MARINE INDUSTRY, LOCATED AT 156A, 156 (COMMON PROPERTY) AND 158 GRIFFITH ROAD, NEWPORT - DIVISION 5 - A18729575 (Cont.)

	Ensure that the Community Management Statement for the development reflects the following: 1. Car parking provisions; 2. Landscaping requirements; 3. Communal Open Space and Recreation areas; 4. Bin storage requirements and collection locations; and 5. Stormwater Management requirements.	Prior to submitting to the Council any request for approval of a plan of subdivision (i.e. a survey plan).
<b>3</b>	<b>Extent of Dwellings and non-residential uses</b>	
A	Develop the Dwellings on the site as follows: 1. Twenty-Three (23) containing two (2) bedrooms; 2. Thirty-one (31) containing three (3) or more bedrooms;	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
B	Ensure the non-residential uses on the site are limited to the following Gross Floor Areas: 1. 345m <sup>2</sup> to be utilised for Shops, Food and drink outlets and/or office; 2. 55m <sup>2</sup> to be utilised for either Marine industry or Office.  Note. It is therefore possible that a total Gross Floor Area of 400m <sup>2</sup> can occur on the site as Office where Office is the only non-residential use occurring on the site.	
<b>4</b>	<b>On-Site Car Spaces</b>	
A	Provide on-site car parking as generally shown on the approved plans.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
B	Provide for the manoeuvring of vehicles on site, generally in accordance with the approved plan. Car spaces, access lanes and driveways shown on the approved plan must not be used for any other purpose.	
<b>5</b>	<b>Bicycle Parking Facilities</b>	
	Install secure bicycle parking facilities for a minimum of fifty-four (54) bicycles for residents and ten (10) bicycles for staff/visitors associated with non-residential tenancies.  Bicycle parking is to be provided in accordance with Austroads (2008), Guide to Traffic management - Part 11: Parking.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>6</b>	<b>Electrical Transformer</b>	
	Ensure that where electrical transformers are located in the front setback (only where an internal road is not proposed) it is screened so that the transformer is not visible from any road frontage and achieves the following: 1. A combination of screening device and landscaping; 2. The screening device is constructed of durable, weather resistant materials; and 3. Is integrated with the design of the development and positively contributes to the streetscape.  Where an internal road is proposed the transformer is to be located at the end of the roadway internal to the site with	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.

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	provision made for maintenance access through the site.  Note: The use of barbed wire or metal prongs is not permitted	
<b>7</b>	<b>Clothes Drying Facilities</b>	
	Provide external clothes drying facilities that are screened from adjoining properties and the street, or provide an electric clothes dryer within each dwelling.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>8</b>	<b>Privacy Screening</b>	
A	Provide privacy screening or alternate treatments where: <ol style="list-style-type: none"> <li>1. Habitable room windows or balconies of above ground floor dwellings directly face another habitable room or balconies on the same site or an adjoining site that are within 9m; and/or</li> <li>2. Habitable room windows or balconies that overlook private recreation areas of other dwellings on the same site or an adjoining site.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
B	Treatments may consist of one or more of the following: <ol style="list-style-type: none"> <li>1. Sill heights at a minimum of 1.5 metres above floor level; or</li> <li>2. Fixed, tinted or opaque glazing in at least any part of the fixed window or balcony balustrading between the floor level of the dwelling or balcony and 1.5m for windows and 1.2m for balconies; or</li> <li>3. Sliding external screens (e.g. louvered panels), of durable weather resistant materials and with a maximum of 50% transparency.</li> </ol>	
<b>9</b>	<b>Materials and Finishes to Driveway and External Car Parking Spaces</b>	
	Construct the driveway and visitor parking spaces (of the development footprint only, excluding the existing access handle) of materials and finishes to soften the visual impact of these areas. In order to achieve the above, one or a combination of the following is to be used: <ol style="list-style-type: none"> <li>1. coloured aggregate;</li> <li>2. coloured asphalt;</li> <li>3. brick pavers;</li> <li>4. approved porous surfacing; and/or</li> <li>5. banding patterns in the surface design.</li> </ol> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. Council may approve other materials and finishes that are compatible with the objectives of this requirement.</li> <li>2. Driveways and parking areas must not be surfaced with the same material, unless different colours, textures or borders are used to differentiate between them.</li> <li>3. The use of a plain concrete finish for the driveways and parking areas is not acceptable.</li> </ol>	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.

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	<p>4. Refer other conditions of this permit for requirements for 'Shared Pedestrian Zone'. In the event of a conflict between this condition and the Shared Pedestrian Zone condition, the requirements of the Shared Pedestrian Zone conditions prevail.</p> <p>5. This condition does not apply to the western balance area of the site accommodating existing marina car parking spaces.</p>	
<b>10</b>	<b>Street Numbering and Building Names</b>	
	Install dwelling and street numbering and lockable mail boxes. Ensure street numbers and any building names are prominently displayed to enable identification by emergency services.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>11</b>	<b>Internal Fire System</b> Note: This condition (including items A-E) does not apply to buildings that are required by the Building Code of Australia to have a fire hydrant system complying with Australian Standard AS 2419.1 (2005) – Fire Hydrant Installations or other fire fighting facilities which provide equivalent protection.	
A	External fire hydrant facilities are provided on site to the standard prescribed under the relevant parts of Australian Standard AS2419.1 (2005) - Fire Hydrant Installations.	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.
B	<p>A continuous path of travel having the following characteristics is provided between the vehicle access point to the site and each external fire hydrant and hydrant booster point on the land:</p> <ol style="list-style-type: none"> <li>1. An unobstructed width of no less than 3.5m;</li> <li>2. An unobstructed height of no less than 4.8m;</li> <li>3. Constructed to be readily traversed by a 17 tonne HRV fire brigade pumping appliance;</li> <li>4. An area for a fire brigade pumping appliance to stand within 20m of each fire hydrant and 8m of each hydrant booster point.</li> </ol>	
C	On-site fire hydrant facilities are maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.	At all times.
D	<p>For development that contains on-site fire hydrants external to buildings:</p> <ol style="list-style-type: none"> <li>1. Those external hydrants can be seen from the vehicular entry point to the site; or</li> <li>2. A sign identifying the following is provided at the vehicular entry to the site: <ul style="list-style-type: none"> <li>o The overall layout of the development (to scale);</li> <li>o Internal road names (where used);</li> <li>o All communal facilities (where provided);</li> <li>o The reception area and on-site manager's office (where provided);</li> </ul> </li> </ol>	Prior to commencement of the use or Council's endorsement of any Community Management Statement, whichever occurs first, and to be maintained at all times.

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	<ul style="list-style-type: none"> <li>o External hydrants and hydrant booster points;</li> <li>o Physical constraints within the internal roadway system which would restrict access by fire fighting appliances to external hydrants and hydrant booster points; and</li> <li>o Maintained in effective operating order in a manner prescribed in Australian Standard AS1851 (2013) - Routine service of fire protection systems and equipment.</li> </ul>	
E	For development that contains on-site fire hydrants external to the building, those hydrants are identified by way of marker posts and raised reflective pavement markers in the manner prescribed in the technical note Fire hydrant indication system produced by the Queensland Department of Transport and Main Roads.	
<b>12</b>	<b>Screen Fencing</b>	
	<p>Construct a screen fence along the eastern boundary of the site from the canal frontage (north) to the point the boundary intersects with the common driveway, where none already exists. Unless an alternative design is agreed to with the owner of the adjoining land, the screen fence is to be 1.8 metres in height and constructed of treated timber. Fencing along the southern portion of the eastern boundary is to taper to 1.2 metres (adjacent to the shared driveway).</p> <p>Note: Where there is a conflict between the fence style and height identified within this condition and another condition requiring an acoustic barrier; the requirements of the acoustic barrier fencing prevails.</p>	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
<b>13</b>	<b>External Lighting</b>	
A	Install external lighting in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting) or as amended.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
B	Provide certification from a suitably qualified person that external lighting has been installed in accordance with AS4282-1997 - (Control of the Obtrusive Effects of Outdoor Lighting).	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.
<b>14</b>	<b>Pedestrian Lighting</b>	
A	Install lighting in any pedestrian areas that require illumination in accordance with AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.

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B	Provide certification from a suitably qualified person that lighting for pedestrian areas satisfies the intent of AS 1158.3.1 Pedestrian Area (Category P) Lighting – Performance and installation design requirements or as amended.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.
<b>15</b>	<b>Waste Management Program Required</b>	
A	Submit a waste management program in accordance with SC 6.20 Planning Scheme Policy - Waste.	Prior to submitting an application for building works.
B	Obtain approval from Council for the waste management program in accordance with (A) above.	
C	Implement the approved waste management program.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
D	Manage waste in accordance with SC 6.20 Planning Scheme Policy - Waste.	At all times.
<b>16</b>	<b>Amended Acoustic Attenuation Report Required</b>	
A	Submit an amended acoustic impact assessment prepared by a suitably qualified acoustic consultant in accordance with Planning Scheme Policy - Noise. The amended assessment is to further consider the following and demonstrate surrounding sensitive uses will not be unduly impacted by: <ol style="list-style-type: none"> <li>Noise impacts from the servicing of waste;</li> <li>Noise impacts from vehicle movements; and</li> <li>Noise impacts from truck deliveries.</li> </ol>	Prior to submitting an application for building works.
B	Obtain approval from Council for the acoustic impact report in accordance with (A) above.	
C	Implement all noise attenuation measures recommended in the approved acoustic impact assessment in order to achieve the specified noise limits.	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first and to be maintained at all times.
D	Provide certification from a suitably qualified person that recommendations of the approved acoustic impact assessment have been installed/implemented.	Prior to the commencement of the use or endorsement of any Community Management Statement whichever comes first.
<b>17</b>	<b>Landscaping</b>	
A	Provide landscaping on site generally in accordance with the approved Landscape DA (Concept Plans) and Planning Scheme Policy - Integrated Design Appendix D - Landscaping:  The landscaping must ensure the following:	Prior to commencement of use or Council endorsement of any community management statement, whichever occurs first.

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	<ol style="list-style-type: none"> <li>1. A landscaped buffer along the eastern boundary of the site within deep planting areas incorporating trees (1 per 5m<sup>2</sup> /minimum 200mm diameter pots), shrubs (1 per 1m<sup>2</sup> /minimum 200mm diameter pots) and ground cover species (3 per 1m<sup>2</sup> / minimum 140mm diameter pots). Retain existing mature vegetation where possible;</li> <li>2. Shade trees (minimum 45L pots) within at grade car parking areas.</li> </ol>	
B	Provide certification, from a suitably qualified person, that landscaping has been implemented in accordance with (A) above.	
C	Maintain the landscaping.	At all times.
<b>18</b>	<b>Vehicle Encroachment</b>	
	Protect all landscaped areas and pedestrian paths adjoining any car parking areas from vehicular encroachment by wheel stops, kerbing or similar barrier approved by the Council.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.
<b>19</b>	<b>Screening of Loading Facilities / Plant Areas</b>	
	Screen any loading/unloading facilities, plant areas, refuse storage and other outdoor storage facilities on the site from direct view from any adjoining road, waterway or public space.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first.
<b>20</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 the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>21</b>	<b>Fibre Ready Telecommunications – Multi</b>	
A	<p>Provide Fibre-Ready telecommunications infrastructure (Internal and External conduit paths) in accordance with NBN Co Guideline MDU Building Design Guide as amended, that:</p> <ol style="list-style-type: none"> <li>1. Includes a suitable building entrance facility (lead-in) from the property boundary to the building entrance; and</li> <li>2. Has suitable space and access for the installation, maintenance and repair of all elements up to and including the Network Termination Device (NTD) and Power Supply Unit (PSU) or the likely location of a NTD and PSU for each dwelling / tenancy; and</li> </ol>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.



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	3. A conduit with draw string, from either the telecommunication room or riser/closet location to each NTD or the likely location of each NTD.	
	<p>B Provide certification to Council from the Installer or an RPEQ engineer (electrical engineer) that the works and infrastructure required in (A) above has been done.</p> <p>Note: The location or the likely location of the NTD is determined by the owner in consultation with the electrician/electrical engineer. NBN Co have guidelines available to help determine the best location. A template for certification is available from Council for the purpose of this condition.</p>	
<b>22</b>	<b>Telecommunications Internal Wiring</b>	
	<p>A Install internal wiring (Category 6 or better) within each dwelling from the expected location of any future Network Termination Device (NTD) for High Speed Broadband (based on the recommended locational criteria in the NBN Co Guideline (MDU Building Design Guide for New Developments or NBN Co. Preparation and Installation Guide for SDUs and MDUs) to the same connection points in the dwelling that would have been or have been installed for telephone and television connections; including but not limited to bedrooms, family/living rooms, and study/office for dwellings and receptions, staff rooms, offices and the like for non-residential land uses.</p>	Prior to commencement of use or Council's endorsement of any Community Management Statement, whichever occurs first.
	<p>B Provide certification from the installer or an RPEQ engineer (electrical engineering) that the wiring required in (A) above has been done.</p> <p>Note: A template for certification is available from Council for the purpose of this condition. Installers are recommended to be a registered cabler.</p>	
<b>23</b>	<b>Electricity</b>	
	A Provide an underground electricity supply to the development.	Prior to commencement of use or prior to submitting to the Council any request for approval of a plan of subdivision (i.e. survey plan), whichever occurs first and for (A) to be maintained.
	B Submit certification from a licensed surveyor, Registered Professional Engineer of Queensland (RPEQ) or registered building surveyor that any electricity connections and infrastructure made redundant by the development is removed with the land reinstated.	
<b>24</b>	<b>Building Height</b>	
	Provide certification from a suitably qualified person verifying the building height does not exceed 22.1m AHD as per the administrative definition of 'height' as contained within the Moreton Bay Regional Council Planning Scheme.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained.

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<b>25</b>	<b>Storage Facilities</b>	
	Provide a storage area of 8m <sup>3</sup> per dwelling. Each storage area must be clearly allocated to individual units.  Note - Storage areas can be co-located in garages, allocated car park areas in basements; or incorporated into building design. This storage area is not located within the dwelling.	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and to be maintained.
<b>26</b>	<b>Commercial Tenancy Front Glazing</b>	
	Ensure a minimum a of 50% of the ground floor non-residential tenancies incorporates windows or glazing that is to remain transparent, uncovered and free of signage.	Prior to the commencement of use or Council endorsement of any Community Management Statement, whichever occurs first and to be maintained at all times.
<b>27</b>	<b>Premises Hours of Operation - Non Residential Uses and Multiple Dwelling Communal Recreation Area</b>	
A	Limit the hours of operation of non-residential land uses and the Communal Recreation area associated with the Multiple Dwelling on Level 1 to between 7am and 10 pm only.	At all times.
B	Limit the hours of deliveries and waste collection to between: 1. 7am and 6pm weekdays excluding Public Holidays; and 2. 9am and 12pm weekends and Public Holidays.	At all times.
<b>28</b>	<b>Environmental Management Register</b>	
	Provide evidence that a site suitability statement has been approved to the satisfaction of the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP).	Prior to the commencement of use or prior to Council endorsement of any Community Management Statement, whichever occurs first.
<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 commencement of use or endorsement of any community management statement, whichever occurs first.
<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	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

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	be carried out with the development and at no cost to Council unless agreed to in writing by the Council.	
<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	Implement and maintain the works identified in the approved Stormwater Management Plan, with the following alteration: 1. Provision of 5 StormSacks (ie one for each proposed inlet shown on the stormwater preliminary layout plan, contained within the approved Stormwater Management Plan).	Prior to commencement of use or endorsement of any Community Management Statement whichever comes first and then to be maintained at all times.
B	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been built in accordance with the approved Stormwater Management Plan, and additional Stormsacks.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>33</b>	<b>Flood Emergency Management Plan</b>	
	Develop and implement a Flood Emergency Management Plan for both the Residential dwellings and Non-residential tenancies to create awareness of the dangers of a flood event and reduce the risk of isolation and injury during a flood event. The plan is to address the anticipated 400mm flooding of the access road connection to Griffith Rd during a 2100 Storm Tide event.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first and to be maintained.
<b>34</b>	<b>Intersection Line marking</b>	
A	Provide line-marking to create the Auxiliary Left-Turn from Griffith Rd in accordance with figure 4.6 of the approved Traffic Impact Assessment and provision of bicycle symbols, green pavement in the bicycle lane as required by Ausroads. Redundant line marking is to be removed by grinding.  <i>Note: Application to Council for temporary part road closure is required prior to undertaking these works.</i>	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
B	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been completed in accordance with the approved Traffic Impact Assessment and this condition.	
<b>35</b>	<b>Shared Pedestrian Zone</b>	
A	Provide treatment for the shared Pedestrian zone in accordance with 3.7.1 of the approved Traffic Impact Assessment, including: 1. posted speed of 10km/h; 2. speed humps to reduce vehicular speeds; 3. adequate signage (i.e. Shared Zone R4-4 and End Shared Zone R4-5 as per Appendix J of the Manual of Uniform Traffic Control Devices Part 4); and	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.

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	4. use different coloured and textured paving to establish the shared zone.	
B	Submit certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that the works have been completed in accordance with the approved Traffic Impact Assessment.	
<b>36</b>	<b>Pathways</b>	
	Construct, at no cost to Council, a 2.0m wide reinforced concrete pathway generally in accordance with the position shown on Figure 3.5 of the approved Traffic Impact Assessment  This condition has been imposed under section 145 of the <i>Planning Act 2016</i> .	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>37</b>	<b>Construction Management Plan</b>	
A	<p>Submit and have approved by Council, a Construction Management Plan (CMP) prepared by the Principal Contractor. The CMP is to outline, in sufficient detail, the processes that will be employed to minimise impacts on the surrounding community during construction. These processes are to cover the following:</p> <ol style="list-style-type: none"> <li>1. Material delivery and storage locations (must be clear of the access road)</li> <li>2. Waste locations and collection details (must be clear of the access road)</li> <li>3. Construction office accommodation</li> <li>4. Contractor / tradesman vehicle parking arrangements (parking will not be permitted on the access road)</li> <li>5. Works that may make audible noise outside of 6:30am to 6:30pm any business day or Saturday.</li> </ol> <p>The CMP may include a site layout drawing identifying these areas.</p> <p>The CMP needs to reflect any staging requirements.</p> <p>Notes:</p> <ol style="list-style-type: none"> <li>1. Council will generally only approve early starts for large concrete pours during summer (e.g. monolithic concrete pours for basements and suspended floor slabs)</li> <li>2. Dewatering directly into Council's stormwater system (pipes or overland flow) without appropriate water quality treatment/improvement is not acceptable</li> <li>3. Traffic control measures may need to be put in place for the duration of the construction works to control contractor / tradesman vehicle parking arrangements, this should be documented within the CMP</li> <li>4. Materials unloading and loading must occur on-site unless prior written approval is given by Council.</li> </ol>	Not less than two (2) weeks prior to commencement of works. To be maintained current at all times.

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	5. All construction office accommodation and associated temporary buildings is to be contained within the site or on a nearby site.	
B	Implement the approved Construction Management Plan (CMP) and keep a copy of the approved CMP on site at all times during construction.	At all times during construction of the development.
<b>38</b>	<b>Erosion and Sediment Control</b>	
	Implement an Erosion and Sediment Control Plan prepared by an experienced Certified Professional in Erosion and Sediment Control (CPESC) in accordance with the International Erosion Control Association Australasia (IECA) Best Practice and Sediment Control document.	Prior to commencement of works or endorsement of any Community Management Statement whichever comes first and to be maintained current at all times during construction.
<b>39</b>	<b>Acid Sulfate Soils</b>	
A	Prepare an Acid Sulfate Soil Investigation Report and if required an Acid Sulfate Soils Management Plan. The reports and analysis are to be undertaken in accordance with the MBRC Planning Scheme and prepared by a suitably qualified person.	Prior to the commencement of works.
B	Implement the requirements and recommendations of the Acid Sulfate Soil Management Plan.  All testing and monitoring is to be undertaken in accordance with the MBRC Planning Scheme.	While site works are occurring.
C	Provide certification from a suitably qualified person that all works have been undertaken in accordance with the Acid Sulfate Soil Management Plan.  <i>Note: Council will only accept a 'suitably qualified person' as being either a Registered Professional Engineer of Queensland (RPEQ) or Environmental/Soil Scientist with current professional membership status at a relevant organisation (e.g. ASSSI, AIG; EIANZ; GSA) and has obtained a minimum of five (5) years professional experience in the field of acid sulfate soils.</i>	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
<b>40</b>	<b>Access, Internal Roadways, Parking and Servicing Areas</b>	
A	Design and construct sealed (concrete or bitumen) accesses, internal roadways, parking and servicing areas (and associated works), in accordance with the approved plans and documents of development, the Department of Transport and Main Roads Manual of Uniform Traffic Control Devices (MUTCD), Australian Standards and the MBRC Planning Scheme current at the time of the building works application.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
B	Provide certification from a suitably qualified Registered Professional Engineer Queensland (RPEQ) that all works have been designed and constructed in accordance with this permit condition.	

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<b>41</b>	<b>Minimum Flood Planning Level</b>	
A	Design and construct the development in accordance with the levels shown on the approved plans, noting that the Council adopted Flood Planning Level (FPL) for this site at the time of approval is RL3.2 m AHD.	Prior to commencement of use or endorsement of any community management statement, whichever occurs first.
B	Submit to Council As-Constructed survey prepared by a Registered Surveyor, certifying that the development levels have been constructed in accordance this approval.	

<b>ADVICES</b>		
<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>	
<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>3</b>	<b>Food Premises - Commercial Exhaust Canopy</b>	
	<p>A food business may require a commercial exhaust canopy that would be required to comply with AS 1668.2-2012 The use of ventilation and airconditioning in buildings -</p>	

## Moreton Bay Regional Council

GENERAL MEETING - 482  
13 August 2019

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Minutes

*ITEM 2.1 (further considered later in the meeting - refer Page 19/1800) DA/38402/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (54 DWELLINGS), SHOP, FOOD AND DRINK OUTLET, OFFICE AND MARINE INDUSTRY, LOCATED AT 156A, 156 (COMMON PROPERTY) AND 158 GRIFFITH ROAD, NEWPORT - DIVISION 5 - A18729575 (Cont.)*

	Mechanical ventilation in buildings. An exhaust canopy can have an impact on the visual amenity of a building and cause noise and vibration issues that may affect the location and design of a food business.
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- B. That the Council report for this application be published to the website as Council's statement of reasons in accordance with Section 63 (5) of the *Planning Act 2016*.
- C. That the development approval be recorded as a Notation on the Moreton Bay Regional Council Planning Scheme due to the approval:
  - Being substantially inconsistent with the planning scheme.
- D. That all external Referral Agencies for the development application be provided with a copy of the Council's Decision Notice.
- E. That the following information be included in the Decision Notice.

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**Decision Notice information**

	<b>Details to Insert</b>
<b>Application Type</b>	Material Change of Use - Development Permit for Multiple dwelling (54 dwellings), Shop, Food and drink outlet, Office and Marine industry
<b>Relevant Period of Approval</b>	Material Change of Use – 6 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>	Building Works – Development Permit
<b>Codes for Accepted Development</b>	Not applicable
<b>Referral Agencies</b>	Energex (Advice Agency)
<b>Submissions</b>	There were 829 properly made submissions about this application.



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## REPORT DETAIL

### 1. Background

The site has been historically occupied by the Newport Marina. The current improvements on the site were completed in circa 1983/1984.

On 6 April 1988, a consent order for a Rezoning from Special Purpose (Marina) and Residential 'C' Zone to Special Facilities (Marina and Multiple Dwellings and easement for access purposes) was issued through Planning and Environment Court Appeal No. 20161 of 1998 (415-108). The Multiple Dwellings over 158 Griffith Road did not proceed. It is noted the 28 Multiple Dwellings over 156 Griffith Road, Newport were established through a separate consent order.

On 15 July 2016, a Request to Apply a Superseded Planning Scheme was approved on the site, for a Material Change of Use - Development Permit for Multiple Dwelling (not exceeding two storeys) (Council ref: DA/31950/2016/V9). Since this request was approved, a change in ownership occurred and the new owners sought an alternative form of development i.e. including Reconfiguring a Lot under the superseded planning scheme.

On 22 September 2016, Council's Delegate consented to a Request to apply a Superseded Planning Scheme (Redcliffe City Planning Scheme) Reconfiguring a Lot - Development Permit for Subdivision (1 into 10 Lots via a community title plus common property and 1 balance lot) and Material Change of Use - Development Permit for Multiple Dwelling (not exceeding two storeys) and Operational Works - Development Permit for Tidal Work (Council Reference: DA/32638/2016/V9).

On 7 February 2017, Council's Delegate consented to a Request to apply a Superseded Planning Scheme - Material Change of Use - Development Permit for House (10 houses) (Council reference: DA/33414/2017/V9).

On 10 February 2017, Council's Delegate consented to a Request to Apply a Superseded Planning Scheme - Material Change of Use - Development Permit for Multiple Dwelling (not exceeding two storeys) Reconfiguring a Lot - Development Permit (via community title including common property and balance area) and Operational Works - Development Permit for Tidal Works (Council reference: DA/33311/2016/V9).

On 8 February 2018, Council's Delegate approved a Material Change of Use - Development Permit for House (10 houses) and Reconfiguring a Lot - Development Permit for Subdivision (1 into 10 lots plus 1 balance lot and common property) over land at 158 Griffith Road, Newport (Council reference: DA/33148/2016/V23R). On 24 May 2017, Council's Delegate approved a request to Change the Development Approval (DA/33148/2016/VCHG/1). On 13 September 2017, Council's Delegate Approved a second Change to the Development Approval (DA/33148/2016/VCHG/2). The Reconfiguring a Lot component of this development has been completed and the subsequent ten (10) Dwelling Houses are either completed or under construction.

On 14 August 2018, a development application was lodged with the Council for Material Change of Use - Development Permit for Short-Term Accommodation (144 Suites), Multiple Dwelling (93 Dwellings), Function Facility, Shop, Food and Drink Outlet, Bar, Hotel, Office and Marine Industry in two ten-storey buildings (Council reference: DA/36656/2018/V2L). The application was publicly advertised with 1298 properly made submissions received. On 23 April 2019, this application was withdrawn by the applicant.

The site (158 Griffith Road, Newport) is included on the Environmental Management Register (EMR) as a result of historic underground fuel storage on the site that has since been removed. On 4 October 2018, the Department of State Development, Manufacturing, Infrastructure and Planning (reference: 1808-6871 SDA) issued a Development Permit for Material Change of Use to remove the lot from the Environmental Management Register, subject to conditions. The conditions of approval require the applicant to submit and

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have approved a 'site suitability statement' by an approved auditor under the *Environmental Protection Act 1994*, confirming that the premises are suitable for future uses.

## 2. Explanation of Item

### 2.1 Proposal Description

#### 2.1.1 *Proposal details*

This development application seeks a Material Change of Use - Development Permit for Multiple dwelling (54 dwellings), Shop, Food and drink outlet, Office and Marine industry, located at 156A, 156 (Common Property) and 158 Griffith Road, Newport on land described as Lot 21 SP297765, Lot 0 SP111814 (easement area 'L' only) and Lot 34 SP105124.

The site is included within the Industry zone, Marine industry precinct (Lot 21 on SP297765) and the General residential zone, Next generation neighbourhood precinct (Lot 0 SP111814 and Lot 34 SP105124). The site is included within the Suburban neighbourhood Place type under the Strategic Framework of the Moreton Bay Regional Council Planning Scheme. The site has a total area of approximately 1.1133ha (excluding Easement 'L' for shared access).

The application seeks approval for a mixed-use development, comprising a six (6) storey residential (multiple dwelling) building with retail, commercial and marine industry uses over part of the ground level of the building. No built form is proposed over 156A Griffith Road however the site forms part of the application as a pedestrian pathway is proposed through the lot. The development footprint (proposed building footprint, car parking and communal open space over the eastern portion of the site) is approximately 0.4872ha and the balance marina area (existing marina car parking area and landscaped open space) has an area of approximately 0.4265ha and is proposed to remain unaffected by the proposal.

The proposed six (6) storey building has an overall building height of 22.1m (RL 24.1m), measured to the highest point of the roof (excluding lift overrun and building services). The proposed residential component seeks approval for fifty-four (54) multiple dwellings with a resultant density of 48.5 dwellings per hectare (or approx. 93.5 du/ha where excluding the balance area of the site). The proposed dwellings occupy all six (6) levels of the building (including ground level) and would consist of:

- Twenty-three (23) x 2-bedroom dwellings;
- Twenty-nine (29) x 3-bedroom dwellings; and
- Two (2) x 4-bedroom dwellings.

The western portion of Level 1 will contain the communal open space and recreation facilities associated with the multiple dwellings. The open space and recreation facilities are limited to the western interface of the building and has an area of 415m<sup>2</sup> comprising a gym, pool, residential lounge and open deck.

The ground level of the building along the southern interface is proposed to contain 400m<sup>2</sup> of non-residential tenancies. The tenancies are intended to be occupied by 345m<sup>2</sup> to be utilised for the purposes of Shops, Food and drink outlets and office with a further 55m<sup>2</sup> tenancy intended to be utilised for either Marine Industry or Office. The non-residential tenancies are intended to operate between 7am and 10pm.

A total of 111 car parking spaces are proposed for the development, in addition to the 100 car parking spaces to be retained with the existing Marina operations. The proposed car parking associated with the development would consist of eighty-five (85) spaces within a basement level and a further twenty-six (26) spaces at ground level. In addition, a total of sixty-four bicycle parking spaces are provided for residents and for staff/customers associated with the non-residential tenancies. A service vehicle

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loading bay is located along the eastern boundary of the site to facilitate refuse collection and deliveries associated with the non-residential uses.

An Acoustic Report has been submitted as part of the application. The acoustic assessment has assessed the impact of site activities on the surrounding receiving environment, including retail/commercial/marine industry uses hours of operation, patron noise, delivery and refuse vehicle collection noise, mechanical plant noise, vehicle noise and car parking access gate noise. The recommendations of the report identify that the site activities can be undertaken in accordance with specified noise criteria subject to a number of recommendations including:

- Installation of a 2.4m high acoustic barrier adjacent to the loading bay along the eastern boundary adjoining Lot 1 on SP111814;
- Installation of a 2.4m high acoustic barrier along the southern boundary with Lot 10 on SP290319;
- Deliveries and waste collection are limited to 7am and 6pm weekdays and between 9am and 12pm on weekends;
- Limit operation of the non-residential tenancies between 7am and 10pm;
- Outdoor dining areas limited to the western façade of the building;
- Residential habitable rooms on site to be fitted with air conditioning or mechanical ventilation to allow doors and windows to be closed; and
- The preparation of a noise management plan for site users to further reduce noise impacts.

Whilst the acoustic report demonstrates that the proposed uses can be undertaken without adverse amenity impacts, the recommendations of this report include a condition of development requiring an amended acoustic assessment to further review minor exceedance of vehicle noise to the closest receivers, review the assumed noise level of delivery vehicles and to undertake an assessment of noise impacts from refuse collection. It is considered that for the most part the assessment has provided sufficient acoustic amelioration measures however further refinement is required. With respect to the truck and vehicle movements, loading activities and waste servicing, a potential solution is to enclose the loading dock/servicing area and the ramp entrance or alternatively relocate these service areas elsewhere on site.

A Traffic Impact Assessment has been submitted as part of the application. The Traffic Impact Assessment has assessed the intersection of the shared driveway with Griffith Road in terms of capacity, sightlines and queuing, the surrounding road network, traffic volumes, active and passive transport usage, car parking provision, intersection sight lines, servicing requirements and traffic generation. The recommendations of the assessment indicate that the expected peak hour traffic volumes are well within capacity and are not expected to have a negative impact on the site access or surrounding road network. The report recommends the following treatments to improve transportation safety and efficiency:

- A 25m auxiliary left-turn lane be line-marked along the shoulder (parking lane) of Griffith Road; and
- That a shared pedestrian zone and dedicated footpath be provided linking the proposed development to Griffith Road.

#### *2.1.3 Access Via Reciprocal Easement with 156 Griffith Road.*

Access to the development is proposed via an existing shared access driveway covered by reciprocal access easement with the adjoining Multiple dwelling development (28 Dwellings) at 156 Griffith Road and residential lots (10 dwellings) at 160 Griffith Road, Newport. The common property (7,163m<sup>2</sup>) of 156 Griffith Road (Body Corporate "Newport Harbour" - Lot 0 SP111814) is included as part of the application for access purposes. This common property area contains an existing reciprocal access easement (Easement 'L' on SP111814). Easement L on SP105124 burdens the Body Corporate - Newport Harbour (Lot 0 on SP111841) and benefits the site (Lot 21 on SP297765). Under the *Planning Act 2016*, owner's consent from the Body Corporate for Newport Harbour Community Title

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Scheme 26444 is not required as the use and upgrade of the existing driveway for access is consistent with the terms of the easement.

#### 2.1.4 Existing Marina Operations/Marina Berths

The existing marina accommodates a single storey commercial building and 205 vessel berths with expansive surface car parking. No industrial activities are currently undertaken on the site.

The existing marina operations are intended to remain unchanged as part of the development proposal. It is noted the existing single storey commercial building on site will be demolished however new retail, commercial and Marine industry tenancies are intended to be accommodated within the ground floor of the proposed development. The applicant has indicated that the 55m<sup>2</sup> marine industry tenancy would likely be occupied by a tourism operator (office) however marine industry has been included in the application to allow on-going flexibility of tenants associated with the adjacent marina operations. The western portion (approximately 0.4872ha) of the marina precinct will remain unchanged as part of the proposal, with the central open space area and approximately 100 car parking spaces to be maintained.

## 2.2 Description of the Site and Surrounds

The site is located on the waterfront with canal frontage to the north, south and west. Land immediately surrounding the subject site is characteristic of residential canal estates. Specifically, the nearby uses include the following:

Directions	Planning Scheme Zone	Current Land Use
North	General residential zone, Next generation neighbourhood precinct and General residential zone, Suburban neighbourhood precinct.	<ul style="list-style-type: none"> <li>Immediately to the North, the site is adjoined by marina berths associated with current marina operations.</li> <li>To the north-west across Albatross Canal is the Isles of Newport Estate currently under construction. Within the estate is an approved medium-rise retirement facility building (21m in height) located at Lot 888 Spinnaker Boulevard, Newport (Council reference: DA/3387/2017/V2L). To the North-East across Pelican and Sandpiper Canals are a mix of single, two and three storey Dwelling houses.</li> </ul>
South	General residential zone, Suburban neighbourhood precinct.	<ul style="list-style-type: none"> <li>Immediately to the South, the site is adjoined by marina berths associated with the current marina operations and ten (10) residential lots which are currently being developed with a dwelling house on each lot.</li> <li>Further South on the opposite side of Griffith Road is a mix of single and two-storey Dwelling houses. To the south-east is Mariner Plaza Shopping Village, which includes a limited line supermarket, and specialty shops.</li> </ul>
East	General residential zone, Next generation neighbourhood precinct	<ul style="list-style-type: none"> <li>Immediately to the East, the site is adjoined by multiple dwellings (28 dwellings), serviced by a common driveway with the existing marina operations and ten (10) residential lots.</li> <li>Further East beyond the Multiple dwellings beyond is Cormorant Canal and Cormorant Canal Park.</li> </ul>

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Directions	Planning Scheme Zone	Current Land Use
West	General residential zone, Suburban neighbourhood precinct.	<ul style="list-style-type: none"> <li>Immediately to the west, the site is adjoined by Albatross Canal.</li> <li>Beyond Albatross Canal is a mix of single and two storey Dwelling houses. Further West is the Isles of Newport Estate.</li> </ul>

### 2.3 Assessment Benchmarks related to the *Planning Regulation 2017*

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

These Assessment Benchmarks are prescribed as being contained in:

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

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

#### 2.3.1 State Planning Policy

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

Assessment benchmark - liveable communities		
Applicable to Development	SPP requirement	Comment
Yes	<p>(1) Development ensures fire hydrants are installed and located to enable fire services to access water safely, effectively and efficiently.</p> <p>(2) Road widths, and construction within the development, are adequate for fire emergency vehicles to gain access to a safe working area close to buildings and near water supplies whether or not on-street parking spaces are occupied.</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p> <p>The recommendations of this report includes a condition of development that internal fire systems are installed within the</p>

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Assessment benchmark - liveable communities		
	(3) Fire hydrants are suitable identified so that fire services can locate them at all hours.	development where required.
Assessment benchmark - mining and extractive resources		
Applicable to Development	SPP requirement	Comment
No	None.	Not applicable.
Assessment benchmarks - water quality		
Applicable to Development	SPP requirement	Comment
Yes	<p>(1) Development is located, designed, constructed and operated to avoid or minimize adverse impacts on environmental values arising from</p> <ul style="list-style-type: none"> <li>(a) altered stormwater quality and hydrology</li> <li>(b) waste water</li> <li>(c) the creation or expansion of non-tidal artificial waterways</li> <li>(d) the release and mobilization of nutrients and sediments.</li> </ul> <p>(2) Development achieves the applicable stormwater management design objectives outlined in tables A and B (appendix 2)</p> <p>(3) Development in a water supply buffer area avoids adverse impacts on drinking water supply environmental values.</p>	An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.
Assessment benchmarks - natural hazards, risk and resilience		
Applicable to Development	SPP Requirement	Comment
Yes	<p>Erosion prone areas within a coastal management district:</p> <p>(1) Development does not occur in an erosion prone area within a coastal management district unless the development cannot feasibly be located elsewhere as is:</p> <ul style="list-style-type: none"> <li>(a) coastal dependent development; or</li> <li>(b) temporary, readily relocatable or able to be abandoned development; or</li> </ul>	The site is mapped as containing a Balance Coastal Planning Area under Council's Coastal Hazard Overlay. Small pixilations of Medium and High storm tide inundation area are mapped around the edge of the site, however the development footprint is outside of these areas.

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Assessment benchmark - liveable communities		
	<p>(c) essential community infrastructure; or</p> <p>(d) minor redevelopment of an existing permanent building or structure that cannot be relocated or abandoned.</p> <p>(2) Development permitted in (1) above, mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>Bushfire, flood, landslide, storm tide inundation, and erosion prone areas outside the coastal management district:</p> <p>(3) Development other than that assessed against (1) above, avoids natural hazard areas, or where it is not possible to avoid the natural hazard area, development mitigates the risks to people and property to an acceptable or tolerable level.</p> <p>All natural hazard areas:</p> <p>(4) Development supports and does not hinder disaster management response or recovery capacity and capabilities.</p> <p>(5) Development directly, indirectly and cumulatively avoids an increase in the severity of the natural hazard and the potential for damage on the site or to other properties.</p> <p>(6) Risks to public safety and the environment from the location of hazardous materials and the release of these materials as a result of a natural hazard are avoided.</p> <p>(7) The natural processes and the protective function of landforms and the vegetation that can mitigate risks associated with the natural hazard are maintained or enhanced.</p>	<p>An assessment of the proposed development has been undertaken against the applicable SPP requirements and the proposal has been determined to comply.</p>
Assessment benchmarks - strategic airports and aviation facilities		
Applicable to Development	SPP Requirement	Comment
No	None	Not applicable

### 2.3.2 South East Queensland Regional Plan

The site is located in the Urban Footprint designation.

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

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

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 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 site is located within the Suburban neighbourhood Place type of the MBRC Planning Scheme and is contained within the North-Lakes-Redcliffe-Moreton Bay Rail Corridor Planning Area. The applicable Strategic Outcomes under the Themes for the planning scheme are discussed as follows:

Strategic Outcome	Complies	Assessment
<b>3.3 Theme - Sustainability and Resilience</b>		
<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> 1. All development, including buildings and infrastructure, will incorporate subtropical design principles, including orientation, siting and passive climate control, in the planning, design and delivery process to minimise land consumption and service costs and improve design of new development.  2. The design and orientation of all buildings and allotments will take advantage of the Region's climate and reduce the use of energy, especially	Yes	The proposed building has been designed in response to the local climate and incorporates sustainability and urban design principals. The building design maximises sub-tropical climate through the use of openings to allow for cooling breezes, cross ventilated corridors and the layout and design of dwellings.  The building is oriented to minimise exposure to the western sun in summer months and maximise northern sun in winter months. Shade tree plantings at ground and podium levels are incorporated within the landscape concept plans.



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Strategic Outcome	Complies	Assessment
for cooling and heating, in accordance with sub-tropical design principles and climate smart initiatives;		The proposed building design is responsive to the local character of the area and the built form includes design responses reflective of the marina/bayside location.
<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>  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.  4. Improve energy efficiency through siting, design, construction and use of demand management technologies to reduce greenhouse gas emissions from electricity use;	Yes	The site is currently an underutilised parcel of land that represents an infill development opportunity. The proposed development reflects the principals of reducing greenhouse gas emissions by being located in an established area that is serviced by public transport and active transport infrastructure.  The proposed building has been designed to incorporate sub-tropical design principals to minimise reliance on energy usage.
<b>3.3.3 Strategic Outcome - Natural hazards and adaptation</b> <i>The resilience of communities, development, essential infrastructure, natural environments and economic sectors to natural hazards including projected changes in weather is increased.</i>  1. Respond to the risk from natural hazards, including projected changes in weather, by avoiding areas with high exposure and establishing adaptation strategies to minimise vulnerability to riverine flooding, storm tide, coastal erosion, bushfires and landslides;	Yes	The proposed development is responsive to natural hazards by ensuring the development would be constructed above the adopted Flood and Storm Tide Planning levels. It is noted during a year 2100 storm tide event; the access driveway potentially could be inundated by 400mm of flooding. Should the application be approved, a condition of development is recommended that a Flood Emergency Management Plan be prepared for both the residential dwellings and commercial tenancies to create awareness inundation potential.
<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>  1. Manage risks and reduce impacts on people, economic sectors and areas from the effects of oil supply vulnerability by: <ol style="list-style-type: none"> <li>Designing development to encourage walking, cycling and public transport use to access local shopping facilities and</li> </ol>	Yes	The proposed development responds to oil supply vulnerability by being located within an established area that is serviced by public transport and active transport infrastructure and in proximity to established and future local services and places of activity  The proposed development would encourage active transport through the provisions of bicycle parking spaces for each dwelling and

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Strategic Outcome	Complies	Assessment
<p>employment locations, and early provision of public transport services;</p> <p>b. ensuring transport infrastructure and service investment actively reduces oil dependence, particularly for trips that could be undertaken by public or active transport; and</p> <p>c. reducing the length of trips and dependence on oil by localising access to goods, services and employment opportunities.</p>		<p>associated with the commercial tenancies and includes the provision of end of trip facilities.</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>4. Development does not lead to environmental harm or nuisance through unacceptable levels of noise.</p>	Yes	<p>Potential noise generation from the development can be appropriately attenuated by incorporating the recommendations from the submitted Noise Impact Assessment.</p>
<b>3.4 Theme - Natural Environment and Landscape</b>		
<p><b>3.4.3 Strategic Outcomes - Coastal Management</b>  <i>The natural values of all coastal areas, including Bribie Island, Pumicestone Passage, Deception Bay, Redcliffe Peninsula, Hays Inlet and the Pine Rivers estuary and their associated coastal features and processes will be maintained, protected and enhanced.</i></p>	Yes	<p>The proposed development can be undertaken without detrimental impact to the natural values of the coastal areas of the Redcliffe Peninsula.</p>
<p><b>3.4.4 Strategic Outcomes - Regional landscape areas</b>  <i>Healthy, diverse and productive rural and coastal landscapes are maintained and enhanced, for their multiple environmental, recreational, cultural, economic and scenic amenity values.</i></p>	Yes	<p>The development will enhance the multiple environmental, recreational, cultural and scenic amenity values of the coastal landscape. The proposed mixed-use development will incorporate retail/commercial and marine industry uses at ground level and will increase public access and exposure to the site.</p>
<p><b>3.4.5 Strategic Outcomes - Scenic Amenity</b>  <i>Recognise and promote landscape values and scenic amenity across the Region.</i></p> <p>1. Important scenic amenity areas, view corridors and viewpoints are protected</p>	Yes	<p>The site is not mapped as a Scenic amenity area under the planning scheme however is afforded a high level of amenity and viewpoints across the canal system, Moreton Bay and the Glasshouse Mountains. The proposed development will promote the landscape values of the site through increased public access and exposure to the site.</p> <p>The proposed development will not detrimentally diminish existing viewpoints external to the site. Whilst the proposed building exceeds the</p>

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Strategic Outcome	Complies	Assessment
		suggested maximum building height of 15m as shown on Overlay map - Building heights, the proposed building at 22.1m would not result in loss of scenic amenity of viewpoints beyond what is envisaged by the planning scheme and building heights overlay.
<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>2. All new prominent building projects in the Region's higher order centres and transit communities will contribute to the creation of high-quality public spaces;</p> <p>4. The valuable features, landscape character, built environment and land use pattern across the Region contributes to the creation of a distinct sense of place and identity for the Region and individual communities through respect for natural significant landscape features, local values, local climatic considerations and the use of traditional building materials and forms.</p>	Yes	<p>The proposed development is a six (6) storey mixed-use building with a building height of 22.1m. Whilst the building will be locally prominent, the development is not prominent at a regional scale.</p> <p>Notwithstanding, the proposal will contribute to the creation of the high-quality publicly accessible spaces that are compatible with and will enhance the function of the existing marina.</p> <p>The proposal will contribute to a distinct sense of place in conjunction with the existing marina operations and the built form will incorporate coastal architectural elements.</p>
<p><b>3.5.4 Strategic Outcome - Open space network</b> <i>Provision of a well connected, diverse and accessible public open space network.</i></p> <p>1. Accessible, diverse and quality useable open space that provides for the health, recreation and leisure needs of the current and future communities is maintained and enhanced;</p> <p>2. Passive and active recreation areas and community greenspaces provide a pleasant experience for residents and visitors and enhance the sense of place and community identity;</p>	Yes	<p>Whilst the development does not provide public open space, the proposed development will maintain and enhance public access to the site. Passive and active recreation areas will be provided as part of the development through the provision of retail/commercial and marine industry uses and will enhance the experience of users of the existing marina operations.</p> <p>Residents of the proposed dwellings would have access to private and communal open space as part of the development and access to existing public open space in the surrounding locality.</p>
<p><b>3.5.5 Strategic Outcome - Urban greenspace</b> <i>Provide an integrated, high-quality, urban community greenspace network to cater for recreational and environmental needs in existing and new neighbourhoods.</i></p>	Yes	<p>The proposal will contribute to the provision of urban greenspace to the community. The site is currently dominated by hardstand areas and surface car parking. The proposed redevelopment of the site will</p>

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Strategic Outcome	Complies	Assessment
1. Identify and respond to community needs for urban community greenspace generated as a result of urban development, especially in areas targeted for redevelopment, infill and new walkable neighbourhoods;		provide an integrated landscaped environment including additional landscaping including shade trees and a plaza lawn, seatings areas and improved access to the water's edge.
<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>	Yes	<p>The proposal will provide for housing choice through the provision of Multiple dwellings (apartments), in a locality dominated by detached dwelling houses and limited townhouse style dwellings. The apartments would provide alternate options for those at different life stages, including those who seek to age-in-place.</p> <p>The site represents an infill development opportunity with a residential density of 48.5 dwellings per hectare (or approx. 93.5 du/ha where excluding the balance area of the site), in a site that has access to public transport, active transport (walking and cycling) and has convenient access to an established neighbourhood hub and a future Local centre (Newport Marketplace) and Peninsula Fair Shopping Centre and employment hubs at Redcliffe and Clontarf.</p>
<b>3.6 Theme - Settlement Pattern and Urban Form</b>		
<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>	No	<p>The proposal will result in a more compact urban form through redevelopment of an underutilised site within the Urban Footprint. The proposed mixed-use development will increase the number of people and jobs per hectare, on a site adjoining a primary active transport route and will assist in the viability of transit systems through an increased population on the site.</p> <p>The site's locational attributes can support a more intense form of development and mix of land uses given the site is located:</p> <ul style="list-style-type: none"> <li>• on a sub-arterial road (Griffith Road).</li> <li>• on a primary active transport route (Griffith Road) that</li> </ul>

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Strategic Outcome	Complies	Assessment
<p>emphasis being placed on active transport and access by transit; and</p> <p>2. Ensure that new development and redevelopment in established urban areas reinforces the strengths and individual character of the urban area in which the development occurs;</p>		<p>facilitates easy and safe walking and cycling access to locations of activity and open space;</p> <ul style="list-style-type: none"> <li>• adjacent to a public transport stop;</li> <li>• in proximity to local services including an established neighbourhood hub and future local activity centre.</li> </ul> <p>The surrounding locality is typically characterised by single and two-storey detached dwellings. Directly adjoining the site is ten (10) small community-titled lots to the south and twenty-eight (28) two-storey townhouse style multiple dwellings to the east. It is acknowledged that the proposed built form exceeds the suggested maximum building height (15m) for the site. The proposed building (22.1m in height) will be sited on a peninsula with frontage to a canal on three (3) sides. The proposed building has been sited to be respectful to the adjoining properties and has appropriately addressed the interface of the adjoining properties through increased boundary setbacks and building design to minimise privacy and overlooking impacts.</p> <p>It is noted that the locality also incorporates other medium rise buildings including the six-storey Stockland retirement village and the six-storey Ballycara retirement village.</p> <p>These referenced developments aside, the proposed built form is out of character with the predominant character of the local area which consists primarily of single and two storey Detached houses on standard residential lots.</p>
<p><b>3.6.4 Strategic Outcome - Transit oriented communities</b></p> <p><i>New development that is in close proximity to existing and proposed public transport stops and</i></p>	Yes	<p>The proposed development comprises a mixed-use development on a site located greater than 800m</p>

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Strategic Outcome	Complies	Assessment
<p><i>stations contributes to the use and viability of public transport, the use of active transport and the development of walkable neighbourhoods by providing well designed and appropriate higher density and mixed use development.</i></p> <p>1. Encourage higher density and intensity of mixed use development of sites within 800 metres of existing or planned railway stations and undertake land use and transport planning concurrently and sequence development with timely infrastructure provision.</p>		<p>from an existing or future railway station.</p> <p>The proposed density of the development is 48.5 dwellings per hectare (or approx. 93.5 du/ha where excluding the balance area of the site) and is not regarded to be high density development. The proposed development is located in proximity to a public transport stop and promotes the use of active transport.</p> <p>The proposed development is not considered to conflict with the Strategic Outcome.</p>
<p><b>2.6.5 Strategic Outcome - Infill development</b> <i>Council will seek to increase residential densities and employment opportunities within the urban corridor and specifically within and adjoining activity centres and public transport in order to maximise access to and use of services and facilities and opportunities for use of public transport, walking and cycling and also adjacent to areas of high scenic amenity e.g. waterfront, environmental areas with high standards of amenity and accessible open space.</i></p> <p>1. Council will focus higher density and mixed-use development in higher order centres and public transport nodes and corridors;</p> <p>2. Council will also seek to encourage diversity in housing types throughout the urban area through the development of vacant and underutilised residential land in suburban areas to achieve greater housing choice and new suburban residential development within walking distance of local centres or neighbourhood hubs and bus stops;</p> <p>3. Council will also seek to encourage diversity in housing types throughout the urban area through the development of vacant and underutilised residential land in suburban areas (not included in dot points one and two above) to achieve greater housing choice and new suburban residential development within walking distance of local centres or neighbourhood hubs and bus stops;</p> <p>5. Ensure the provision of appropriate infrastructure is planned for and provided to support additional population in infill areas;</p>	Yes	<p>The site represents an infill development opportunity with a residential density of 48.5 dwelling per hectare (or approx. 93.5 du/ha where excluding the balance area of the site), on a site that has access to public transport, active transport (walking and cycling) and has convenient access to an established neighbourhood hub and a future Local centre (Newport Market Place) and Peninsula Fair Shopping Centre and employment hubs at Redcliffe and Clontarf. The proposal is not a high-density development, the site is appropriately located and has appropriate infrastructure provision to support an increased population.</p> <p>The proposal will provide for housing choice through the provision of Multiple dwellings (apartments), in a locality dominated by detached dwelling houses and limited townhouse style dwellings. The apartments provide alternate options for those at different life stages, including those who seek to age-in-place.</p> <p>The site is afforded a high level of amenity and would have viewpoints across the canal system, Moreton Bay and the Glasshouse Mountains. The proposed development will</p>

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Strategic Outcome	Complies	Assessment
6. Respond to natural hazards through adaptation measures that reduce the hazard risks and support additional population and economic development in infill areas, without placing additional vulnerable land uses at risk.		<p>promote the landscape values of the site through increased public access and exposure to the site.</p> <p>The proposed development is responsive to natural hazards by ensuring the development would be constructed above the adopted Flood and Storm Tide Planning levels. It is noted during a year 2100 storm tide event; the access driveway potentially could be inundated by 400mm of flooding. Should the application be approved, a condition of development is recommended that a Flood Emergency Management Plan be prepared for both the residential dwellings and commercial tenancies to create awareness inundation potential.</p>
<b>Theme - Employment Location</b>		
<b>3.7.1 Strategic Outcome - Diversification of the local economy</b> <i>Develop a diversified local economy that retains local jobs and builds on regional and sub-regional competitive advantages and specialisations.</i> <p>1. Support expansion of the local business sector required to support and service continued population growth in the Region</p>	Yes	The proposed provision of limited (400m <sup>2</sup> GFA) retail/commercial and marine industry floor space as part of a mixed-use development will support expansion of the local business sector and service population growth in the Region.
<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>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>2. The higher order centres including North Lakes and Redcliffe-Kippa Ring Major Regional Activity Centres, will be the focus of significant future development (including</p>	Yes	<p>The site is not located within an existing activity centre or existing place of business activity. The proposed development provides limited (400m<sup>2</sup> GFA) retail/commercial and marine industry floor space as part of a mixed-use development. The proposed scale of retail/commercial and marine industry floor space will provide for local convenience and would not undermine the intent for employment concentration in the MBRC Centres Network and enterprise areas.</p> <p>The proposed limited retail/commercial and marine industry floor space will support expansion of the local business</p>

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Strategic Outcome	Complies	Assessment
residential development) and will be key locations of professional, business, community and government services;		sector and service population growth in the Region.
<b>3.7.3 Strategic Outcome - Location of new economic activities</b> <i>Provide sufficient additional land for industry and related businesses to enable diversified, broad-based, future economic and employment growth across the Region.</i> 3. Development supports the activity centres network and the transit system by locating new higher order retail and commercial employment and trip-generating activities in the Region's higher order centres, with the exception of the area at Petrie to cater for higher education and health uses; 4. Higher order centres are consolidated and are not expanded; district centres may be expanded, however no new district centres may be developed except as identified in the Strategic framework and local plan; and growth of and new local centres are provided for.	Yes	The site is not located within an existing activity centre or existing place of business activity. The proposed development provides limited (400m <sup>2</sup> GFA) retail/commercial and marine industry facilities as part of a mixed-use development. The proposed scale of retail/commercial and marine industry floor space will provide for local convenience and would not undermine the intent for employment concentration in the MBRC Centres Network and enterprise areas.  The proposal does not involve the expansion of a higher order centre.
<b>Theme - Integrated Transport</b>		
<b>3.10.1 Strategic Outcome - Integrated transport and land-use planning</b> <i>Plan for a more compact settlement pattern and urban form to encourage sustainable travel patterns: reducing the need to make trips by any motorised form and to reduce the length of motorised trips.</i>  1. Support transit-oriented communities at locations with high frequency public transport services and access to good quality and safe cycling and walking routes; 2. Sufficient infrastructure is provided to connect communities and increase self-containment in the region; 3. Reduce the length and reduce the frequency of car trips; 4. Reduce the length and increase the frequency of public transport trips; 5. Increase the length and increase the frequency of walking and cycling trips; 6. End of trip facilities are provided in public and private developments in activity centres to encourage walking and cycling; 7. Ensure new development is serviced with new public transport routes, facilities and high frequency services, including priority transit	Yes	The site is currently an underutilised parcel of land that represents an infill development opportunity. The proposed development incorporates integrated transport and land use planning principals by being located in an established area that is serviced by public transport and has access to existing active transport infrastructure.  Whilst the existing bus routes that travel along Griffith Road are presently not 'high frequency', the increased population proposed will support the on-going viability of public transport services in the locality.  Griffith Road is mapped as a primary active transport route and is provided with an on-road cycle and shared pathway. This active transport route facilities safe and efficient connections to nearby places of activity, local services and areas of park and open space.



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Strategic Outcome	Complies	Assessment
corridors, to establish improved mode share at an early stage; and		The proposed development would encourage active transport through the provisions of bicycle parking spaces for each dwelling and associated with the commercial tenancies along with the provision of end of trip facilities. In addition, the development does not provide an oversupply of car parking spaces to further encourage alternative forms of transport.
<b>3.10.2 Strategic Outcome - Accessibility</b> <i>Ensure all people in the Region have access to a range of travel options that reflect their budget, their needs and their lifestyle.</i> <ol style="list-style-type: none"> <li>Residents in urban areas have access to a wide range of quality and affordable transport options;</li> <li>Ensure the planning and development of urban areas supports walking, cycling and public transport;</li> </ol>	Yes	Future residents would have access to a wide range of quality and affordable transport options. The proposed development would support walking, cycling and public transport usage by being located on a primary active transport route, adjoining a public transport stop, providing bicycle parking and end of trip facilities, not oversupplying car parking spaces and being located in proximity to local services and places of activity.
<b>3.10.4 Strategic Outcome - Safety and quality</b> <i>Influence sustainable travel behaviour by creating attractive places to walk and cycle.</i> <ol style="list-style-type: none"> <li>Activate areas to encourage a sense of community, creating a feeling of safety and encouraging more people to walk;</li> <li>Pedestrian and cycle routes and associated infrastructure are well managed and maintained;</li> <li>Promote the health aspects of walking and cycling; and</li> <li>Provide best practice design of the transport network to reduce accidents and improve safety, particularly related to pedestrians and cyclists.</li> </ol>	Yes	<p>The proposed development has access to an existing active transport network that is safe and attractive.</p> <p>The proposed development has been designed to encourage the use of active transport options through the provision of bicycle parking spaces and end of trip facilities.</p> <p>It is acknowledged that the existing shared access driveway to the site is not capable of providing a dedicated pedestrian pathway to the development for the full length of the driveway. The shared pedestrian zone is proposed to be designed to ensure pedestrian safety by incorporating the following measures:</p> <ul style="list-style-type: none"> <li>the shared zone has a posted speed of 10km/hr;</li> <li>speed humps to reduce vehicular speeds;</li> <li>signage in accordance with the Manual of Uniform Traffic Control Devices (i.e. Shared</li> </ul>

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Strategic Outcome	Complies	Assessment
		<p>Zone R4-4 and End Shared Zone R4-5 as per Appendix J); and</p> <ul style="list-style-type: none"> <li>different coloured and textured paving.</li> </ul>
<b>3.11 Theme - Infrastructure</b>		
<p><b>3.11.1 Strategic Outcome - Infrastructure to support growth</b> <i>Use infrastructure to support desired regional growth and help create a more compact urban pattern, cohesive urban and rural communities, and regional economic development.</i></p> <p>1. Council is approaching the challenge of growth management by adopting smart growth principles and the MBRC Place Model. This model will integrate land uses, transport and infrastructure to promote a more compact urban form, including increased availability and diversity of housing for people of all income levels, walkable neighbourhoods, creating distinctive and attractive mixed use communities, access to a variety of transportation choices, reduced car dependency, protecting our natural landscapes, targeting new development to accessible infill locations and prioritising use of existing infrastructure.</p>	Yes	<p>The MBRC Place model underpins the MBRC Planning Scheme and has been developed by adopting smart growth principals that integrate land use, transport and infrastructure planning to promote a more compact urban form and guide new development within targeted locations.</p> <p>Whilst the subject site is located within the Suburban neighbourhood Place type, the site has access to infrastructure to support the proposed mixed-use development. The site has access to public passenger transport, active transport options of an on-road cycle lane and pedestrian pathway on Griffith Road and is located in proximity to an established Neighbourhood hub and future Local centre.</p> <p>The proposal will result in a more compact urban form and provide for a diversity of housing options in a locality predominantly characterised by single Detached houses.</p>
<b>Theme - Planning Areas</b>		
<p><b>Element - North Lakes-Redcliffe-Moreton Bay Rail corridor planning area</b></p> <p><i>The North Lakes-Redcliffe-Moreton Bay Rail corridor planning area provides for an integrated community of 234,500 people and 77,000 jobs at 2031 together with a wide range of facilities and services required for an urban area of this scale. The planning area includes:</i></p> <ol style="list-style-type: none"> <li><i>Higher order activity centres at North Lakes and Redcliffe-Kippa-Ring which include major shopping centres and other town centre facilities;</i></li> <li><i>District level activity centres at Margate, Deception Bay, Narangba, Burpengary, Petrie and Kallangur;</i></li> </ol>	Yes	<p>The application is for a mixed-use development located within the North-Lakes-Moreton Bay Rail Corridor Planning Area. The application will facilitate a variety of housing options by way of introducing apartment style multiple dwellings in an area characterised by single Detached dwellings and townhouse-style Multiple dwellings. The proposed Multiple dwelling will have access to a network of Local centres and community facilities within the established area.</p>

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Strategic Outcome	Complies	Assessment
<p>3. Enterprise and employment areas at Dakabin, Deception Bay, Kallangur, North Lakes, Clontarf, Narangba and Burpengary;</p> <p>4. Existing and new residential neighbourhoods offering a wide variety of housing choices and served by a network of local centres and community facilities;</p> <p>5. Some rural residential areas to be retained;</p> <p>6. Extensive open space and natural areas integrated into the urban development of the region to protect waterways and estuarine systems and provide for active and passive recreation; and</p> <p>7. An integrated transport network that supports active transport, public transport and movement of goods and people within, into, out of, and through the planning area.</p>		
<p><b>3.13.3.1 Specific Outcomes - Sustainability and resilience</b></p> <p>1. Some areas within the planning area are exposed to natural hazards and the projected impacts of changes in weather due to their proximity to Bramble Bay, Deception Bay, Hays Inlet and the major flood plains of the rivers and watercourses draining into the bays. The Coast and riverlands place type has been used to identify the areas at greatest risk from flooding and coastal hazards and limit further urban development and further intensification of development from these areas; and</p> <p>2. Higher intensity mixed use development is intended to be provided around existing and proposed railway stations, district centres and higher order activity centres. Over time residential and employment opportunities will support viable high quality public transport and active transport systems and reduce the need to travel and the distance travelled by private vehicles.</p>	Yes	<p>The site is not located within the Coast and riverland Place type.</p> <p>The proposed development is responsive to natural hazards by ensuring the development would be constructed above the adopted Flood and Storm Tide Planning levels.</p> <p>The proposed development is not considered to be a higher intensity mixed use development. The proposed building height is six storeys (defined as medium-rise in Planning Scheme Policy - Residential design) and results in a net residential density of 48.5 dwellings per hectare (or approx. 93.5 du/ha where excluding the balance area of the site).</p>
<p><b>3.13.3.3 Specific Outcomes - Strong communities</b></p> <p>1. The planning area provides for a diverse range of housing choice in terms of type, density, layout and affordability to cater for a demographically and socio-economically diverse population within the Rural residential, Suburban neighbourhood, Next generation neighbourhood, Urban neighbourhood and Activity centre place types;</p> <p>2. The planning area provides for the development of an appropriate range of</p>	Yes	<p>The proposed development will provide for a diversity of housing choice within the Suburban neighbourhood which is predominantly characterised by detached dwellings.</p> <p>The subject site is located in an established area within proximity to established community facilities and services, recreational facilities, open space and parkland.</p>

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Strategic Outcome	Complies	Assessment
<p>community facilities and services, sporting and recreational facilities, open space and parkland to cater for the district community;</p> <p>4. Special places that contribute to the unique identity of the planning area includes Old Petrie Town, Redcliffe Aerodrome, Scarborough Boat Harbour, Shaftesbury Citizen Centre, Watson Park Convention Centre, Dakabin regional waste facility, Murrumba Downs and Redcliffe wastewater treatment plants. Each of these facilities has a unique role to play in respect to opportunities for economic activity, recreation, tourism aviation and marine activities and planning area infrastructure which this plans seeks to protect. These have been allocated to Special area place types in the planning area;</p> <p>5. The planning area falls within three regional character areas of urban corridor, coastal urban and rural coast. These prevailing character areas within the planning area are intended to be enhanced and protected. In particular, the distinctive Redcliffe Peninsula landscape identity will be maintained and enhanced. Attention will also be paid to creating a distinctive and memorable coastal architectural scale and character. Elsewhere new development will contain high quality-built form and landscapes consistent with provisions of the Moreton Bay Regional Council Urban Design Charter and the Subtropical Design in South East Queensland: A Handbook for Planners, Developers and Decision Makers;</p> <p>6. Residential areas will be generously landscaped and linked to one another by a continuous open space system including parks and playing fields; and</p>		<p>The subject site is not located within the Special Areas Place Type. The Strategic Outcome recognises the importance of the Scarborough Boat Harbour as having an 'unique role' in providing for economic activity and marine activities and seeks to protect this special place into the future. It is noted that the Strategic Framework does not identify the Newport Marina as a special place as providing economic and marine activities into the future, nor does it explicitly seek to protect the site for marine industrial activities.</p> <p>The proposed building has been designed to complement the distinctive Redcliffe Peninsula landscape identity. The proposed building has been designed to incorporate sub-tropical design and coastal architectural elements in its design. Whilst the proposed building will be locally prominent, the scale of the proposed building is generally consistent with other medium-rise buildings in the locality including Stockland Retirement Village and Ballycara Retirement Village, both six-storeys in height.</p> <p>The submitted landscape concept plan identifies the development will be generously landscaped. The site represents an in-fill development in an established area in proximity to areas of open space.</p>
<p><b>3.13.3.4 Specific Outcomes - Settlement pattern and urban form</b></p> <p>12. Established Suburban neighbourhoods identified in the planning area will be maintained with little change;</p>	Yes	<p>The proposal is for an infill development within a Suburban area. The subject site is a unique 1ha+ site on a 'canal finger' (peninsula). The redevelopment of a single site with unique attributes (when compared to the predominant established form of development) does not undermine the strategic outcome which requires the place type to be maintained with little change. In particular, it does not suggest "no change at all". The</p>

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Strategic Outcome	Complies	Assessment
		proposed development will not unduly change the established character of the predominately suburban area.
<b>3.13.3.5 Specific Outcomes - Employment location</b> 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;	Yes	The application proposes a mixed-use development over land included within the Marine industry precinct. The site currently does not contain any industrial uses. The Strategic outcome does not identify Newport as a key area for providing industrial activities into the future.
<b>3.14.1 - MBRC Place Model</b>		
<b>3.14.1.7 - Strategic Outcome - Suburban neighbourhood place type</b> 1. This place type is primarily low density, dormitory suburbs that developed in the Region over the last 60 years which accommodate the bulk of the Region's resident population; and 2. These areas will continue to provide low density residential, predominantly detached housing, with a limited range of local convenience services and facilities.	No	<p>The proposed development consists of a medium-density, medium-rise mixed-use development incorporating attached housing product, within the Suburban Neighbourhood Place Type.</p> <p>The proposal seeks approval for 54 multiple dwellings with a density of 48.5 dwellings per hectare (or approx. 93.5 du/ha where excluding the balance area of the site) which is considered to be medium density.</p> <p>The proposal is for an infill development within a Suburban area. The subject site is a unique 1ha+ site on a 'canal finger'. The redevelopment of a single site with unique attributes (when compared to the predominant established form of development) does not undermine the strategic outcome which requires the place type to continue to provide low density, predominately detached housing across the place type. Regardless, as the proposal is considered to be medium-density development, the proposal does not comply with Strategic Outcome 3.14.1.7(2)</p> <p>The proposal seeks approval for 400m<sup>2</sup> of retail/commercial and marine industry uses. The provision of convenience services and facilities proposed is considered to</p>

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Strategic Outcome	Complies	Assessment
		be of a small scale to service the local community and is consistent with the Strategic Outcome.
<b>3.14 .8 Element - Suburban neighbourhood Place Type</b>		
<p><b>3.14.8 Element - Suburban neighbourhood place type</b></p> <p>The Suburban neighbourhood place type accommodates a substantial part of the Region's existing population. They have largely been developed over the last 60 years and some of these areas are continuing to be developed. They contain mostly detached housing on a range of lot sizes but may also contain some limited attached housing. These places may contain a neighbourhood hub that provides day-to-day convenience retail, other local services, local, neighbourhood and district parks, primary schools and community facilities and are complemented by adjacent open space areas and areas of environmental value. Suburban neighbourhood places are generally not well served by public transport. Active transport infrastructure (cycle and walking paths) is present and is mainly used for school trips and recreation. There is a low employment to housing ratio and few employment opportunities within walking distance of these places.</p> <p>The Suburban neighbourhood place type are those areas where the capacity for and capability of change in the life of this plan is limited. They generally do not have the attributes necessary (eg access to employment, services and facilities) to provide for intensification while retaining and improving the qualities of place. They are the places that rely most heavily on the use of the private car for most trips. They generally do not have access to frequent short distance public transport to an activity centre and/or a transport node. In some of these places the population is near its peak and property prices are too high for redevelopment to be feasible. They are generally characterised by a large number of cul-de-sacs and are often difficult for way finding and provide little choice in access especially for pedestrians. The layout of the street network makes it difficult to accommodate redevelopment. For these reasons they are not places that are expected to, nor are they considered appropriate to, undergo intensification of use in the life of this plan.</p> <p>These areas will be subject to little change from the low density, two storey, detached house style development. Premises in these areas will continue to be refurbished in response to changing household needs and tastes but redevelopment of properties is unlikely. Where there are opportunities for further development these may take the form of small lot housing, dual occupancies, low density and low rise multiple dwellings to increase the range and affordability of new housing types available in the areas. Opportunities for redevelopment will generally be a vacant parcel of land. This land has access via through streets and not a cul-de-sac and is close to an activity centre (generally within walking distance or 800m). In some circumstances Council will also encourage the development of neighbourhood hubs and local centres for retail, commercial and community activities which are clustered together, within 800m of existing dwellings and in areas where there is currently no neighbourhood hub or local centre within walking distance. These new neighbourhood hubs and local centres are located on the main through street, or on central intersections with good accessibility, visibility and support active transport. Neighbourhood hubs and local centres in appropriate locations and home-based businesses will assist in increasing the amount of employment found in these areas.</p>		
<b>Assessment</b>		
<p>The Strategic Outcome describes a typical Suburban Neighbourhood Place Type as located across the region. It identifies that these areas are intended to remain without little change, due to these areas lacking the necessary attributes to provide for intensification of development. It notes that where there are opportunities for redevelopment, these <u>may</u> take the form of small lot housing, dual occupancies or low density, low-rise multiple dwellings.</p>		

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Strategic Outcome	Complies	Assessment
<p>The proposal is for a mixed-use development in a medium-rise building, incorporating medium-density residential uses and small-scale retail/commercial and marine industry uses. Whilst the proposal exceeds the intended form of development for a site with redevelopment potential, it is noted the site has attributes to support a higher intensification of development including:</p> <ul style="list-style-type: none"> <li>The site is currently underutilised parcel of land (1ha+) with limited built form and expansive of surface car parking.</li> <li>The site is located on a sub-arterial road (Griffith Road)</li> <li>Located on a primary active transport route (Griffith Road);</li> <li>The site is serviced by public transport and bus stop adjacent to the site</li> <li>The site is located in a high amenity location over-looking a canal system on three-sides</li> <li>The adjoining site to the east is developed for multiple dwelling (28 two-storey townhouses)</li> <li>Located in proximity to centres of activities including adjacent neighbourhood hub and proximity to future 'Newport Market Place' (Local activity centre).</li> </ul> <p>An assessment against the individual specific outcomes of the Suburban neighbourhood Place type (as relevant) has been undertaken as follows:</p>		
Strategic Outcome	Complies	Assessment
<p><b>3.14.8.1 Specific Outcomes - Sustainability and resilience</b></p> <ol style="list-style-type: none"> <li>Buildings on lots are interspersed with private open space and trees to respond to local climate conditions by allowing flow of breezes, natural ventilation and light;</li> <li>Residential developments are designed to allow solar access, ventilation and flow of breezes and provide open space and footpaths suitable for extensive native vegetation and appropriate shade trees;</li> <li>Dwelling units are designed and sited so as to minimise energy requirements, incorporate renewable energy systems and provide a high standard of residential amenity; and</li> <li>New development is designed to avoid exposure to riverine flood and storm tide inundation events and coastal erosion.</li> </ol>	Yes	<p>The proposed building has been designed in response to local climatic conditions and incorporates sustainability and urban design principals. The building design maximises sub-tropical climate through the use of openings to allow for cooling breezes, cross ventilated corridors and the layout and design of dwellings.</p> <p>The building is oriented to minimise exposure to the western sun in summer months and maximise northern sun in winter months. Shade tree plantings at ground and podium levels are incorporated within the landscape concept.</p> <p>The proposed development is responsive to natural hazards by ensuring the development would be constructed above the adopted Flood and Storm Tide Planning levels.</p>
<p><b>3.14.8.3 Specific Outcomes - Strong communities</b></p> <ol style="list-style-type: none"> <li>Schools, pre-schools, child care centres, places of worship, community health services and other community activities provide informal and safe meeting places for residents whilst partly serving daily convenience needs;</li> </ol>	Yes	<p>The proposed development would have access to established community uses and open space and recreation facilities in the surrounding area.</p> <p>The proposed development would have access to established open</p>

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Strategic Outcome	Complies	Assessment
<p>2. Other facilities not provided within walking distance of homes may be provided in adjacent neighbourhoods as shared facilities; and</p> <p>3. An extensive range of active and passive open space, sport and recreation areas for use by residents are an integral part of Suburban neighbourhood places within walking distance of most homes along lineal green corridors and tree lined streets.</p>		space and recreation areas in the surrounding area.
<p><b>3.14.8.4 Specific Outcomes - Settlement pattern and urban form</b></p> <p>1. Suburban neighbourhood places cater for predominately low density detached housing;</p> <p>2. New residential development will comprise a mix of detached dwellings on a variety of lot sizes, small lot/zero lot line housing, rear lane housing with the preferred grid like street pattern;</p> <p>3. Development across a Suburban neighbourhood place type is characterised by a net residential density of 11 dwellings per hectare or development occurs in a manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties;</p> <p>4. Other housing types in the form of dual occupancies will also occur at dispersed locations in the area;</p> <p>5. Low rise multiple dwellings and housing for older persons may also be included adjacent to a local centre or community facilities and bus stops on main through streets and overlooking public open space;</p> <p>6. Adaptable housing is encouraged in response to changing housing needs;</p> <p>7. Community activities (schools, pre-schools, child care centres, places of worship, community health services, other community activities) are designed to have a low rise built form on landscaped sites. They may be clustered together, in or adjacent to neighbourhood hubs or local centres or dispersed within the area. Where they are dispersed within the area they are located on main through streets or central intersections;</p> <p>8. New development is sympathetic to the existing character of the particular Suburban neighbourhood location.</p> <p>9. Development for the expansion (into adjoining lots) of a local centre or neighbourhood hub,</p>	No	<p>1. No - The proposal is for a mixed-use development consisting of multiple dwellings and retail/commercial and marine industry land uses. Whilst the proposal is not for low-density detached housing, the proposed development, the subject site is one of the few larger underutilised parcels of land in the neighbourhood capable for intensification.</p> <p>2. N/A - The proposal does not include a Reconfiguring a lot component and does not result in the creation of new lots or new road. The proposal is for new residential development in the form of attached multiple dwellings and limited retail/commercial and marine industry uses.</p> <p>3. No - The development seeks a net residential density of 48.5 dwellings per hectare (or approx. 93.5 du/ha where excluding the balance area of the site), exceeding the characterised density of 11 dwellings per hectare within the Place type. With respect to the surrounding settlement pattern, the adjoining site to the east (156 Griffith Road, Newport) has been developed for twenty-eight (28) two-storey townhouse style Multiple dwellings at a density of approximately 39 dwellings per hectare (including shared access) and the adjoining site to the south comprising 10 residential lots containing Dwelling houses at a</p>



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Strategic Outcome	Complies	Assessment
<p>or the establishment of a new local centre or neighbourhood hub, will only be supported where the following can be met:</p> <ol style="list-style-type: none"> <li>it is of a scale that remains subordinate to higher order and district centres within the region and only provides for day-to-day convenience retail, local services and community activities;</li> <li>the expansion will strengthen the existing local centre or neighbourhood hub as an important neighbourhood activity node and does not fragment the intensity of uses;</li> <li>it is conveniently located on a main through street and/or adjoining or is opposite to a public transport node;</li> <li>a new local centre or neighbourhood hub is to service an unserved catchment and is located to form 15 minute walkable neighbourhoods, with the Local centre central to that neighbourhood; and</li> <li>they are appropriately designed to have high quality urban design outcomes.</li> </ol>		<p>density of approximately 20 dwellings per hectare (including shared access). It is acknowledged the proposed building exceeds the height of surrounding development, however has been designed to be sympathetic to adjoining properties through increased boundary setbacks and landscape, acoustic and privacy treatments. There are also examples of established six-storey buildings in the locality including the Stockland and Ballycara Retirement Villages. Based on the above, the proposal does not comply as the proposed density of the building is inconsistent with the surrounding settlement pattern which is predominately characterised by two-storey detached Dwelling Houses.</p> <ol style="list-style-type: none"> <li>N/A - The proposal is not for a Dual occupancy.</li> <li>No - The proposed development is not for a low-rise multiple dwelling (typical height of 2-3 storeys as described within Planning Scheme Policy (PSP) - Residential Design) or for housing for older persons (Retirement Facility or Residential Care Facility). The proposal is for a medium-rise multiple dwelling (described as 4-6 storeys in PSP - Residential Design), inconsistent with the intended height identified the strategic outcome. Whilst it is noted the site is located adjacent to a bus stop on a major through road (Griffith Road) and is in proximity to an existing Neighbourhood hub and future Local centre, the site is not adjacent to a Local centre or community facilities and the site does not overlook public open space however would overlook a public canal system.</li> </ol>

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Strategic Outcome	Complies	Assessment
		<p>6. Yes - The proposal is for an attached housing product that would cater to a changing housing needs including downsizers.</p> <p>7. N/A - The application does not propose any community uses.</p> <p>8. Yes - Whilst the proposed building (22.1m) exceeds the suggested maximum building height for the site as shown (15m), and is higher than development on adjoining land, the proposed building has been sited to be respectful to the adjoining properties and has appropriately addressed the interface of the adjoining properties through increased boundary setbacks and building design to minimise privacy and overlooking impacts. The proposed building has been designed to complement the distinctive Redcliffe Peninsula landscape identity. The proposed building has been designed to incorporate sub-tropical design and coastal architectural elements in its design. Furthermore, the proposed building is of a consistent height with other existing medium-rise buildings in the surrounding area including the Stockland Retirement Village (within the Next Generation neighbourhood precinct and Next generation neighbourhood Place type) and the Ballycara Retirement Village (within Suburban neighbourhood precinct and Suburban neighbourhood Place Type), both six-storeys in height.</p> <p>9. Yes - The proposal does not seek the establishment of a new neighbourhood hub but rather includes retail/commercial and marine industry uses within a mixed-use building associated with Multiple dwellings. The proposed retail and commercial</p>

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Strategic Outcome	Complies	Assessment
		<p>uses are proposed at ground level of a mixed-use building and:</p> <ol style="list-style-type: none"> <li>The scale and mix of uses would remain subordinate to higher order centres and would typically cater for day-to-day convenience needs.</li> <li>The proposal is not for the expansion of a neighbourhood hub or Local centre.</li> <li>The site is located on a main through-street (Griffith Road) and adjoins a public transport bus stop.</li> <li>The proposed retail/commercial and marine industry uses as part of the mixed-use building would strengthen the existing Neighbourhood Hub on Griffith Road and complement the approved Local centre within the Isles of Newport development and support a 15-minute walkable neighbourhood.</li> <li>The proposed non-residential uses have been designed to have high quality urban design outcomes in a high amenity location overlooking a canal system. Outdoor seating areas are proposed along the western side of the building, away from adjoining residential properties. The submitted noise report demonstrates that the proposed non-residential uses can be undertaken from the site without undue amenity impacts on the surrounding area.</li> </ol>
<p><b>3.14.8.5 Specific Outcomes - Employment location</b></p> <p>1. Appropriate local employment opportunities are encouraged in the form of home based businesses operated within residential premises and opportunities within a local centre or neighbourhood hub.</p>	Yes	<p>The proposed development will cater for local employment opportunities within the proposed retail/commercial and marine industry uses within the proposed mixed-use building.</p>

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Strategic Outcome	Complies	Assessment
		Local employment opportunities would be available through home-based businesses associated with the proposed dwellings.
<b>3.14.8.6 Specific Outcomes - Integrated transport</b> 1. Main through streets provide access to schools, local shops, community facilities, neighbourhood and district sports and recreation facilities and are the main bus routes through the area; 2. Suburban neighbourhood places are intended to have a well-connected network of active transport linkages to encourage residents to walk and cycle; and 3. Roads of collector or higher order include line-marked shoulders to accommodate cyclists with particular attention to uphill sections.	Yes	The site is located on Griffith Road which is a major through-street and public transport route that would connect the development with surrounding local amenities including schools, shops, community facilities, neighbourhood and district sports and recreation facilities.  Griffith Road is mapped as a Primary active transport route as shown on Overlay map - Active transport routes. Griffith Road currently contains pedestrian pathways and a line-marked on-road cycle lane providing linkages to places of activity and open space areas.
<b>3.14.8.7 Specific Outcomes - Infrastructure</b> 1. The level of infrastructure service provision to Suburban neighbourhood place types is maintained; and 2. Suburban neighbourhood places include electricity, gas, telecommunications and high speed broadband to support residential and business needs.	Yes	The site is located within an established area that has access to high level of infrastructure service provision. Should the application be supported, conditions of approval are recommended to ensure connection to a full-range of service connections.

To summarise the above assessment against the relevant provisions of the Strategic Framework of the MBRC Planning Scheme, the proposal demonstrates compliance with the majority of strategic outcomes, in that:

- The proposed building has been designed to be sympathetic to adjoining properties and has been appropriately setback to adjoining properties and designed to minimise overlooking, perceptions of lack of privacy and overshadowing impacts.
- The building design incorporates sub-tropical design elements and the architectural form of the building is responsive to the site's bayside/marina location.
- The development represents infill development on a large underutilised site within an established area that is serviced with a sufficient level of infrastructure and provided with access to public and active transport opportunities.
- The development would provide a diversity of housing within an area predominantly characterised by single detached houses.
- The development has been designed to encourage active and passive usage through the provision of bicycle parking spaces and end of trip facilities avoiding an over-supply of car parking spaces.
- The development is responsive to natural hazards by ensuring the building will be constructed above flood and storm tide planning levels.
- Potential noise impacts from proposed non-residential uses can be appropriately mitigated without adverse amenity impacts on adjoining properties and the surrounding areas.

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- The proposed mixed-use development will incorporate retail/commercial and marine industry uses at ground level and will increase public access and exposure to the site. The proposal will enhance the multiple environmental, recreational, cultural, economic and scenic amenity values of the site.

The proposal does not comply with a limited number of strategic outcomes of the Strategic Frameworks on the basis that:

- The proposed density of the development (48.5 dwellings per hectare or approx. 93.5 du/ha where excluding the balance area of the site) exceeds that of the surrounding area which is predominantly characterised by single detached dwelling on larger lots.
- The proposed built form (22.1m or six storeys) is inconsistent with the established character of the area which is predominately characterised by single and two storey buildings, however there are examples of higher buildings (up to six storeys) in the locality (within the Suburban neighbourhood Place Type and adjoining Next generation neighbourhood Place Type).

The identified non-compliance with aspects of the Strategic Framework, on balance, are not considered sufficient to warrant refusal of the application. In addition, there are other relevant matters that must be considered as part of the assessment. Refer section 2.4.5 for 'other relevant matters' discussion.

#### 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/ Local Plan Code</b>		
Industry zone code - Marine industry precinct	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	PO1, PO9, PO63, PO64,
General residential zone code, Next generation neighbourhood precinct	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	* As no built form or associated infrastructure, other than a pedestrian pathway and utilisation of an existing access driveway (156 and 160 Griffith Road) is proposed on land contained within the General residential zone, Next generation neighbourhood precinct, a detailed assessment against the code is not warranted.
<b>Development Codes</b>		
Residential uses code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
<b>Overlay Codes</b>		
Coastal hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A
Flood hazard overlay code	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	N/A

#### 2.4.3 Performance Outcome Assessment

Performance Outcome	Example
<b>6.2.7.5 Industry Zone Code, Marine Industry precinct</b>	
<b>PO1</b> - Development in the precinct is for marine-based industrial activities or commercial activities which have a direct nexus with maritime activities in the precinct	No example provided.
<b>Performance Outcome Assessment</b>	
<p>The application includes a single 55m<sup>2</sup> tenancy which may be utilised for the purposes of Marine Industry or Office. The remaining land uses including Multiple dwelling, shop and food and drink are not marine based industrial activities or commercial activities that have a direct nexus with marine activities.</p> <p>As the proposal cannot comply with the Performance Outcome, an assessment against the Overall Outcomes of the Industry zone code, Marine industry precinct is required.</p>	
<b>PO2</b>	<b>E2</b> Development does not obstruct existing public access to boat launching facilities.

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Performance Outcome	Example
Development does not compromise the role of Scarborough harbour providing public facilities for boat launching and access to deep water.	
<i>Performance Outcome Assessment</i>	
The proposed development would comply with the example as the proposed development retains the existing marina operations (marina berths) and facilitates access to boat launching facilities. The proposed development at the Newport Marina site would not compromise the role and function of the Scarborough Harbour in providing public boat launching facilities and access to deep water.	
<b>PO4</b> - Site cover is limited to a proportion of a site that ensures: <ol style="list-style-type: none"> <li>A sufficient number and type of vehicle parking spaces are provided on the site to meet the parking demands and expectations of the proposed use;</li> <li>Any type of vehicle expected to visit the site on a regular basis is able to access and leave the site in a forward direction with clear manoeuvring on the site;</li> <li>setbacks to boundaries maximise the efficient use of the site while ensuring positive interfaces with public space or sensitive land uses.</li> <li>Areas of landscaping are provided to soften the built form and hard stand impacts of development whilst providing areas of natural space on a site</li> </ol>	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The application seeks approval for a mixed-use development, comprising a six (6) storey residential (multiple dwelling) building with retail, commercial uses and marine industry uses at ground level over the eastern portion of the of 158 Griffith Road. The development footprint (proposed building footprint, car parking and communal open space over the eastern portion of the site) is approximately 0.4872ha, with the balance marina area (existing marina car parking area and landscaped open space) of approximately 0.4265ha to remain unaffected by the proposal.</p> <p>A total of 111 car parking spaces are proposed for the development, in addition to the approximately 100 car parking spaces to be retained with the existing Marina operations. The proposed car parking associated with the development would consist of eighty-five (85) spaces within a basement level and a further twenty-six (26) spaces at ground level. In addition, a total of sixty-four bicycle parking spaces are provided for residents and for staff/customers associated with the retail/commercial and marine industry tenancies. Sufficient car parking for the existing and proposed uses on site would be provided to meet the anticipated demand.</p> <p>The configuration of the proposal would allow for all vehicles including boat trailers to leave the site in a forward gear (the western balance of the site is configured as a loop driveway). A dedicated service vehicle loading bay is located along the eastern boundary of the site to facilitate refuse collection and deliveries associated with the non-residential uses and allows for the service vehicle to turn and leave the site in a forward gear.</p>	

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Performance Outcome	Example
<p>The proposed built form is proposed to be setback between 6.5m and 8.695m from the eastern side boundary with an enclosed bin storage area setback approximately 2.5m for a portion of the eastern boundary. The eastern side boundary is proposed to be landscaped to achieve a positive interface to the adjoining property.</p> <p>The proposal complies with the Performance Outcome.</p>	
<i>Performance Outcome Assessment</i>	
<p><b>PO5</b> - The height of buildings is in keeping with the predominant marine industrial character of the precinct and does not cause adverse amenity impacts on sensitive land uses and zones.</p>	<p><b>E5</b> Building height does not exceed the maximum height identified on Overlay map - Building heights.</p>
<i>Performance Outcome Assessment</i>	
<p>The site is mapped as having a maximum building height of 15m as shown on Overlay map - Building height. The application proposes a building with a height of 22.1m, measured in accordance with the administrative definition of building height contained within the MBRC Planning Scheme and therefore does not meet the example building height.</p> <p>The corresponding Performance Outcome requires that the height of buildings is in keeping with the predominant marine industrial character of the precinct. It is noted that the site is not currently being used for an industrial purpose and there is no predominant marine character in the surrounding area. It is noted that as the application is subject to Impact Assessment, building height is further considered against the Suburban neighbourhood Place Type of the Planning Scheme.</p> <p>The proposed building has been designed to minimise the impact on adjoining sensitive land uses. The proposed building has been setback from the eastern and southern boundaries of the site (where adjoining residential uses) and has been designed to minimise over-looking and the perception of loss of privacy. The submitted shadow diagrams demonstrate the proposed building will not detrimentally impact adjoining properties or the adjoining waterway by way of overshadowing.</p> <p>The proposal complies with the Performance Outcome.</p>	
<p><b>PO7</b> - Building setbacks allow access to the waterway and do not compromise future marine industries and port services from accessing the water's edge.</p>	<p><b>E7</b> Buildings are setback 4m from the waters edge, measured from the top edge of bank.</p>
<i>Performance Outcome Assessment</i>	
<p>The proposed building is setback approximately 8m from the northern boundary of the site, adjoining the canal. The balance of the site (approximately 0.4265ha) will remain as an operational marina and will be accessible for future Marine industry and Port services.</p> <p>The proposal complies with the Performance Outcome.</p>	
<p><b>PO8</b> - Side and rear boundary setbacks maintain views, privacy, access to natural light and the visual amenity of adjoining sensitive land uses.</p>	<p><b>E8</b> Where a development adjoins general residential zoned land, the building is setback a minimum of 3m from the property boundary with dense</p>



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Performance Outcome	Example
	<p>landscaping installed along the boundary to provide screening of the development with a mature height of at least 3m.</p> <p>Note - Refer to Planning scheme policy - Integrated design for determining acceptable levels of landscaping for screening purposes</p>
<i>Performance Outcome Assessment</i>	
<p>The site adjoins the general residential zone along the eastern boundary of the site. The proposal typically maintains a landscaped buffer exceeding 3m in width for the majority of the side boundary setback, however is encroached for a very small portion by the enclosed temporary bin storage area.</p> <p>The proposal complies with the Performance Outcome as the side and rear boundary setbacks maintain views, privacy, access to natural light and visual amenity to adjoining sensitive uses. The proposed built form is setback between 6.5m and 8.695m from the eastern side boundary and has been designed to minimise the impacts of overlooking. The submitted shadow diagrams demonstrate the private open space areas of adjoining sensitive uses will typically be unaffected by overshadowing.</p> <p>The proposal complies with the Performance Outcome.</p>	
<b>PO9</b> - Buildings on highly visible sites incorporate a high standard of industrial design and construction, which adds visual interest to the streetscape and reduces the perceived bulk of the building from the street.	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The proposed building is intended to primarily accommodate residential uses (multiple dwelling) with small scale retail/commercial and marine industry uses at ground level. Given the nature of the uses proposed, the building does not represent a high standard of industrial design.</p> <p>It is noted that the building has been designed to incorporate visual interest and includes a high level of articulation and a mix of materials to reduce the appearance of bulk.</p> <p>As the proposal does not represent industrial design, the proposal is unable to achieve compliance with the Performance Outcome.</p>	
<b>PO13</b> - The use has safe, clearly identifiable public access separated from service and parking areas	<b>E13.1</b> Pedestrian linkages are provided from the street and customer car parking areas directly to the main entrance of the building.
<i>Performance Outcome Assessment</i>	
<p>The site is a rear lot and relies on vehicle and pedestrian access via an access handle arrangement facilitated by reciprocal access easements. The reciprocal access easement is provided over the extent of the driveway pavement on the eastern side of the handle and 1.5m verge is provided between the driveway pavement and the adjacent lot boundaries on the western side, thereby restricting the ability for a separate pedestrian pathway to be</p>	

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Performance Outcome	Example
<p>provided. The applicant has proposed a 'shared pedestrian zone for a portion of the internal driveway as follows:</p>  <p>The shared pedestrian zone is proposed to be designed to ensure pedestrian safety by incorporating the following measures:</p> <ul style="list-style-type: none"> <li>the shared zone has a posted speed of 10km/hr;</li> <li>speed humps to reduce vehicular speeds;</li> <li>signage in accordance with the Manual of Uniform Traffic Control Devices (i.e. Shared Zone R4-4 and End Shared Zone R4-5 as per Appendix J); and</li> <li>different coloured and textured paving.</li> </ul> <p>Through appropriate conditions of development requiring treatments to the shared pedestrian zone, the development can be provided with a safe and clearly identifiable pedestrian access to the entrance of the building.</p> <p>The proposal complies with the Performance Outcome.</p>	
<p><b>PO14</b> - Car parking is provided on-site to meet the anticipated demand for employees and visitors and avoid adverse impacts on the external road network.</p>	<p><b>E14</b> Car parking is provided in accordance with Schedule 7 - Car parking.</p>
<p><i>Performance Outcome Assessment</i></p> <p>Schedule 7 of the Planning Scheme suggests that the minimum car parking rate is to be provided as follows:</p> <ul style="list-style-type: none"> <li>Multiple dwelling - three (3) spaces per dwelling;</li> <li>Food and drink outlet - 5 spaces per 100m<sup>2</sup> of GFA for seated areas;</li> </ul>	

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Performance Outcome	Example
<ul style="list-style-type: none"> <li>Office - 3 spaces per 100m<sup>2</sup> of GFA;</li> <li>Shop - 5 spaces per 100m<sup>2</sup> of GFA.</li> </ul> <p>Accordingly based on Schedule 7, the suggested minimum car parking rate is 179 spaces.</p> <p>The proposed on-site car parking provision is 111 spaces (excluding the 100 car parking spaces retained on the balance of the site). The applicant has nominated 85 car parking spaces within the basement level to the residential dwelling and a further 10 residential visitor spaces at ground level (rate of 1.75 spaces per dwelling) and 16 spaces are allocated to service the 400m<sup>2</sup> retail/commercial and marine industry tenancies (4 spaces per 100m<sup>2</sup> of retail and commercial GFA).</p> <p>The proposed car parking provision is sufficient for the anticipated parking demand to service both the residential and retail/commercial and marine industry uses. In addition, it is noted that an additional 100 car parking spaces will be available on site to service the 205 marina berths and any overflow car parking that may eventuate from time to time.</p> <p>The proposal complies with the Performance Outcome.</p>	
<p><b>PO22</b> - Noise generating uses do not adversely affect existing noise sensitive uses.</p> <p>Note - The use of walls, barriers or fences that are visible from or adjoin a road or public area are not appropriate noise attenuation measures unless adjoining a motorway, arterial road or rail line.</p> <p>Note - A noise impact assessment may be required to demonstrate compliance with this PO. Noise impact assessments are to be prepared in accordance with Planning scheme policy - Noise.</p>	No example provided.
<p><b>Performance Outcome Assessment</b></p> <p>A noise impact assessment has been submitted that noise generating activities can be generally appropriately attenuated without significant disruption during daytime hours (up until 10pm). The hours of operation proposed for the retail/commercial and marine industry tenancies are between 7am and 10pm.</p> <p>An Acoustic Report has been submitted as part of the application. The acoustic assessment has assessed the impact of site activities on the surrounding receiving environment, including retail/commercial and marine industry uses hours of operation, patron noise, delivery and refuse vehicle collection noise, mechanical plant noise, vehicle noise and car parking access gate noise. The recommendations of the report identify that the site activities can be undertaken in accordance with specified noise criteria subject to a number of recommendations including:</p> <ul style="list-style-type: none"> <li>Installation of a 2.4m high acoustic barrier adjacent to the loading bay along the eastern boundary adjoining Lot 1 on SP111814;</li> <li>Installation of a 2.4m high acoustic barrier along the southern boundary with Lot 10 on SP290319</li> <li>Deliveries and waste collection are limited to 7am and 6pm weekdays and between 9am and 12pm on weekends;</li> <li>Limit operation of the non-residential tenancies and communal recreation areas associated with the Multiple dwelling between 7am and 10pm;</li> <li>Outdoor dining areas limited to the western façade of the building;</li> </ul>	

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Performance Outcome	Example
<ul style="list-style-type: none"> <li>Residential habitable room on site to be fitted with air conditioning or mechanical ventilation to allow doors and windows to be closed.</li> <li>The preparation of a noise management plan for site users to further reduce noise impacts.</li> </ul> <p>Whilst the acoustic report demonstrates that the proposed uses can be undertaken without adverse amenity impacts, the recommendations of this report include a condition of development requiring an amended acoustic assessment to further review minor exceedance of vehicle noise to the closest receivers, review the assumed noise level of delivery vehicles and to undertake an assessment of noise impacts from refuse collection. It is considered that for the most part the assessment has provided sufficient acoustic amelioration measures however further refinement is required. With respect to the truck and vehicle movements, loading activities and waste servicing, a potential solution is to enclose the loading dock/servicing area and the ramp entrance or alternatively relocate these service areas elsewhere on site.</p> <p>The recommendations of this report includes a condition of approval requiring the recommendations of the Acoustic Report (as amended) be implemented and certified by a suitably qualified professional, prior to the commencement of use.</p> <p>The proposal complies with the Performance Outcome.</p>	
<b>PO63</b> - Non-industrial components of buildings (including offices and retail areas) are to be located at the road frontage to assist in activating the frontage and designed as high quality architectural features incorporating entry area elements such as forecourts, awnings and the architectural treatment of roof lines and fascias.	No example provided.
<i>Performance Outcome Assessment</i>	
<p>Given the proposed development is on a rear lot serviced by an access handle, the non-industrial uses are unable to be located at the road frontage (Griffith Road).</p> <p>Given the site's attributes as a rear lot, the proposal cannot comply with the Performance Outcome. Accordingly, an assessment against the Overall Outcomes of the Industry zone code, Marine industry precinct is required.</p>	
<b>PO64</b> - With the exception of Caretaker's accommodation, residential and other sensitive land uses do not establish within the precinct	No example provided.
<i>Performance Outcome Assessment</i>	
<p>The application proposed residential uses including Multiple dwelling (54 dwellings) within the Marine industry precinct.</p> <p>As the proposal cannot comply with the Performance Outcome, an assessment against the Overall Outcomes of the Industry zone code, Marine industry precinct is required.</p>	

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Performance Outcome	Example
<b>PO65</b> - Non-industrial uses: <ul style="list-style-type: none"> <li>a. are consolidated with existing non-industrial uses in the precinct;</li> <li>b. do not compromise the viability, role or function of the region's centres network;</li> <li>c. are not subject to adverse amenity impacts or risk to health from industrial activities;</li> <li>d. do not constrain the function of viability of existing or future industrial activities in the surrounding area.</li> </ul>	No example provided.
<b>Performance Outcome Assessment</b>	
<p>The proposal seeks to consolidate the proposed non-industrial uses within a mixed-use building over a portion of the site. The proposed retail/commercial and marine industry uses proposed within the mixed-use building are of a small scale (400m<sup>2</sup> GFA) and would not compromise the viability, role or function of the MBRC centres network. The proposed non-industrial uses would not be subject to adverse amenity impacts and would not compromise the ability of future industrial activities establishing within the precinct, noting the proximity of existing sensitive land uses within the precinct.</p> <p>The proposal complies with the Performance Outcome.</p>	
<b>PO67</b> - The design of non-industrial buildings in the precinct: <ul style="list-style-type: none"> <li>a. adds visual interest to the streetscape (e.g. variation in materials, patterns, textures and colours, a consistent building line, blank walls that are visible from public places are treated to not negatively impact the surrounding amenity);</li> <li>b. contributes to a safe environment (e.g. through the use of lighting and not resulting in concealed recesses or potential entrapment areas);</li> <li>c. incorporates architectural features within the building facade at the street level to create human scale (e.g. awnings).</li> </ul>	No example provided.
<b>Performance Outcome Assessment</b>	
<p>The proposed building has been designed to incorporate visual interest and includes a high level of articulation and a mix of materials to reduce the appearance of bulk. The layout and design has incorporated Crime Prevention Through Environmental Design (CPTED) principals and will contribute to a safe environment. The proposed building has incorporated architectural features to create human scale, including the use of light-weight timber decking and screening elements at ground level and level 1.</p> <p>The proposal complies with the Performance Outcome.</p>	
<b>PO68</b> - Building entrances: <ul style="list-style-type: none"> <li>a. are readily identifiable from the road frontage;</li> <li>b. add visual interest to the streetscape;</li> </ul>	<b>E68.1</b> The main entrance to the building is clearly visible from and addresses the primary street frontage.

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Performance Outcome	Example
<p>c. are designed to limit opportunities for concealment;</p> <p>d. are located and oriented to favour active and public transport usage by connecting to pedestrian footpaths on the street frontage and adjoining sites.</p> <p>Note - The design provisions for footpaths outlined in Planning scheme policy - Integrated design may assist in demonstrating compliance with this outcome.</p>	<p><b>E68.2</b></p> <p>Where the building does not adjoin the street frontage, a dedicated and sealed pedestrian footpath is provided between the street frontage and the building entrance.</p>
<b>Performance Outcome Assessment</b>	
<p>Given the proposed development is on a rear lot serviced by an access handle, the building entrances are not readily identifiable from the street (Griffith Road), however has been designed to be readily identifiable from the internal access driveway.</p> <p>The proposed building entrances are located in favour of active and public transport usage to the extent practicable.</p> <p>The proposal complies with the Performance Outcome.</p>	

<b>9.3.2 Residential Uses Code</b>	
<p><b>PO4</b> - Car parking is provided on-site that provides for the number and type of vehicles anticipated to access the lot, ensuring a surplus of car parking is avoided.</p>	<p><b>E4</b></p> <p>Car parking spaces are provided in accordance with:</p> <p>[Table 9.3.2.4 to Table 9.3.2.7 7'Car parking rates]</p>
<b>Performance Outcome Assessment</b>	
<p>Refer discussion against PO14 of Industry zone code, Marine industry precinct.</p> <p>The proposal complies with the Performance Outcome.</p>	
<p><b>PO8</b> - Driveways, pedestrian entries and internal access ways are located and designed to:</p> <ol style="list-style-type: none"> <li>provide lawful access;</li> <li>not detract from the creation of active street frontages and positively contribute to the intended streetscape character;</li> <li>not negatively impact adjoining uses;</li> <li>provide a safe pedestrian environment;</li> <li>not result in excessive crossovers and hardstand areas;</li> <li>provide safe access onto an appropriate order road;</li> <li>not interfere with infrastructure owned by Council or a utility provider;</li> <li>allow adequate space for on-street parking;</li> </ol>	<p><b>E8.2</b></p> <p>Development provides crossovers with:</p> <ol style="list-style-type: none"> <li>a maximum width of 5.5m for a shared driveway; or</li> <li>maximum of 1, 3m wide crossover for every 7.5m of primary road frontage.</li> </ol> <p><b>E8.4</b></p> <p>Where dwellings have access via a shared driveway the driveway is not to be located within 3m of a side boundary containing a residential use.</p> <p><b>E8.6</b></p>

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<p>i. allow adequate space for street planting and street trees; j. allow for garbage collection and street infrastructure.</p>	<p>Driveways do not include a reversing bay, manoeuvring area or visitor parking spaces (other than tandem spaces) in the front setback.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>Refer discussion against PO13 of the Industry zone code, Marine industry precinct.  The proposal complies with the Performance Outcome.</p>	
<p><b>PO12</b> - Development is designed to:</p> <ol style="list-style-type: none"> <li>connect to and form part of the surrounding neighbourhood by providing interconnected street, pedestrian and cyclist pathways to adjoining development, nearby centres, neighbourhood hubs, community facilities, public transport nodes and open space;</li> <li>ensure dwellings address public spaces both external and within the lot;</li> <li>avoid high perimeter fences or walls adjoining streets and public spaces that segregate the development from adjoining properties, detract from the streetscape or reduce personal safety on adjoining public spaces</li> </ol>	<p><b>E12.1</b> Developments provide pedestrian pathways and connections from the lot via the most direct route to nearby centres, neighbourhood hubs, community facilities, public transport stops and open space.</p> <p><b>E12.2</b> Where the end of a road or a pedestrian and cycle pathway adjoin the lot, extensions to the road or pathway through the lot are to be provided.</p>
<p><i>Performance Outcome Assessment</i></p>	
<p>The applicant has proposed a 'shared pedestrian zone for a portion of the internal driveway. The shared pedestrian zone is proposed to be designed to ensure pedestrian safety by incorporating the following measures:</p> <ul style="list-style-type: none"> <li>the shared zone has a posted speed of 10km/hr;</li> <li>speed humps to reduce vehicular speeds;</li> <li>signage in accordance with the Manual of Uniform Traffic Control Devices (i.e. Shared Zone R4-4 and End Shared Zone R4-5 as per Appendix J); and</li> <li>different coloured and textured paving.</li> </ul> <p>The existing driveway intersects with Griffith Road which is a higher order through road and a primary active transport route which will facilitate access to places of activity and recreation.</p> <p>The site is an existing rear lot. The proposed development has been designed to address public spaces to the extent practicable.</p> <p>The proposal has been designed to avoid the use of high fencing with the exception of an acoustic barrier proposed for a section of the eastern boundary adjacent to the loading bay. The proposed acoustic barrier is 2.4m in height and would not unduly detract from the amenity of the adjoining property.</p> <p>The proposal complies with the Performance Outcome.</p>	
<p><b>PO13</b> Buildings are designed to:</p> <ol style="list-style-type: none"> <li>incorporate architectural features into the building façade at street level to create human scale;</li> </ol>	<p>No example provided.</p> <p>Note - Refer to Planning scheme policy - Residential design for details and examples</p>

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<ul style="list-style-type: none"> <li>b. promote identity and diversity between adjacent dwellings;</li> <li>c. enable individual dwellings to be identified and directly accessible from public streets and communal areas;</li> <li>d. visually integrate with the intended character of the precinct through appropriate design and materials;</li> <li>e. avoid blank walls (excluding built to boundary walls) through articulation and architectural treatments to create visual interest;</li> <li>f. include roof forms that provide visual interest to both the building and the skyline and effectively screen service structure, plant and equipment from view of the street and adjoining buildings;</li> <li>g. provide a design that enables permeability between buildings;</li> <li>h. create attractive backs and sides of buildings where visible from public spaces;</li> <li>i. ensure domestic outbuildings do not dominate the street frontage and do not have a negative impact on the streetscape character;</li> <li>j. where for tall buildings, provide architectural variation through a distinct top, middle and base section.</li> </ul>	
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed building has been designed to incorporate a number of architectural features into the building façade to create human scale. The building has a high level of architectural merit with varied roof forms, the use of a mix of colours and materials including light-weight timber screening elements to reduce the appearance of bulk. The building has been designed to reflect the surrounding area and integrate with the area through the use of coastal architectural elements. The proposed building does not include blank walls and allows for permeability through the site.</p> <p>The scale of the proposed building is generally consistent with other medium rise buildings in the locality including Stockland Retirement Village (within adjacent Next generation neighbourhood Place Type) and Ballycara Retirement Village (within the Suburban neighbourhood Place type), both six-storeys in height.</p> <p>The proposal complies with the Performance Outcome.</p>	
<p><b>PO15</b> - Buildings and structures are designed and oriented to have active frontages that provide visual interest, address road frontages and facilitate casual surveillance of all public spaces (streets, laneways, public open space, pedestrian paths and car parking areas) through:</p> <ul style="list-style-type: none"> <li>a. incorporating habitable room windows, balconies and foyers that overlook public spaces;</li> </ul>	<p>No example provided.</p>



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<p>b. emphasising the pedestrian entry so that it is easily identifiable and safely accessible from the primary frontage;</p> <p>c. if located on a street corner, the building addresses and overlooks both frontages.</p>	
<p><i>Performance Outcome Assessment</i></p>	
<p>Given the proposed development is on a rear lot serviced by an access handle, the building entrances are not readily identifiable from a public road frontage. The proposal has however been designed to be address and provide visual interest and provide readily identifiable entry locations from the internal access driveway.</p>	
<p>The proposal complies with the Performance Outcome.</p>	
<p><b>PO16</b> - Development incorporates subtropical design principles that respond to Moreton Bay's climate in a manner which minimises reliance on non-renewable energy sources for heating, cooling or ventilation and promotes local character and identity and encourage outdoor living.</p>	<p><b>E16</b> Buildings are sited and designed to:</p> <ul style="list-style-type: none"> <li>a. maximise orientation of principal living and open space areas to the north-east and eastern sides of dwellings where not compromising casual surveillance;</li> <li>b. screen undesirable western sun;</li> <li>c. maximise the use of prevailing breezes for natural ventilation;</li> <li>d. have living areas adjoining open space;</li> <li>e. incorporate architectural features such as extended eaves, awnings, pergolas and verandahs to protect windows and doorways from summer sun, glare, rain and prevailing winds and to provide shelter for outdoor living areas.</li> </ul>
<p><i>Performance Outcome Assessment</i></p>	
<p>The proposed building has been designed in response to local climate and incorporates sustainability and urban design principals. The building design maximises sub-tropical climate through the use of openings to allow for cooling breezes, cross ventilated corridors and the layout and design of dwellings.</p>	
<p>The building is oriented to minimise exposure to the western sun in summer months and maximise northern sun in winter months. Shade tree plantings at ground and podium levels are incorporated within the landscape concept.</p>	
<p>The proposed building design is responsive to the local character of the site and includes a design reflective of the marina/bayside location.</p>	
<p>The proposal complies with the Performance Outcome.</p>	

#### 2.4.4 Overall Outcome Assessment

The development proposal does not comply with a number of Performance Outcomes of the Industry zone code, Marine industry precinct. Therefore, the proposal is required to be assessed against the applicable Overall Outcomes of the code as follows:

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6.2.7.5 Industry zone code, Marine industry precinct		
<p>6.2.7.2 - The purpose of the Industry zone code is to provide for a range of service, low, medium, or high impact industrial uses. It may include non-industrial and business uses that support the industrial activities where they do not compromise the long-term use of the land for industrial purposes.</p> <p>The Marine industry precinct will facilitate and maintain the long-term viability waterfront-based industry and associated commercial activities which require direct access to a waterway.</p>		
Overall Outcomes	Complies Y/N	Comments
6.2.7.5.1(1) - The purpose of the code will be achieved through the following overall outcomes for the Marine Industry Precinct:		
a. Development in the precinct supports the continued viability of waterfront-based industry in the region, through the co-location of Port services, Marine industry and related activities which support industry and its supply chain.	No	<p>The proposed development is for a mixed-use building incorporating Multiple dwelling and retail and commercial uses and a single 55m<sup>2</sup> tenancy to be used for either Marine Industry or Office.</p> <p>The proposed land uses with the exception of the marine industry tenancy do not have a direct nexus with industrial activities or an industrial supply chain.</p> <p>As the proposal does not comply with the Overall Outcome, an assessment against the Strategic Framework of the MBRC Planning Scheme is required.</p>
b. Development in the precinct avoids land-use activities which: <ul style="list-style-type: none"> <li>a. compromise or sterilise existing or future waterfront based industrial activities in the precinct;</li> <li>b. undermine the investment made in waterfront and marine infrastructure, including marinas and access roads;</li> <li>c. occupy large land areas and do not require waterfront access</li> </ul>	No	<p>The proposed development is for a mixed-use building incorporating Multiple dwelling and retail and commercial uses and a single 55m<sup>2</sup> tenancy to be used for either Marine Industry or Office.</p> <p>The proposed land uses with the exception of the marine industry tenancy do not require waterfront access and may compromise the establishment of future waterfront based industrial activities within the precinct.</p> <p>As the proposal does not comply with the Overall Outcome, an assessment against the Strategic Framework of the MBRC Planning Scheme is required.</p>
c. Development for non-industrial uses including Caretaker's accommodation, Food and drink	No	The proposal includes non-industrial land uses (including Multiple dwelling, Food and drink outlet and

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outlets and community activities may be established in the precinct where they require access to a navigable waterway or provide support or complementary services to maritime activities.		Office) which do not require access to a navigable waterway nor do they provide support or complementary services to maritime activities.  As the proposal does not comply with the Overall Outcome, an assessment against the Strategic Framework of the MBRC Planning Scheme is required.
d. The scale, character and built form of development has a high standard of commercial and industrial design which reflects the maritime character of the precinct and incorporates crime prevention through environmental design (CPTED) principles	No	The site is not currently being used for an industrial purpose and there is no predominant maritime character in the surrounding area. The proposed built form is for residential purposes and therefore the building design does not incorporate commercial or industrial design elements.  As the proposal does not comply with the Overall Outcome, an assessment against the Strategic Framework of the MBRC Planning Scheme is required.
e. Development is located, designed and managed to maintain the health and safety of people, avoid significant adverse effects on the natural environment and minimise the possibility of adverse impacts on nearby non-industrial uses	Yes	The proposed development has been designed to manage and maintain the health and safety of people, avoid impacts on the natural environment and minimise the impacts on adjoining uses.
f. Development has access to infrastructure and essential services and convenient access to major transport routes.	Yes	The proposed development is located within an established area and access to infrastructure and essential services and convenient access to major transport routes.
g. Sensitive land uses in the precinct do not compromise existing or future industrial activities.	No	The proposal incorporates sensitive land uses within the Marine industry precinct that may have the potential to compromise or make more difficult the establishment of future industrial activities within the precinct. It is however noted the adjoining properties to the south and east are presently occupied by sensitive land uses.  As the proposal does not comply with the Overall Outcome, an assessment against the Strategic Framework of the MBRC Planning Scheme is required.

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h. Special industry does not establish within the precinct.	<b>Yes</b>	The proposal is not for Special Industry.
i. Service industry, Warehouse, Low impact industry and Medium impact industry uses only occur in the precinct where: <ul style="list-style-type: none"> <li>i. there is a direct nexus with maritime activities occurring in the precinct;</li> <li>ii. Involving manufacturing, repair, processing, storage or maintenance activities associated with watercraft or seafood;</li> <li>iii. appropriate separation distances are maintained to sensitive land uses.</li> </ul>	<b>Yes</b>	The proposal is not for Service Industry, Warehouse, Low Impact Industry or Impact Industry.
j. Built form including height of buildings used for the storage or repair of medium to large scale vessels contribute to a high standard of amenity and are sensitively located to minimise any adverse impacts on adjoining properties.	<b>Yes</b>	<p>The built form is for a mixed-use building containing residential and retail/commercial and marine industry uses. The proposal does not involve boat storage.</p> <p>Whilst the proposed building (22.1m) exceeds the suggested height limit (15m), the proposed building presents a high level of architectural merit and has been designed to complement the sites coastal location. The building has been designed to minimise the impact on adjoining sensitive land uses. The proposed building has been setback from the eastern and southern boundaries of the site (where adjoining residential uses) and has been designed to minimise over-looking and the perception of loss of privacy. The submitted shadow diagrams demonstrate the proposed building will not detrimentally impact adjoining properties or the adjoining waterway by way of overshadowing.</p>
s. Development in the Marine industry precinct includes one or more of the following: [In part] <ul style="list-style-type: none"> <li>• Food and drink outlet - if a maximum GFA of 100m<sup>2</sup></li> <li>• Marine Industry</li> </ul>	<b>No</b>	The proposed development includes a tenancy (55m <sup>2</sup> ) intended to accommodate Marine Industry Use. The proposal includes 345m <sup>2</sup> tenancies that may be occupied by either Shops, Food and Drink Outlet or Office. As the proposal would allow for Food and drink Outlets to exceed 100m <sup>2</sup> GFA, the proposal is

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		unable to comply with the overall outcome.  As the proposal does not comply with the Overall Outcome, an assessment against the Strategic Framework of the MBRC Planning Scheme is required.
t. Development in the Marine industry precinct does not include any of the following: [In part] • Multiple dwelling • Office	<b>No</b>	The proposed development includes Multiple dwelling and Office uses that are listed as inconsistent land uses within the precinct.  As the proposal does not comply with the Overall Outcome, an assessment against the Strategic Framework of the MBRC Planning Scheme is required.
u. Development not listed above may be considered on its merits and where it reflects and supports the outcomes of the precinct.	<b>No</b>	The proposed development includes uses that are not specifically listed as consistent or inconsistent uses within the precinct, that may be considered on their merits where they reflect and support the outcomes of the precinct, including Shops, Food and drink outlets (where exceeding 100m <sup>2</sup> GFA).  Based on the above assessment of the overall outcomes, the proposed development is not reflective and does not support the outcomes of the Marine industry precinct and an assessment against the Strategic Framework of the MBRC Planning Scheme is required.

Based on the assessment above, the proposal does not comply with a number of the Overall Outcomes of the Industry zone code, Marine industry precinct. Specifically, the conflict relates to the proposed inclusion of non-industrial uses within the precinct including uses that do not require access to a navigable waterway. In addition, as the proposal does not include industrial land uses (with the exception of a single tenancy that may accommodate Marine industry), the proposed development cannot achieve criteria relating to industrial character and design. It should be noted that although the site currently accommodates an operational marina, the site is not being used for an industrial purpose.

As the proposal does not comply with the Overall Outcomes of the Industry zone code, Marine industry precinct, an assessment against the Strategic Framework (to the extent relevant) has been undertaken is set out in section 2.4.1 of this report.

#### 2.4.5 Other Relevant Matters Assessment

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In accordance with section 45(5) of the *Planning Act 2016*, for a development application requiring Impact Assessment, the assessment:

(a) must be carried out:

- (i) against the assessment benchmarks in a categorising instrument for the development; and
  - (ii) having regard to any matters prescribed by regulation for this subparagraph; and
- (b) may be carried out against, or having regard to, any other relevant matter, other than a person's personal circumstances, financial or otherwise.

Examples of another relevant matter—

- a planning need;
- the current relevance of the assessment benchmarks in the light of changed circumstances;
- whether assessment benchmarks or other prescribed matters were based on material errors.

As identified above, the proposal does not comply with all assessment benchmarks of the categorising Instrument (MBRC Planning Scheme) (s45(5)(a)(i) of Planning Act 2016), including a number of Overall Outcomes of the Industry Zone Code, Marine Industry precinct and a number of Strategic Outcomes of the Strategic Framework of the MBRC Planning Scheme. In accordance with s45(5)(b) of the *Planning Act 2016*, the assessment may be carried out against or having regard to any 'other relevant matters'.

In the context of the identified non-compliances with the planning scheme that relate to alternative forms of development within the Marine industry precinct, building height, density, there are 'other relevant matters' to be considered as part of the application. The below listed 'other relevant matters' are considered sufficient to warrant approval of the application. These other relevant matters are as follows:

#### Other Relevant Matters

##### 1. Locational Attributes of the site.

The site has unique locational attributes that support intensification of development within the Suburban neighbourhood Place type, including:

- The site is currently an underutilised parcel of land (1ha+) with limited built form and an expansive surface of car parking;
- The site is located on a sub-arterial road and located on a primary active transport route (Griffith Road);
- The site is serviced by public transport and a bus stop is located adjacent to the site;
- The proposed development is compatible with the adjoining multiple dwelling development on adjoining land to the east (156 Griffith Road);
- The site is serviced by sufficient existing infrastructure to support intensification and is in proximity to local services including a neighbourhood hub (141 Griffith Road) and proximity to future Newport Market Place (Local activity centre associated with the Isles of Newport Development); and
- The site is located on a peninsula of land within a canal system and would afford a high level of amenity to residential uses.

##### 2. Built Form/Density

The site can support a higher built form and density as:

- The site is located on a peninsula surrounded by a canal frontage on three sides with only two adjoining neighbours;

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#### Other Relevant Matters

- The built form has been designed to reduce the appearance of bulk through a highly articulated built form, the use of a mix of materials and light weight structures on level 1 to achieve human scale; and
- The proposed building (six-storeys in height (RL24.05m to roof) will be of a similar height and scale to other buildings in the surrounding area including the Stockland retirement village (two six-storey towers, RL21.9m to roof, located 900m from the site) and Ballycara Retirement Village (four six-storey towers, RL24.5m to roof, located 875m from site)
- The proposal incorporates a lesser site coverage to improve opportunities for landscaping and publicly accessible spaces (as opposed to a lower built form with a higher site cover);

#### 3. Interface / Amenity Issues

The proposed development will not result in adverse amenity impacts as:

- The built form has been setback from the nearest adjoining property (a multiple dwelling) by a minimum of 6.5m, significantly exceeding suggested boundary setbacks, with opportunity for deep planting within the side boundary setback;
- The submitted shadow drawings indicate the proposed building will not detrimentally affect adjoining properties by way of over-shadowing;
- The building has been designed to minimise privacy and overlooking impacts to adjoining properties; and
- The submitted Acoustic Report demonstrates (subject to minor amendments) that noise impacts can be appropriately mitigated to protect the amenity of surrounding properties.

#### 4. Housing Diversity/Choice

The proposed development would provide for housing diversity and choice as:

- The proposal includes an alternative form of housing within the locality (apartment style dwellings) within an area predominantly characterised by detached dwellings, town-style multiple dwellings and retirement dwellings;
- The proposed alternative form of housing would allow more inclusive housing options within the locality including alternative price points and options to allow for aging in place.

#### 5. Alternative Use of Marine Industry Land / Relevance of Assessment Benchmarks

Alternative land uses within the Marine industry precinct are appropriate on the subject site on the basis that:

- The site is currently not being used for an industrial purpose;
- The potential for establishment of industrial uses on the site has been made more difficult as the result of encroachment of residential uses (the adjoining property - 160 Griffith Road is also contained within the Marine industry precinct has been recently converted for residential purposes (10 Dwelling houses on small residential lots);
- The proposed mix of uses proposed are compatible with adjoining residential uses.
- The application is made over a portion of the site and the existing use of the site being marina operations (including 205 marina berths, open space and car parking areas) will remain unaffected by the proposal.
- The Strategic Framework (20 year vision for the region) does not recognise the site as providing a Marine industry function into the future, but rather, recognises the Scarborough Boat Harbour (2km north-east of the site) as a 'Special Area' requiring protection as a key destination for economic and maritime activities services into the future; and
- The site was previously included within the Mixed-Residential Zone under the Redcliffe City Planning Scheme 2005 (now superseded) and previously contained a rezoning approval to allow for Multiple dwellings (as an extension of the Multiple dwelling development 156 Griffith Road Newport). It is arguable that the MBRC

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#### Other Relevant Matters

Planning Scheme should not have changed the zoning of the land from the previous residential zoning to its current Marine Industry zoning.

#### 7. Achieving the Purpose of the *Planning Act 2016*

The proposed development achieves and advances the purpose of the *Planning Act 2016* in that the development achieves ecologically sustainable development. The proposed development:

- (a) Results in the protection of ecological processes and natural systems at local, regional, State and wider levels. The proposed development will not result in any adverse environmental impacts.
- (b) Advances economic development and job creation through construction related employment and on-going employment opportunities associated with the proposed non-residential floor space. The provision of limited retail/commercial and marine industry uses will provide convenience and support the local community;
- (c) The proposed development maintains cultural, economic, physical and social well-being of people and communities. The proposed development has been designed to:
  - (i) be responsive to natural hazards and the impacts of climate change by ensuring the proposed building is located about Flood Planning Level.
  - (ii) encourage active and passive transport usage by being located on a public transport route and primary active transport route and through the provision of bicycle parking spaces and end of trip facilities within the development.
  - (iii) create a safe, liveable community that minimises the adverse amenity impacts on the surrounding area, particularly noise, privacy and over-shadowing impacts.
  - (iv) provide alternative housing options and choice within a locality predominantly characterised by single detached houses. The development will provide more equitable housing choice, diversity in affordability and will alternative housing that will allow for downsizing and aging in place.
  - (v) respond to local sub-tropical climate and incorporate sustainability and urban design principals including the use of openings to allow for cooling breezes, cross ventilated corridors and the layout and design of dwellings.
  - (vi) utilise existing infrastructure within an established area with access to local services and networks of open space to ensure coordinated and cost-effective utilisation of infrastructure.

## 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. 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).

### 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 an Infrastructure Charges Notice taking into consideration any applicable credits or offsets.

### 2.5.2 *Levied Charge Credit*



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

(a) Payment of previous charges or contributions

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

(b) Lawful use of land

An assessment of existing and previous lawful uses of the land has determined that a credit amount of \$143,176.50 exists and has been calculated based on:

- Existing Gross Floor Area (Commercial (office) -  $475\text{m}^2 \times \$146.70 = \$69,682.50$
- Existing impervious area (Lot 21/SP297765)-  $8,045\text{m}^2 \times \$10.50 = \$84,472.50$   
=  $\$154,155 \times 60\%$  proportional split  
=  $\$92,493.00$

(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 is \$17,603.73 based on the proportional split stated in Table 3 of the CR.

2.5.3 *Levied Charge Offset or Refund*

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

2.5.4 *Additional Trunk Infrastructure Costs*

In accordance with section 130 of the *Planning Act 2016*, an additional payment condition may be imposed if the proposed development;

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

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.

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

In accordance with section 89 of the *Planning Act 2016*, the approval is required to be noted on Schedule 4 of the MBRC Planning Scheme as the development approval would be substantially inconsistent with the planning scheme.

## 2.7 Referrals

### 2.7.1 Council Referrals

#### 2.7.1.1 Development Engineering

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

The applicant provided a traffic report by Pekol Traffic and Transport dated 12<sup>th</sup> April 2019 which demonstrates compliance with council's planning scheme.

##### *Stormwater / Flooding*

The applicant provided a Stormwater Management Plan by Michael Bale & Associates dated 8<sup>th</sup> April 2019 which demonstrates compliance with council's planning scheme

##### *Acid Sulfate Soils*

Excavation and works are proposed below 5m AHD, an Acid Sulfate Investigation is required to be undertaken and if required an Acid Sulfate Soils Management Plan prepared.

#### 2.7.1.2 Environmental Health

##### *Acoustic Amenity*

An acoustic report by Acoustic Works was submitted in support of the development application (Reference: 2018149 R02A Dated 3 April 2019). The report outlines an assessment of noise associated with the proposed use and its impacts on surrounding residents. The evaluated noise sources included vehicle related activities, deliveries and patron noise associated with commercial uses.

It was ultimately determined in the report that with the construction of recommended noise amelioration measures, limitations to operating hours and implementation of a detailed noise management plan, the proposed use could operate without undue impact to surrounding residents. Some further assessment of mechanical plant and equipment was required once finalised design plans are available. Additional scrutiny of noise impacts will also be undertaken by the Office of Liquor and Gaming Regulation for any licensed commercial activities.

Notwithstanding the findings of the report Council has some outstanding matters in relation to the assessment as follows:

- For vehicle noise impacts to closest receivers the acoustic report shows these activities as exceeding the noise limits albeit by a relatively minor degree.
- For truck deliveries a lower noise source level has been used than that applied for the Stockland's Newport Market Place development. 74dB for truck delivery (residential) as opposed to 86dB for a loading bay delivery. This discrepancy should be clarified and addressed where required.

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- No assessment of waste collection noise has been conducted. It is anticipated waste for the site will be collected twice per week for general waste and once per week separately for recycling from the temporary bin storage enclosure.

It is considered that for the most part the assessment has provided sufficient acoustic amelioration measures however further refinement is required. With respect to the truck and vehicle movements, loading activities and waste servicing, a potential solution is to enclose the loading dock/servicing area and the ramp entrance. It is appropriate an amended assessment be provided to address the above matters. The issues identified are considered resolvable.

#### *Waste Management*

The information submitted in support of the application with respect to the management of waste has been reviewed. The following issues were identified with the information:

- The calculated total of bins required is 7 x 1.1m<sup>3</sup> bins for general waste and 7 x 1.1m<sup>3</sup> bins for recycling.
- The temporary bin storage area shown does not appear adequately dimensioned for accommodating all bins. Plans should be amended.
- The permanent bin store does not appear adequately dimensioned for accommodating all bins.

As a consequence it is appropriate a condition is included requiring the provision of an acceptable waste management program.

### *2.7.2 Referral Agencies*

#### *2.7.2.1 Concurrence Agencies*

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

#### *2.7.2.2 Advice Agencies - Energex*

Council was advised on 30 April 2019 (through an Early Referral Response (Ref: HBD 6603906) that the Energex as Advice Agency has no objection to the proposal. The advice agency has recommended a number of conditions be included in Council's decision notice including the following:

1. Development is to be undertaken in accordance with the approved plans;
2. All easement conditions are maintained;
3. No Works are permitted within the Energex easement (including fencing and services);
4. No landscaping is permitted in the Energex easement with the exception of grass.

These requirements are however already addressed in the recommended conditions of approval or are dealt with in the easement documentation.

#### *2.7.2.3 Third Party Agencies*

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

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## 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 15 May 2019.
- (b) The development application was advertised in the Courier Mail on 15 May 2019.
- (c) A notice in the prescribed form was posted on the relevant land on 16 May 2019 and maintained for a period of fifteen (15) business days until 6 June 2019.

### 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		829
	Petition		0
Not Properly Made	Letter, Email, Fax		54
	Petition	376 (approx.)	1
<b>Total</b>			884

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

#### Assessment of Submissions

##### SUMMARY OF SUBMISSIONS - IN SUPPORT

###### Building Form and Design

- The scale and height of the development is modest, and the design is appropriate for the site.
- The proposed materials and landscaping will enhance the precinct and the natural environment.
- The development is in keeping with the character and lifestyle of Newport.
- The substantially reduced site cover reduces the cumulative effect of building bulk and provides greater space around the building, which we view as a positive urban design outcome.
- Given the application is Impact Assessable, the relevance of adjoining land uses and the surrounding area is to be considered. The assessment need to be cognisant of the immediate catchment in which there are existing six (6) storey residential buildings including the Stockland's and Ballycara retirement villages. These buildings also sit within an immediate residential context.

###### No adverse impacts on traffic access and parking

- The Traffic Impact Assessment identifies that the expected increase in traffic is not expected to have a negative impact on the site access operations, and upgrades to the Site Access are not considered necessary.
- The access is appropriate, and no concern is raised with traffic impacts.
- There is ample parking provided and access to the marina will be maintained.
- Upon review of the traffic impact it is clear there will be no adverse impacts. If there is a slight increase in traffic at the marina intersection, this will be appropriately balanced with the benefit of having this amenity.
- The development provides a greater number of residential car spaces and visitor car spaces than required by the Planning Scheme. The Traffic Impact Assessment supports the parking provision proposed.

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- It would not be in the interests of the Newport Marina operators to create a situation whereby there is insufficient car parking as this would ultimately diminish the ability to attract and retain marine users and operators. I am therefore confident that the parking provision that will be retained on the site will be sufficient.

No adverse amenity impacts

- The amenity impacts of the proposal would be substantially less than other allowable uses under the Marine industry precinct of the planning scheme.
- Noise is not a concern and proposed acoustic treatments to manage noise are supported.
- The shadow diagrams clearly demonstrate that the impacts are limited to mid-winter. There are no impacts between 9am and 4pm on the neighbouring townhouses to the east. The impacts on two townhouses to the south are limited to 12noon and 4pm, with direct morning sun available. The shadow impact of industrial buildings on the site is likely to be similar, if not greater than that proposed. The very limited impacts are entirely reasonable and would not adversely impact the amenity of nearby residents.
- The setbacks proposed are in excess of the requirements. The privacy diagrams provided with the application demonstrate that sightlines of adjacent properties are limited and completely reasonable.
- Views across the site are enjoyed as the existing development predominantly comprises at-grade car parking. A four storey or 15m proposal (which is permitted under the Planning Scheme) would also affect views (considering the existing situation). I am of the opinion that the additional height and reduced cover affords greater sightlines across the site and consequently results in an improved view sharing situation. Similarly, this approach promotes air-flow and natural breezes.

Support for alternative use of Marine Industry land

- The current zoning of the site supports low and medium impact industrial uses and activities such as boat building and boat stacking. These structures are permitted up to a height of 15m and can be built over the entirety of the site not required for car parking. The impact of these uses would result in a substantially greater visual impact than the development proposed. This must be taken into consideration when considering the proposed height and scale of the development.
- Council can take into its account of its decision-making process '*the current relevance of the assessment benchmarks in light of changed circumstances*'. The underlying Marine Industry zoning appears to be forwarded into the planning scheme to legitimise the on-going operations of the marina.
- The site has been encroached by residential catchments and is redundant for industrial purposes.
- The proposed development would create less impact on amenity than what is currently allowable under the Marine Industry precinct.
- The proposal will not compromise the existing marina operations. By contrast, the proposal will enhance the functions of the marina.
- The Multiple Dwelling, Shop, Food and Drink Outlet and Office, generally reflect the strategic intent of the Suburban neighbourhood place type and other higher order elements of the planning scheme.
- The proposed development is the correct use of the site and should be approved.
- A mixed-use development on the site is more appropriate than sole use for marine industry. Industrial uses are not appropriate in the middle of a residential suburb.
- The proposal will create community amenity, diversity of housing options currently not available in Newport and will directly benefit relevant supply chains and local business and improve our marina facilities.

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- As demonstrated in the Planning Report, there are alternate locations within Moreton Bay that are zoned for and better suited to the industrial and marine activities supported in the zone, being:
  - Scarborough Harbour: Approximately 6ha of land zoned Marine industry precinct has not been developed.
  - Spinnaker Sound Marina at Sandstone Point: Approximately 1ha of land has not been developed.

#### Other Relevant Matters Identified

- There are other relevant matters to support the proposal including:
  - Contribution to housing diversity;
  - Locational attributes, notably a peninsula site surrounded by three canal frontages;
  - Surplus of land within the Industry zone, Marine industry precinct;
  - Opportunities for infill development;
  - Approval of the application would not establish an undesirable precinct;
  - Previous zoning of the site and recent development approvals;
  - No adverse amenity impacts on surrounding sites by way of overshadowing, privacy, visual or air quality impacts.
- The majority of non-compliances identified are minor and should not warrant refusal.
- Matters raised by submitters opposing the proposal in relation to impacts to 'lifestyle', 'behaviours', glut of apartments on the market' and financial decisions' are not valid planning considerations, rather they represent people's personal circumstances or beliefs.
- There is demand for apartments in this suburb. The 2016 Census identifies that at approximately 25% of the population is aged 65 and over. The delivery of 54 apartments will contribute to housing diversity, including providing new housing options for residents seeking to downsize. Currently, there are limited options for residents seeking to downsize in the suburb of Newport. The development will help address this imbalance.

#### Other Miscellaneous Matters

- The detailed design of the building and the proposed evacuation measures will be subject to the requirements of the Building Code of Australia. I would anticipate that the fire safety measures and evacuation routes would be required to be reviewed and approved by the Queensland Fire and Emergency Services. Again, I am comfortable that these are appropriately addressed by the current legislation.
- I understand that a comprehensive Construction Management Plan (CMP) that addresses the concerns of the objectors, amongst other matters, will form a condition of any development approval. I also understand that this will be required to be submitted to Council for approval and construction will be managed to allow Newport Marina to continue operating during the build.
- Matters raised by submitters opposing the proposal in relation to impacts to 'lifestyle', 'behaviours', glut of apartments on the market' and financial decisions' are not valid planning considerations, rather they represent people's personal circumstances or beliefs.

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### SUMMARY OF SUBMISSIONS - OPPOSED

#### Non-Compliance with the Planning Scheme

##### *A. Agreed Areas of Non-Compliance with the Planning Scheme*

- The applicant has acknowledged the application does not comply with the following provisions of the Strategic Framework: *Strategic Outcome 3.14.1.7 (1), Strategic Outcome 3.14.1.7 (2), Specific Outcome 3.14.8.4 (1), Specific Outcome 3.14.8.4 (2), Specific Outcome 3.14.8.4 (3), Specific Outcome 3.14.8.4 (4), Specific Outcome 3.14.8.4 (5), Specific Outcome 3.14.8.4 (8).*

We agree that the proposed development is non-compliant with the above provisions, for the following reasons:

- The proposed development represents a significant change to the established area, which reflects a suburban neighbourhood character and is consistent with the site's designation within the Suburban Neighbourhood
  - Place Type. The development would represent a medium-density residential development in an area characterised by established low-rise residential uses. Therefore, the proposal is inconsistent with the intent for suburban neighbourhoods identified in the planning area to be maintained with little change.
  - The Suburban Neighbourhood Place Type is intended to provide low density residential land uses, predominantly detached housing, with a limited range of local convenience services and facilities. The proposed development comprises several non-residential land uses that are not conveniently located. Further the proposed building height of 22.1m and six storeys is not a low-density residential building form.
  - Despite the large site area, the proposed development reflects a density of 49 dwellings per hectare, substantially exceeding the intended 11 dwellings per hectare.
  - The subject site is surrounded by detached dwelling houses and some low-rise multiple dwellings, ranging between one and two storeys. Therefore, the proposed development is inconsistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties.
  - The subject site is not adjacent to a local centre or community facility. The subject site has a small frontage to Griffith Road which is serviced by an infrequent bus route that does not provide a viable alternative transport method to private vehicles. Therefore, the subject site is not well-located for non-residential uses.
- The proposal is in conflict with the purpose of the Industry zone code, Marine industry precinct which reads: *"The Marine industry precinct will facilitate and maintain the long-term viability waterfront-based industry and associated commercial activities which require direct access to a waterway"*. The proposal is not a marine industrial activity and therefore conflicts with this purpose. The proposed development also conflicts with Overall Outcomes and Performance Outcomes of the Industry Zone Code - Marine industry precinct (Section 6.2.7.5 of the planning scheme).
- The applicant has acknowledged that the proposal does not comply with the following provisions of the Industry zone code, Marine industry precinct: *Overall Outcome s., Overall Outcome t. and Performance Outcome P059.*

We agree that the proposed development is non-compliant with these provisions, for the following reasons:

- Except for a small tenancy proposed (55m<sup>2</sup>) that may be used for Marine Industry or Office purposes, the proposed development does not involve any use identified as being consistent with the Marine Industry Zone Precinct.

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- The primary use of the proposed development, being Multiple Dwelling, is identified in Overall Outcome t. as being inconsistent with the planning intent for the precinct. Further, Office is identified as an inconsistent use.
- Marine activities do not comprise the primary use of the site and other office, administration functions, retail sales and customer service components of the proposed development are not ancillary to marine activities.

*B. Contended areas of Non-Compliance with the Planning Scheme.*

- The applicant has failed to demonstrate how the proposal complied with the following Overall Outcomes of the Industry zone code, Marine industry precinct: *Overall Outcome a., Overall Outcome b., Overall Outcome c., Overall Outcome d., Overall Outcome e., Overall Outcome g. and Overall Outcome j.*

Our opinion is that the proposed development does not comply the above strategic outcomes for the following reasons:

- The proposal represents redevelopment of the site predominantly for a Multiple Dwelling, with other supporting retail and commercial uses. The proposed development does not support the continued viability of waterfront-based industry in the region and does not represent suitable co-location of uses which support industry and its supply chain.
- The proposed development comprises uses which do not require waterfront access to function. The proposed development will restrict waterfront access for Marine Industry uses and therefore compromises existing or future waterfront based industrial activities and maritime activities.
- The proposed development comprises a building height of six (6) storeys and 22.1 m, set amongst existing dwelling houses and low-rise multiple dwellings that reflect a height of 1-2 storeys. The scale, character and built form of the proposed development is not reflective of the existing maritime or residential character of the locality.

- The applicant has failed to demonstrate how the proposal complied with the following Performance Outcomes of the Industry zone code, Marine industry precinct: *Performance Outcome 1, Performance Outcome 5, Performance Outcome 8 and Performance Outcome 14.*

Our opinion is that the proposed development does not comply the above strategic outcomes for the following reasons:

- The proposed development comprises a minor 'Marine Industry' component, with the predominant use being a Multiple dwelling (54 dwellings). The proposed development also comprises several non-residential uses (Shop, Food and drink outlet and Office) which are inconsistent uses and do not represent marine-based industrial activities or commercial activities with a direct nexus with maritime activities.
- The Overlay map - Building heights identifies a maximum height of 15m for the subject site. The proposed development comprises a six (6) storey tower with a height of 22.1m (excluding screening to plant equipment). This height is not consistent with the marine industrial character of the zone precinct intended for marine industry uses.
- The reduced setbacks of the proposed development result in an overbearing-built form that does not maintain views, privacy, access to natural light and the visual amenity of adjoining sensitive land uses.
- Example E14 of the Zone Code requires car parking to be provided in accordance with Schedule 7 - Car parking. Instead of the above applicable rates, the development application has chosen to apply car parking rates of the General Residential Zone (Next Generation Neighbourhood Precinct). These rates are substantially less than Schedule 7 - Car parking for the use of Multiple Dwelling, being a minimum 1 per dwelling lieu of 3 spaces per dwelling as required by Schedule 7 - Car parking. The car parking rates of



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the General Residential Zone (Next Generation Neighbourhood Precinct) should not be applied as:

- the subject site is not within the General Residential zone or Next generation neighbourhood precinct;
- the subject site is not within the Next generation neighbourhood Place Type; and
- the subject site does not reflect locational characteristics reflective of the Next Generation zone precinct, such as proximity to a higher order centre or high-frequency public transport, which may support reduced car parking rates.

*C. Elements of Contended applicability and compliance*

- In addition to areas of admitted non-compliance and alleged compliances, the development application also contends that certain provisions within MBRC planning scheme are not applicable to the assessment of the proposed development. However, it is our opinion that these provisions are applicable and should be considered in the assessment of the proposed development:
  - 3.6.2 Strategic Outcome - Network of centres - Strategic Outcome 3.6.2(5) - as the proposed development will deliver an inappropriate residential density to an area not located within or near higher order activity centres or a public transit corridor.
  - 3.6.4 Strategic Outcome - Transit oriented communities - Strategic Outcome 3.6.4(1) and Strategic Outcome 3.6.4(2) - as these strategic outcomes express a clear intent to encourage higher density and intensity of mixed use development of sites within 800 metres of existing or planned railway stations and apply transit oriented development principles and practices.
  - 3.6.5 Strategic Outcome - Infill development - Strategic Outcome 3.6.5(1) and Strategic Outcome 3.6.5(2) - as these outcomes express an intent to focus higher density and mixed-use development in higher order centres and public transport nodes and corridors and outlines that underutilised land in specific older urban areas adjoining centres and public transport nodes will be selected and targeted for redevelopment and revitalisation to higher intensities of activity.
  - 3.7.2 Strategic Outcome - Maximise the opportunities for development of existing places of employment and business activity - Strategic Outcome 3.7.2(7) - as this strategic outcome demonstrates the intent for non-residential uses within established residential areas, including the Suburban Neighbourhood Place Type, is intended to be low impact home based businesses.
  - 3.7.3 Strategic Outcome - Location of new economic activities - Strategic Outcome 3.7.3(4), Strategic Outcome 3.7.3(5) and Strategic Outcome 3.7.3(6) - as the subject site is located within an established Suburban Neighbourhood Place Type, characterised by low-density, low rise residential uses. Griffith Road is serviced by one bus route not being a high-frequency public transport service.
  - 3.10.1 Strategic Outcome - Integrated transport and land-use planning - Strategic Outcome 3.10.1 (8) - as this strategic outcome is relevant to consider in assessment of the proposed development and seeks to ensure new development is serviced with new public transport routes, facilities and high frequency services.
  - 3.11.1. Strategic Outcome - Infrastructure to support growth - as emphasises the importance of Council's adoption of the MBRC Place Model, which aims to integrate land uses, transport and infrastructure and target new development to accessible infill locations and prioritising use of existing infrastructure. emphasises the importance of Council's adoption of the MBRC Place Model, which aims to integrate land uses, transport and infrastructure and target new development to accessible infill locations and prioritising use of existing infrastructure.
  - 3.13.3.3 Specific Outcomes - Strong communities - Strategic Outcome 3.13.3.3(4) - as this strategic outcome is relevant to consider in assessment of the proposed development for context, as it demonstrates an intent for development similar in nature

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to the proposal to be located within Scarborough Harbour. Newport Marina, unlike Scarborough Harbour, is not identified or listed as a special place identified to have a unique role to play in respect to opportunities for economic activity, recreation, tourism aviation and marine activities. This demonstrates that the applicant's contention that the subject land is "unique" is not supported by the planning scheme.

- 3.13.3.4 *Specific Outcomes - Settlement pattern and urban form - Strategic Outcome 3.13.3.4(2)* - as This strategic outcome identifies a clear intent for the Redcliffe-Kippa-Ring major regional activity centre to continue to develop as a higher order activity centre, subject to detailed planning as part of the Redcliffe Activity Centre Strategy. The proposed development comprises a medium-density, mixed-use development located outside of the of the Redcliffe-Kippa-Ring major regional activity centre investigation area, and therefore its approval would compromise and diminish the intent for establishing higher order activities within this area.
- 2.3.2 *Industry Zone (Marine Industry Precinct) Code - Performance Outcome P064 and Performance Outcome P065* - as the proposed development comprises non-industrial uses that are not consolidated with existing non-industrial uses. The proposed development comprises a substantial redevelopment of the site. The non-residential uses proposed are envisaged elsewhere in the Region, and as such the establishment of a non-compliant proposal compromises the adopted settlement pattern and will adversely impact on the viability, role or function of the region's centres network and neighbourhood hubs.

'Other Relevant Matters' do not warrant approval

- The development application has detailed some 'other relevant matters' to justify the proposed development's conflict with the MBRC planning scheme. These other relevant matters are not considered to warrant approval:
  - *Housing Diversity / Planning Need* - The development application suggests the proposed development will assist in achieving housing diversity and a need for higher density housing types. If there is a "need" for these higher density housing types within the community, this need is being met in more appropriate locations. Notably, the nearby Stockland development comprises approximately 80 townhouses and units either constructed or being constructed, plus the 156 retirement units just constructed. There are also 200 apartments currently for sale (May 2019) on the Redcliffe Peninsula. Therefore, the need for the housing typologies provided by the proposed development is being appropriately met and we contend there is no need for the proposed development. The MBRC planning scheme identifies areas where Multiple Dwellings, in medium and high densities, are an intended through the MBRC Place Model. The Strategic Framework expresses an intent to locate medium and high density residential uses in areas with proximity and access to frequent public transport and higher order centres, being better suited to supporting a walkable catchment than Suburban Neighbourhood areas. These characteristics (i.e. proximity to frequent public transport and centres) are not afforded to the subject site, with the area characterised by low-density and low-rise permanent residential uses. The development application attempts to justify non-compliance with the MBRC planning scheme by stating the proposed development caters to the aging population of Newport. However, the development application does not seek approval for the uses of Retirement Facility or Residential Care Facility.
  - *Complementary Retail and Commercial Uses, Economic/Employment Benefit* - The application suggests that an economic/employment benefit will be provided by the development, however it fails to consider the loss of marine industry opportunities. The development application contends that scale of the proposed retail and commercial uses is significantly less than higher order and district centres. Whilst the proposed

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retail/commercial uses are lower order than the centre provided as part of the Stockland Isle of Newport development, the uses will directly conflict with the established neighbourhood hub over land at 141 Griffith Road, Newport (Lot 15 RP864223). The development application only makes comparison to the centre provided as part of the Stockland Isle of Newport and does not account for non-residential uses within the surrounding area. Further, the development application is not supported by any supporting economic material. Public and community benefit provided by the proposed non-residential uses are not clear.

- *Location* - The development application contends that the proposed development will accommodate all the existing functions of the marina and will not result in a reduction in marine based industrial activities and the subject site meets criteria (including size, location, ownership and context) that are unique and favourable for significant redevelopment. Further, the applicant argues the redevelopment will still leave sufficient marine industry land within our areas of the Region. The location of the proposed development is not appropriate because it is not consistent or compatible with the current zoning and the surrounding land uses. The site is currently an operational marina and is within the industry zone, marine industry precinct. Therefore, any commercial activities that occur within the precinct should have a direct nexus with maritime activities in the precinct. The current proposal will result in a reduction of marine based industrial activities. The site is not intended as an area for growth or significant redevelopment so as to justify uses which are not supported by or consistent with the MBRC planning scheme. More appropriate locations for significant, infill development, comprising better access to public transport and proximity to centres, are identified within the MBRC planning scheme and the MBRC Place Model. The Newport Marina provides distinct and local marine industry functions. Therefore, impacts associated with redevelopment of the site for non-marine industry activities should not only be quantified by a calculation of area (m<sup>2</sup>) of land within the Marine Industry precinct.
- *Relevance of Assessment Benchmarks* - The development application contends that the current zoning of the subject site is irrelevant, referencing the sites designation in the "Mixed Residential Zone" under the former Redcliffe City Planning Scheme 2005 (RCPS). The development application also refers to land immediately south of the subject site, at 160 Griffith Road, being approved for 10 residential lots, ranging between 453m<sup>2</sup> - 513m<sup>2</sup> and two-storey Dwelling Houses. Previous zoning under a superseded planning scheme is not, in our opinion, a reason to depart from the current MBRC planning scheme. Whilst the zoning of the subject site intends for Marine Industry uses, the subject site is identified within the Suburban Neighbourhood Place Type, which demonstrates a long-term intent for low-density residential land uses to be contemplated over the subject site. The MBRC Planning Scheme acknowledges the subject site within the Suburban Neighbourhood Place Type, which is reflective of the locational characteristics of the subject site and surrounding context, comprising established low-rise and low-density residential uses. The development approved over land at 160 Griffith Road, Newport is characterised by residential lots ranging between 453m<sup>2</sup> - 513m<sup>2</sup> and containing dwelling houses. This outcome does not provide justification to the proposed development, which comprises a medium-density residential development. Instead, the approved development over land at 160 Griffith Road demonstrates an outcome generally consistent with the Suburban Neighbourhood Place Type which also applies to the subject site.
- *Unique Site Characteristics* - The development application contends the site characteristics lend itself to the redevelopment with a taller building though low site cover (being significantly less than what is permitted on adjacent sites in the General residential zone). The development application also states that there are no significant adverse impacts on adjoining properties or the locality, noting that the site is on a

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peninsula and adjoins a canal on three sides. The applicant also suggests the subject site's canal frontage provide justification for exceeding the maximum building height. The site's alleged unique characteristics does not provide reason to depart from the height requirements set by the MBRC Planning Scheme and has not provided reason to exceed the maximum building height elsewhere along the canals within the Newport area. The justification of additional height and density does not properly consider all relevant site characteristics that should be addressed in the assessment of the proposed development, including the predominant built form character of the surrounding locality, surrounding land uses, proximity to public transport, level of service available, and lack of proximity to higher order centres. The zoning and place type designation of the MBRC Planning Scheme should be considered as part of relevant site characteristics. Importantly, the planning scheme does not acknowledge the site to be unique to warrant special considerations or provisions that apply by exception.

- *No Adverse Amenity impacts* - The development application contends the proposal does not result in any significant adverse amenity impacts including acoustic impacts, visual privacy impacts, air quality or overshadowing. Amenity is a matter controlled by the MBRC planning scheme and does not represent an other relevant matter. The suggested absence of amenity impacts is not identified by the MBRC planning scheme as a relevant test that serves to overcome or outweigh significant non-compliance, which we consider is evident by our assessment. Regardless, there will be serious impacts on the local residents, their homes and foundations due to the use of heavy equipment, construction noise, pile driving, dust, vehicles (both passenger and construction), which has not been addressed in this development application.
- *Community Expectations* - The Newport community expects that the Newport Marina will provide marine services to the local boating community. The applicant's argument that the location is not suitable for Marine Industry is disputed. The Marine Industry Precinct allows numerous types of marine services to be located on the site that are able to co-exist with the surrounding residential areas. Moreton Bay Regional Council's Planning Scheme identifies the site as Marine Industry Precinct, and this is what Newport residents expect the site to remain as. Residents of Newport do not want to have to drive to Scarborough to access services that Newport Marina could offer. Demand for marine services in Newport is about to increase, not diminish, due to the forecast increase in population of over 5000 residents in the Stockland Newport development and the forecast proportionate growth in local boat ownership. The development application is extremely short sighted in its assumption that there is adequate Marine Industry Precinct land available on Redcliffe Peninsula, clearly ignoring the future demand that will be generated not just by Stockland Newport but also the huge growth area of North Lakes. These will have significant impacts on all available Marine Industry Land. The development application has also ignored Moreton Bay Regional Council's plans to allow a barge to Moreton Island to be located on Marine Industry Precinct land at Scarborough which the development application identifies as unused. This will further reduce available land for other marine industry related services.
- *Suggestion of community benefits* - The community seriously questions the suggested benefits to the community of this development application. In our view, none of the alleged benefits either singularly or cumulatively outweigh:
  - the undermining of community expectations of what should be a Marine Industry precinct hub offering, marine services to the Newport community; and
  - the overall negative impacts on the lifestyle, character and amenity of the suburb of Newport.

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- The other relevant matters identified by the applicant do not outweigh or overcome the conflict with the planning scheme and do not justify the proposed development when no genuine benefit arises from the development.
- There is no demand for the proposal. There is currently a glut of apartments on the market - in May 2019, approximately 200 apartments were listed for sale on the peninsula. It should be further noted that the assumption that retired members of the community will sell their existing homes to move into the proposed apartments is flawed. Retired members of the community keep their larger homes so that they can accommodate their visitors and not have them staying elsewhere.
- The application claims that this is a 'unique' site. This is not a unique site, it is typical of an Australian Marina site which MBRC recognised in its zoning of the area.

Loss of Marine Industry land

- The DA applies to the whole site, yet the apartment building occupies only half of the site. The future loss of any Marine Industry land uses would be in jeopardy of future Development Applications like the current one.
- MBRC was wise in its original zoning choices for the Region. Consultation was encouraged in the lead up to the MBRC Strategic Plan of 2016. Newport residents supported the zoning of the Marina as Marine Industry Precinct. Residents' viewpoints and support of this zoning has not changed. This particular DA is not wise. It is not reflective of community expectations.
- The population of Newport is estimated to grow by 170%. It is not unreasonable to expect a proportional increase in boat ownership and demand for Marine services. A Marina is just not berths adjoining the site, it is the land that is central to it. There are many Marine Services which would comply with the requirements of Marine Industry Precinct that could be established on the site. Just 55m<sup>2</sup> is allowed for marine industry services in this DA is not reflective of the expectations of the community for this site.

Building Form and Design

- The proposed building height and scale are beyond reasonable community expectation. The proposed building height of six (6) storeys and 22.1m (excluding screening to plant equipment) considerably exceeds the maximum building height required by the MBRC Planning Scheme (15m).
- The building height and scale of the proposed development as it does not complement the predominant and established scale of low-rise residential development within the Newport
- The community of Newport does not want the proposed height, massing and site cover, that offers a visual bulk of 1600m<sup>2</sup>. The development is not viewed as valuable, meaningful or contributory to the lifestyle of Newport and its surrounding communities.
- The bulk, scale and height of the proposed building does not align with current zoning and is not in keeping with the surrounding dormitory suburb of typically 1-2 storey residences.

Amenity Impacts

- The building height and scale substantially contrasts with reasonable community expectations and will result in adverse amenity impacts to neighbouring residents in terms of outlook, access to natural light and breezes and visual privacy.
- The building height and substantial balconies expose neighbouring properties to the north, south and east to adverse overlooking impacts and significantly reduces visual privacy to the private open space and habitable rooms of neighbouring dwellings.
- The several non-residential uses proposed as part of the development, will also generate significant noise, during daytime hours and outside of daytime hours. The proposed acoustic barriers will not mitigate all adverse noise impacts from the proposed development, in

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particular adverse noise impacts from the non-residential uses to the surrounding sensitive uses across the canals to the north and to the south.

- The application's assumption that residences located on the other side of the canals surrounding the Marina will not be impacted is flawed. There is no object lying between the proposed development and these properties which could block the sound, sight or effect of this building.
- It will shade some nearby residences for at least 2 hours and cause a lack of privacy in many residences within a 600m radius.
- The building would dramatically and negatively change the character of the area, dwarfing the surrounding neighbourhood and overlooking the private homes of Newport.
- The sense of space now enjoyed by Newport residents will be severely impacted. The open space in the heart of our waterside suburb will be lost.
- The visual dominance of the profile of the building would impact the tranquil beauty of Newport as a suburb and block views and sunlight. Particularly impacted will be those properties facing the building (60m away across open water) and those members of the greater community who enjoy the view from Kay Cottee Bridge over the marina to the Glasshouse Mountains. The beautiful picture of Newport commented upon by so many will be lost forever.
- The height and bulk of the building will also block breezes that residents rely on in summer.
- The noise impact of the development is not adequately addressed by the application. The application does not recognise that there will be significant noise generated by the activities in, operations of and patrons and vehicles travelling to and from the food and drink outlets.
- The DA outlines a lengthy Noise Management Plan which is reactive in nature and in reality unable to be policed successfully.
- The proposed operating hours between 6am to 9pm will have a significant impact on the families surrounding the Marina site and further down the canals.
- Staff and patrons' arrivals and departures, delivery vehicles etc, and normal commercial operations taking place during those hours when most families should be enjoying the peace and quiet of normal family life will be significantly impacted.

#### Traffic, Access and Parking

- The subject site is located within the Industry Zone - Marine Industry Precinct and the Suburban Neighbourhood Place Type. The development application relies upon application of car parking rates applicable to the General Residential Zone - Next Generation Neighbourhood Precinct, which does not apply to the subject site. It is unclear why these car parking rates have been adopted for the proposed development. The car parking rate within the Marine Industry and Suburban is 3 space per dwelling, as opposed to 1 space within the Next generation neighbourhood precinct.
- Proposed car parking numbers are considered insufficient to accommodate the proposed number of units and will result in significant impacts on the safety and efficiency of the road network and parking congestion in local streets.
- Car parking spaces available for Marina users would be significantly reduced by this development application. Remaining car parking spaces would be insufficient to accommodate the number of cars connected to Marina use and this in turn would result in significant impacts on the safety and efficiency of the road network and exacerbate parking congestion in local streets.
- The Traffic Report shows that on two days in winter, peak hour traffic on Griffith Road was measured at over 90% capacity, in fact on a winter's Saturday lunch hour it was 97.9% capacity.
- Currently, all residents are experiencing difficulty accessing Griffith Road in peak hour periods. The DA proposes 54 apartments, 184 Marina Berths, and various retail and food and drink outlets. The traffic caused by this will cause a bottleneck at the entrance to the site, which will impact the existing traffic flow and of course it has major safety implications.

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- Traffic congestion which will form at the intersection of Griffith Road and Boardman Road at the access to Stockland's development will be clearly evident and will become even more exacerbated when all of the homes on the Stockland development have been settled. Griffith Road is already nearly at capacity. The cost to the lifestyle of the community and to the MBRC will be untenable and permanent. The pressure on our community of heightened traffic congestion is already an issue.
- With the increase in traffic, the safety of pedestrians and cyclists will be compromised.
- Pathway connections to Stockland's Market Place and Kippa-Ring are not safe. Pedestrian and cyclists are required to cross Kay Cottee Bridge where the pathway narrows and there are no safety barriers adjoining traffic lanes.
- The proposal halves the 222 carparks currently available for marine industry and the current 184 marina users and their visitors.
- This marina does not fit the precepts and definitions of the Next Generation Neighbourhood and therefore the DA should not be considered using that zoning. The proposed uses of the retail outlets and the apartment building (only 1.5 per 2, 3 and 4 bedroom apartment) defy the assumption that only 111 carparks are required. Parking will spill onto surrounding streets and the marina carparks.
- The pedestrian shared access road is of considerable concern. Delivery trucks, retail pleasure seekers (often exuberant in their behaviour), apartment dwellers and visitors entering and exiting along a narrow access driveway which is to be shared by pedestrians is a recipe for disaster.

## Other Matters Identified

- It should be noted that concept of Publicly Accessible Spaces in the DA is misleading. It is privately owned and will be subject to the whim/s of future property owner/s and tenants to determine whether the public can access the area.
- The development application states that the residential density is 49 dwellings per hectare. This density figure is potentially misleading and does not appropriately acknowledge the development y utilises a portion of the subject site only. The area of the site containing the proposed development is approximately 4,900m<sup>2</sup>, being less than half of the total site area. When this is taken into consideration, the proposed development effectively results in a very high density of 110 dwellings per hectare. The proposed development does not utilise a significant portion of land in the western portion of the subject site, which could contain future development.
- No consideration has been given to the construction impacts on the local residents, their homes and foundations of the effects of heavy equipment, construction noise, pile driving, dust, vehicles (both passenger and industrial). Homes surrounding the site were not constructed to withstand the engineering works that this development will require. The cost of damage to surrounding properties from these activities must be a concern.
- It is highly unlikely that marina berths will be able to be accessed through a construction site.
- Where will the site workers park? Will they occupy the remaining 111 marina carparks, or park on the streets?
- The viability of constructing substantial buildings on fill, on top of unconsolidated wetlands has not been addressed in the DA and is a significant oversight. The assumption that the DA makes that all of this can be considered after the DA is approved is not acceptable given the clear risks of building on a site such as this.
- Whilst we appreciate the importance of job creation in our Region, sensitivity to zoning requirements and the local neighbourhood must take a priority.
- Consider an emergency fire situation - patrons and apartment dwellers all leaving the site to a safe muster point will conflict with emergency vehicles attempting to access the site. People panic in an emergency. Consider an ambulance or police emergency vehicle attempting to enter the site. What would likely happen is of major concern.

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- It has been noted that the Redcliffe and Bayside Herald have an article in the paper on May 23rd that indicated the developer knows what the community wants. The developer does not care for the suburb this is just a way to make profit.
- The developer's consultation with the community was on the proposal was inadequate and community meetings were scheduled at inappropriate times during work hours when people could not attend.
- The applicant's justification for the proposed building height relies upon the site cover of the proposed development being less than what is permitted in the General Residential Zone - Next Generation Neighbourhood precinct.

### **ASSESSMENT OF SUBMISSIONS**

A total of 829 properly made submissions were received of the proposal. A total of 665 properly made submissions were opposed to the proposal and 164 submissions were in support of the proposal. The majority of submissions were received in a proforma template with the majority of submissions (both for and against) raising the same grounds.

#### **Building Form, Design and Density**

The application proposes a six (6) storey building with an overall height of 22.1m, measured in accordance with the administrative definition of Building height within Schedule 1.2 - Administrative definition of the MBRC Planning Scheme.

The part of the site on which the built form is proposed is included within the Industry zone and Marine industry precinct and is mapped as having a suggested maximum building height of 15m as shown on Overlay map - Building height and as referenced in Example E5 of the Industry zone code, Marine industry precinct. The corresponding Performance Outcome PO5 requires that *'the height of buildings is in keeping with the predominant marine industrial character of the precinct and does not cause adverse amenity impacts on sensitive land uses and zones'*. It is noted that the subject site is currently not being used for an industrial purpose and as such there is no predominant marine industry character over the site or the surrounding area. The site currently contains a single storey building which contains a tourism operator's office and boat sales. With respect to impacts on amenity and impacts on sensitive land uses and zones, the part of the site on which the building is proposed is surrounded by a canal system on three (3) sides and shares a common boundary with a two-storey Dwelling house to the South (contained within the Industry zone, Marine industry precinct) and a Multiple dwelling (contained within the General residential zone, Next generation neighbourhood precinct to the East, both of which are also mapped with a suggested maximum building height of 15m on Overlay map - Building height.

It is acknowledged that the Marine industry precinct assessment benchmarks that apply to building height, do not contemplate residential uses occurring within the precinct. Similarly, the Marine industry precinct does not contemplate residential uses occurring on site and there are no assessment benchmarks that relate to residential density. As the application seeks approval for residential uses (Multiple dwelling), and Shop and office which are listed as either inconsistent or policy neutral uses and that the application is subject to Impact Assessment, it is considered prudent to assess the building height requirements against the Suburban neighbourhood place type of the Strategic Framework.

With respect to building height and density, the relevant provisions of the Strategic Framework states that:

- Strategic Outcome 3.14.8.4(3) states that *'Development across a Suburban neighbourhood place type is characterised by a net residential density of 11 dwellings per hectare or*



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*development occurs in a manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties’.*

- Strategic Outcome 3.14.8.4(5) states that: ‘Low rise multiple dwellings and housing for older persons may also be included adjacent to a local centre or community facilities and bus stops on main through streets and overlooking public open space’.

In addition, the relevant provisions of the Strategic framework state the criteria for sites that may be appropriate for redevelopment as follows:

- Element 3.14.8 - Suburban neighbourhood place type states that: *The Suburban neighbourhood place type are those areas where the capacity for and capability of change in the life of this plan is limited. They generally do not have the attributes necessary (e.g. access to employment, services and facilities) to provide for intensification while retaining and improving the qualities of place. They are the places that rely most heavily on the use of the private car for most trips. They generally do not have access to frequent short distance public transport to an activity centre and/or a transport node. In some of these places the population is near its peak and property prices are too high for redevelopment to be feasible. They are generally characterised by a large number of cul-de-sacs and are often difficult for way finding and provide little choice in access especially for pedestrians. The layout of the street network makes it difficult to accommodate redevelopment. For these reasons they are not places that are expected to, nor are they considered appropriate to, undergo intensification of use in the life of this plan. These areas will be subject to little change from the low density, two storey, detached house style development. Premises in these areas will continue to be refurbished in response to changing household needs and tastes but redevelopment of properties is unlikely. Where there are opportunities for further development these may take the form of small lot housing, dual occupancies, low density and low rise multiple dwellings to increase the range and affordability of new housing types available in the areas. Opportunities for redevelopment will generally be a vacant parcel of land. This land has access via through streets and not a cul-de-sac and is close to an activity centre (generally within walking distance or 800m).*
- Strategic Outcome 3.14.8.4(8) states that: ‘New development is sympathetic to the existing character of the particular Suburban neighbourhood location’.

Based on the above, the Strategic Framework identifies locations where Low rise multiple dwellings (1-3 storeys in height) may be established, however it does not specifically preclude alternative forms of development (such as medium-rise multiple dwellings (4-6 storeys)) from occurring in appropriate locations. With respect to density, the Strategic Framework states that the Suburban neighbourhood Place type is characterised by a density of 11 dwellings per hectare, however it acknowledges that alternative densities may be appropriate where development occurs in a manner that is consistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties’. It also identifies opportunities for redevelopment on vacant parcels on main streets that are generally within walking distance (or 800m) to an activity centre. The Strategic Framework also identifies that new development is to be sympathetic to the existing character of the Suburban neighbourhood location.

In this instance, it is considered the proposed building height and density of the development does not warrant refusal of the application. The site is currently an underutilised 1ha parcel of land located on a canal finger (peninsula) and surrounded by canal on three (3) sides. Being surrounded by the canal system on three (3) sides, the site has access to a high degree of amenity for residential uses and would result in limited amenity impacts of adjoining parcels to the south and the east. The site is located within 175m of an established Neighbourhood hub and is in proximity to an approved Local activity centre within the Isles of Newport development. The site is serviced

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by public transport and Griffith Road is mapped as a 'primary active transport' route as shown on Overlay map - Active transport routes.

The proposed building has been designed to substantially exceed the example minimum side boundary setbacks (as if the land was contained within the General residential zone), the submitted shadow diagrams confirm adjoining owners will not be adversely affected by overshadowing and the noise impacts assessment confirms potential noise impacts can be appropriately mitigated. With respect to privacy and overlooking, the building has been designed to minimise direct over looking into adjoining properties and conditions of development could be included to require privacy treatments to be installed.

With respect to building height, the proposed building (six-storeys in height (RL24.05m to roof) would be of a similar height and scale to other existing and buildings in the surrounding area including the Stockland retirement village (2 x existing six-storey towers, RL21.9m to roof, located 900m from the site) and Ballycara Retirement Village (2x existing and 2 x approved six-storey towers, RL24.5m to roof, located 875m from site).

The proposed development represents high architectural merit which is reflective of its coastal setting. The setbacks, orientation and layout have been responsive to the two adjoining dwellings in limiting direct amenity impacts. Importantly, while the scale and density of the development is not reflective of the existing suburban character, the site's location (on a canal finger) affords opportunities for a denser outcome that will not undermine or erode the established character of the area.

This is not sufficient grounds for refusal of the application.

#### **Traffic access and parking**

A total of 111 car parking spaces are proposed for the development, in addition to the 100 car parking spaces to be retained with the existing Marina operations. The proposed car parking associated with the development would consist of eighty-five (85) spaces within a basement level and a further twenty-six (26) spaces at ground level. In addition, a total of sixty-four bicycle parking spaces are provided for residents and for staff/customers associated with the non-residential uses. A service vehicle loading bay is located along the eastern boundary of the site to facilitate refuse collection and deliveries associated with the non-residential uses.

It is acknowledged the applicant's report has calculated car parking numbers in accordance with the Next generation neighbourhood precinct rates (1 per dwelling). Submissions received suggest that car parking should be calculated in accordance with Schedule 7 of the Planning Scheme (3 spaces per dwelling). As the proposal is for a residential use being a Multiple dwelling, the Residential uses code is a relevant assessment benchmark. The residential uses code nominates a minimum car parking rate of 1 space per dwelling where within the Next generation neighbourhood precinct and 1.75 spaces per dwelling where within the Suburban neighbourhood precinct. It is noted that car parking numbers referenced in the scheme as examples only, and regardless of which zone is used, the Performance Outcome (PO4 of the Residential uses code) requires: 'Car parking is provided on-site that provides for the number and type of vehicles anticipated to access the lot, ensuring a surplus of car parking is avoided'.

The applicant has allocated 85 car parking spaces within the basement level to residential dwelling and a further 10 residential visitor spaces at ground level (rate of 1.75 spaces per dwelling) and 16 spaces are allocated to service the 400m<sup>2</sup> retail/commercial and marine industry tenancies (4 spaces per 100m<sup>2</sup> of retail/commercial and marine industry GFA). The proposed car parking provision is considered sufficient for the anticipated parking demand to service both the residential and retail/commercial uses. In addition, it is noted that an additional 100 car parking spaces will be

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available on site to service the 205 marina berths and any overflow car parking that may eventuate from time to time.

A Traffic Impact Assessment has been submitted as part of the application. The Traffic Impact Assessment has assessed the intersection of the shared driveway with Griffith Road in terms of capacity, sightlines and queuing, the surrounding road network, traffic volumes, active and passive transport usage, car parking provision, intersection sight lines, servicing requirements and traffic generation. The recommendations of the report indicate that the expected peak hour traffic volumes are well within capacity and are not expected to have a negative impact on the site access or surrounding road network. The report demonstrates that the intersection is expected to perform very well through to 2031 with a class A level of service, and minimal delays and queuing.

The report recommends the following treatments to improve transportation safety and efficiency:

- A 25m auxiliary left-turn land be line- marked along the shoulder (parking lane) of Griffith Road; and
- That a shared pedestrian zone and dedicated footpath be provided linking the proposed development to Griffith Road.

It appears there may be some confusion between "Peak Flow Factor" and capacity. The Peak Flow Factor is not a reference to the capacity, rather it is defined by SIDR as "The Ratio of the average flow rate during the total flow period to the average flow rate during the peak flow period". The subject section of Griffith Road is a divided sub-arterial road, with one traffic lane and a kerbside parking lane in each direction. This road operates under an interrupted flow regime. Table 5.1 of the Austroads guide specifies a maximum lane capacity of 900-1,000vph respectively for a kerbside lane adjacent to a parking lane and a median lane on a divided road. The peak lane traffic flows for the Saturday peak hour shown on Figure 21 of the traffic report is 665vph, which is 67-74% of capacity (cf the 97.9% Peak Flow Factor quoted in the submissions).

Submitters have raised concern around the safety implications of the proposal to utilise a section of the existing access driveway as a shared pedestrian zone. The shared pedestrian zone is proposed to have a posted speed limit of 10km/hr, speed humps to reduce vehicle speeds, signage in accordance with the Manual of Uniform Traffic Control Devices for the shared zone and different coloured and textured paving.

This is not sufficient grounds for refusal of the application.

**Amenity Impacts**

An Acoustic Report has been submitted as part of the application. The acoustic assessment has assessed the impact of site activities on the surrounding receiving environment, including non-residential uses hours of operation, patron noise, delivery and refuse vehicle collection noise, mechanical plant noise, vehicle noise and car parking access gate noise. The recommendations of the report identify that the site activities can be undertaken in accordance with specified noise criteria subject to a number of recommendations including:

- Installation of a 2.4m high acoustic barrier adjacent to the loading bay along the eastern boundary adjoining Lot 1 on SP111814;
- Installation of a 2.4m high acoustic barrier along the southern boundary with Lot 10 on SP290319
- Deliveries and waste collection are limited to 7am and 6pm weekdays and between 9am and 12pm on weekends;
- Limit operation of the non-residential tenancies and communal open space area associated with the Multiple dwelling between 7am and 10pm;

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- Outdoor dining areas limited to the western façade of the building;
- Residential habitable rooms on site to be fitted with air conditioning or mechanical ventilation to allow doors and windows to be closed.
- The preparation of a noise management plan for site users to further reduce noise impacts.

Whilst for the most part the acoustic assessment has provided sufficient acoustic amelioration measures, further refinement is required with respect to the truck and vehicle movements, loading activities and waste servicing. Potential solutions exist to address these matters including enclose the loading dock/servicing area and the ramp entrance or alternatively relocating these service areas elsewhere on site. The recommendations of this report include conditions of development requiring the recommendations of the Acoustic Report (and as amended) be implemented and certified by a suitably qualified professional, prior to the commencement of use.

This is not sufficient grounds for refusal of the application.

#### **Alternative use of Marine Industry land**

Submitters have raised concern regarding the loss of land zoned for Marine industry purposes. No supporting information was provided to substantiate claims made by submitters that the loss of marine industry land will be detrimental to the community, other than an increasing population will support more boat users and in turn demand for marine services.

It is noted that the site is currently not used for marine industry purposes. The site supports marina berths and a tourism operator; however, no industrial activities are presently occurring on site.

The zoning of the site was previously Mixed residential zone under the Redcliffe City Planning Scheme 2005. With the commencement of the MBRC Planning Scheme on 1 February 2016, the site was included within the Industry zone, Marine industry precinct. On 8 February 2017, Council's delegate issued a Material Change of Use - Development permit for House (10 houses) and Reconfiguring a Lot - Development Permit for (1 into 10 lots plus common property) which was assessed and decided under the superseded Redcliffe City Planning Scheme. This development has since been acted on and ten (10) residential lots have been created contained a Dwelling house on each, however remains contained within the Industry zone, Marine industry precinct. It is acknowledged that since the commencement of the MBRC Planning Scheme, part of the site has been converted to residential purposes. Submissions received have raised that as a result of this residential encroachment and that the site is in the middle of a residential area, the use of the site for industrial purposes is redundant. This it is acknowledged that as a result of surrounding residential uses, the establishment of particular industrial activities on the site is made more difficult due to the potential for adverse amenity impacts on sensitive uses.

The site is included within the Industry zone, Marine industry precinct and is included within the Suburban neighbourhood Place type under the Strategic Framework of the MBRC planning Scheme. The Strategic Framework provides a vision and strategy for growth and development to year 2031. It also provides a policy direction for development within the region over the life of the planning scheme (10 years). It is noted that the Strategic Framework identifies the Scarborough Marina (2km north-east of the site) was being within the Special Areas Place type. The Specific Outcomes of the North-Lakes-Redcliffe-Moreton bay Rail Corridor Planning Area identifies [in part] that the Scarborough Boat Harbour 'has a unique role to play in respect to opportunities for economic activity, recreation, tourism aviation and marine activities and planning area infrastructure which this plan seeks to protect'. It is noted that the Newport marina is not recognised by the Strategic Framework as a unique facility or requiring protection for Marine activities. Accordingly,

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the planning intent is that the Scarborough Marina is to become the key destination for economic and marine activities within the planning area, long-term.

This is not sufficient grounds for refusal of the application.

#### **Non-Compliance with the Planning Scheme**

As part of the application material, the applicant has identified that the proposal does not comply with a number of provisions of the MBRC Planning Scheme. Submissions received have also identified the same non-compliances and have raised further alleged non-compliances beyond those identified by the applicant. Whilst there is agreement on some of the identified conflicts, the applicant has submitted that on balance the conflicts do not warrant refusal of the application and in addition there are 'other relevant matters' that lend support to the proposal. The submissions opposing the proposal, on the other hand, believe there are additional conflicts that must be considered in the assessment and the non-compliances should warrant refusal.

The applicant's assessment identifies that the proposal aligns with many of the strategic outcomes contained under the various themes. The applicant's assessment identifies that the proposal is not characteristic of development in the Suburban neighbourhood place type and is therefore, technically inconsistent with the specific outcomes, with respect to density, land uses, and built form. The applicant acknowledges these the proposal conflicts with strategic outcomes of the Strategic Framework but notwithstanding, believes there are relevant matters other than the assessment benchmarks and matters prescribed by regulation that must be taken into consideration in the assessment of the application that warrant approval.

Many of the conflicts identified by the submitters are replicated through different sections of the planning scheme. For ease of interpretation the identified conflicts can be summarised as follows:

#### **Submitter Identified Strategic Framework conflicts**

- **Character/Built Form** - The development would represent a medium-rise, medium-density residential development in an area characterised by established low-rise residential uses.
- **Density** - The proposed development reflects a density of approximately 49 dwellings per hectare (higher where excluding balance land), substantially exceeding the intended 11 dwellings per hectare within the Suburban neighbourhood. The locational attributes do not support an increased residential density as the site is not proximate to a higher order centre or high frequency public transport.
- **Interface/Amenity** - The proposed development is inconsistent with the surrounding settlement pattern, specifically considering the interface with adjoining properties. The built form is overbearing and will not maintain views, privacy, access to natural light and the visual amenity of adjoining sensitive land uses.
- **Location of non-residential uses** - The Suburban Neighbourhood Place Type is intended to provide limited range of local convenience services and facilities. The proposed development comprises retail and commercial land uses that are not conveniently located and will impact on residential amenity. The proposed non-residential uses undermine the role and function of the regions' centres network and neighbourhood hubs.

#### **Submitter Identified Industry Zone Code, Marine industry precinct conflicts**

- **Inconsistent uses within Marine Industry Precinct** - The proposal is in conflict with the Purpose of the Marine industry precinct as it does not facilitate and maintain the long-term viability of waterfront-based industry and associated commercial activities which require direct access to a waterway. The proposal incorporates non-industrial activities that do not require waterfront access and will compromise the use of the site for waterfront based marine activities. Multiple dwelling, Shop, Food and drink outlet and Office are inconsistent uses and do not represent marine-based industrial activities or commercial activities with a

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direct nexus with maritime activities. The height and scale of the proposed built form is not reflective of Marine industry character. The side and rear setbacks of the proposed development result in an overbearing-built form that does not maintain views, privacy, access to natural light and the visual amenity of adjoining sensitive land uses.

- **Traffic, Transport, Access and Car Parking** - Insufficient car parking has been provided on site. Car parking has been calculated using Next generation neighbourhood rates. The site's attributes are not reflective of a next generation neighbourhood. The site is not conducive to active transport and public transport is infrequent.

#### *Response to conflicts identified*

A detailed response has been provided under the key themes under headings in this submissions summary section and as well as in the planning scheme assessment section of this report (Refer section 2.4 of this report). Accordingly, a response to these matters has not been duplicated in this section.

#### *'Other Relevant Matters'*

Submissions in support of the application, believe that each of the non-compliances with the planning scheme are minor in nature and do not warrant refusal of the application. Submissions in support agree with the 'other relevant matters' put forward by the applicant and believe there are other relevant matters to warrant support of the proposal.

Submissions opposed to the development make comment that the 'other relevant matters' identified by the applicant do not outweigh or overcome the conflict with the planning scheme and do not justify the proposed development when no genuine benefit arises from the development.

Refer section 2.4.1.1 'Other Relevant Matters' assessment for detailed discussion on other relevant matters. A response to these matters has not been duplicated in this section.

#### *Miscellaneous Matters*

Submitters have identified that the development occupies a portion of the site only and the density calculations referenced throughout the application are misleading. The submitters' comments are acknowledged that a higher density is proposed (approx. 93.5 du/ha) where the balance area of the site is excluded from density calculations. The future development potential of the balance land is not a relevant consideration in the context of density, for the assessment of this application.

Submitters have raised concern about the proposed building being constructed on reclaimed land/fill. It must be noted that this application is for a land use approval only and the further permits will be required including a building development permit under the *Building Act 1975*. The suitability of the site from a geotechnical perspective will be assessed and detailed construction and engineering plans prior to a building works approval.

Submitters have raised concerns regarding impacts associated with construction of the proposed development including potential for noise, dust, contractor parking locations and impacts on foundations of adjoining properties. Should the application be approved, a condition of development is recommended requiring the submission of a construction management Plan for Council approval, prior to works commencing. The construction management plan is required to cover such aspects as material delivery and storage locations, waste locations, contractor office location, tradespersons/contractor parking, traffic control, dust management and hours of operation. Noise impacts would be administered under the *Environmental Protection (Noise) Policy 2008*. Potential impacts on foundations would be a civil matter between affected parties.

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The impact on surrounding property values is not a relevant planning consideration. Comments regarding an existing over-supply of apartments in the locality have not been substantiated. In addition, it is noted that should the application be approved, the permit would have a currency period of six (6) years and future market conditions cannot be accurately forecast.

Submitter's have made comments that the application material comments regarding publicly accessible spaces are misleading. Whilst it is acknowledged the land will be retained in private ownership, the site will be accessible to the general public, including access to retail/commercial and marine industry tenancies at ground level and associated outdoor seating areas.

Submitter's have made comments that the applicant/developers' consultation with the community was inadequate. The application is subject to impact assessment and the applicant has correctly undertaken public notification in accordance with the requirements of the *Planning Act 2016*.

Submitter's have raised concern regarding emergency evacuation of the site in the event of a major event such as fire. Whilst the site is a rear access lot, the existing access driveway allows for two-way access and would allow for appropriate pedestrian and vehicle evacuation from the site. Further it is noted that fire safety requirements would be assessed as part of a Building Works application under the *Building Act 1975*. With respect to other events such as flood/ storm tide, these events typically have a longer warning time to allow for orderly evacuation or alternatively the building would have appropriate flood immunity to allow persons to remain in place during an event. It is noted during a year 2100 storm tide event; the access driveway potentially could be inundated by 400mm of flooding. Should the application be approved, a condition of development is recommended that a Flood Emergency Management Plan be prepared for both the residential dwellings and commercial tenancies to create awareness inundation potential.

The above matters are not sufficient to warrant refusal of the application.

**2.8.3 Notice of Compliance**

The Notice of Compliance was received by Council on 7 June 2019. The Notice of Compliance identifies that the public notification requirements for the development application were correctly undertaken in accordance with the requirements of Part 4, of the Development Assessment Rules.

**2.9 Other Matters**

None identified.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

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

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

The proposal is inconsistent with the existing Moreton Bay Region planning provisions and relevant policies however there are other relevant matters to support the proposal.

**3.4 Risk Management Implications**

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

*ITEM 2.1 (further considered later in the meeting - refer Page 19/1800) DA/38402/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (54 DWELLINGS), SHOP, FOOD AND DRINK OUTLET, OFFICE AND MARINE INDUSTRY, LOCATED AT 156A, 156 (COMMON PROPERTY) AND 158 GRIFFITH ROAD, NEWPORT - DIVISION 5 - A18729575 (Cont.)*

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) Should the application be approved, Infrastructure Charges are applicable.

3.7 Economic Benefit

Appropriate development supports the growing Moreton Bay region

3.8 Environmental Implications

New development contributes to sustainable management and protection of the natural environment in the region through compliance with the planning schemes policies and provisions.

3.9 Social Implications

Appropriately designed and located development contributes to diverse, vibrant and safe communities and facilities.

3.10 Consultation / Communication

Refer to clause 2.8.



## **ATTENDANCE**

The Mayor returned to the meeting briefly at 11.25am and again retired from the meeting at 11.26am under the same conflict of interest as previous, immediately prior to Council moving into closed session to further discuss Item 2.1.

Cr Mike Charlton (Deputy Mayor) assumed the Chair at this time.

## **CLOSED SESSION**

### **RESOLUTION**

Moved by Cr Koliana Winchester

Seconded by Cr Peter Flannery

**CARRIED 11/0**

**That Council move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to further discuss Item 2.1.**

Members of the press and public gallery left the Chambers.  
The closed session commenced at 11.27am.

## **OPEN SESSION**

### **RESOLUTION**

Moved by Cr Koliana Winchester

Seconded by Cr Peter Flannery

**CARRIED 11/0**

**That Council resume in open session and that the following motions be considered.**

The meeting resumed in open session and members of the public returned at 11.57am.

## **ATTENDANCE**

Cr Allan Sutherland (Mayor) also returned to the meeting at that time and resumed the Chair.

## ITEM 2.2

### TENDER FOR STRATEGIC NETWORK PLANNING - STORMWATER QUANTITY - REGIONAL

*Meeting / Session:* 2 PLANNING & DEVELOPMENT  
*Reference:* A18886103 : 26 July 2019  
*Responsible Officer:* EM, Acting Team Leader Strategic Planning (PED Strategic Planning)

#### Executive Summary

In 2018, Council resolved to commence the process to amend the Local Government Infrastructure Plan (LGIP) (refer to MP18/1477).

There are three major infrastructure networks Moreton Bay Regional Council is responsible for planning and implementing as part of the LGIP:

1. Transport;
2. Open Space and Community Facilities; and
3. Stormwater

Stormwater planning has three distinct and unique elements, for which two are included in the LGIP -

1. Stormwater Quantity;
2. Stormwater Quality;
3. Coastal Processes.

The Strategic Network Planning - Stormwater Quantity project requires the engagement of a suitably qualified and experienced consultancy team to undertake modelling and infrastructure investigations for the stormwater quantity network across the Region.

As the total project cost is in excess of \$250,000 (excluding GST), Council approval is required in accordance with Corporate Directive 2180-011 *Tendering and Contract Guidelines*. Four consultancies were invited to tender on the project, however, Council received only one response. The tender submission has been assessed and it is recommended that Council award the contract to BMT Eastern Australia Pty Ltd for the amount of \$511,071.50 (excluding GST).

#### RESOLUTION

Moved by Cr Matt Constance

Seconded by Cr Peter Flannery

CARRIED 12/0

1. That the tender for MBRC Strategic Network Planning - Stormwater Quantity be awarded to BMT Eastern Australia for the amount of \$511,071.50 (excluding GST).
2. That the Council enters into an agreement with BMT Eastern Australia Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with BMT Eastern Australia for MBRC Strategic Network Planning - Stormwater Quantity and any required variations of the agreement on Council's behalf.
4. That additional funds be made available at the quarterly review for the delivery of this project.

ITEM 2.2 TENDER FOR STRATEGIC NETWORK PLANNING - STORMWATER QUANTITY - REGIONAL - A18886103 (Cont.)

### OFFICER'S RECOMMENDATION

1. That the tender for MBRC Strategic Network Planning - Stormwater Quantity be awarded to BMT Eastern Australia for the amount of \$511,071.50 (excluding GST).
2. That the Council enters into an agreement with BMT Eastern Australia Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with BMT Eastern Australia for MBRC Strategic Network Planning - Stormwater Quantity and any required variations of the agreement on Council's behalf.
4. That additional funds be made available at the quarterly review for the delivery of this project.

### **REPORT DETAIL**

#### **1. Background**

A Local Government Infrastructure Plan (LGIP) is that part of a planning scheme that identifies the Local Government's plans for trunk infrastructure that are necessary to service urban development at the desired standard of service in a coordinated, efficient and financially sustainable manner.

Under section 25(3) of the *Planning Act 2016* (PA), a local government must review any LGIP within five years of the LGIP being included in the planning scheme and, if the LGIP has been reviewed, within five years of when the LGIP was last reviewed.

Following Council's resolution in July 2019 (MP18/1477) to commence the process of amending the Local Government Infrastructure Plan, Officers have developed a comprehensive methodology to undertaking the network planning for the stormwater quantity network. Unlike the other trunk infrastructure networks, long term planning for this network has not been undertaken since amalgamation.

The scope of this project is to undertake the network planning for Council's future trunk stormwater quantity requirements (land and infrastructure) across ten (10) minor basins by:

- Benchmarking, reviewing and recommending an appropriate desired standards of service (DSS) and trunk infrastructure definition;
- Developing appropriate network modelling for multiple time periods;
- Identifying, locating, and assessing drainage infrastructure needs to satisfy the DSS across multiple time periods for the entire Moreton Bay region; and,
- Quantifying and costing the trunk infrastructure implementation over time as a basis of the LGIP.

This scope has been developed to meet the requirements for an LGIP outlined in the *Ministers Guidelines and Rules*.

This project is required to undertake the required modelling and complete mitigation assessment by May 2020 to support the LGIP amendment.

Due to the scale of the project, the scope was split into two packages consisting of similar catchment areas and complexity. Consultants were invited to respond to one or both packages of work.

This project has a current budget allocation of \$200,000 for the 2019/20 financial year. At the time of preparing the 2019/20 budget, this project was intended to commence in the 2018/19 financial year with sufficient funds available for the project scope and duration. Additional funding will be sought at Q1.

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

Council issued a total of four (4) invitations to tender to the following consultancies from Local Buy Contract BUS262-0317 - Engineering and Environmental, to tender on both packages of work:

- Arup Pty Limited

*ITEM 2.2 TENDER FOR STRATEGIC NETWORK PLANNING - STORMWATER QUANTITY - REGIONAL - A18886103 (Cont.)*

- BMT Eastern Australia Pty Ltd
- GHD
- Jacobs Group (Australia) Pty Ltd (Qld)

These consultancies were selected due to Council's confidence that they have the capability and experience to undertake what is known to be a technically complex project, and are known not to be conflicted with development activity in the region.

At the close of the tender period on 10 July 2019, only one response was submitted by BMT Eastern Australia Pty Ltd (BMT). The other consultancies declined to respond, citing a lack of available and appropriately qualified technical resources to undertake the project within the required timeframes.

The response received from BMT was assessed by the evaluation panel in accordance with Council's Procurement Policy and the selection criteria outlined in the tender documentation. Officers sought clarification to confirm their ability to undertake both packages of work and to confirm their resource availability. A clarification meeting was held to discuss their response.

Due to only one response being received, the final weighted score is outlined in the table below:

PACKAGE	RANK	TENDERER	EVALUATION SCORE
1	1	BMT Eastern Australia	100
2	1	BMT Eastern Australia	100

**BMT Eastern Australia Pty Ltd (BMT)** submitted a quality tender submission to both packages of this tender. BMT clearly demonstrated their capability and capacity (in terms of both human resources and computing hardware). BMT have previously undertaken similar projects for Council and delivered them within time and to a high standard. The submission from BMT met all criteria outlined in the specification and are suitably qualified and experienced in the field. BMT also offered a 5% discount for combining both packages. The panel recommend that this offer be accepted by Council.

### **3. Strategic Implications**

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

Due to the value of the work being greater than \$200,000, a competitive request for tender was undertaken through Vendor Panel, using Local Buy Contract BUS262-0317, Engineering and Environmental, in accordance with the Local Government Regulation 2012.

Under the *Planning Act 2016*, a Local Government must be reviewed within five years of commencement. The current LGIP commenced on 3 July 2017. The LGIP amendment including the supporting network planning must be undertaken in accordance with the requirements outlined in the *Ministers Guidelines and Rules*.

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

This project is consistent with the Corporate Plan outcome - Creating Opportunities: Well-planned growth - a sustainable and well-planned community.

#### **3.3 Policy Implications**

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

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

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

ITEM 2.2 TENDER FOR STRATEGIC NETWORK PLANNING - STORMWATER QUANTITY - REGIONAL - A18886103 (Cont.)

This project has a specific time line to provide the required inputs to support the LGIP amendment. Officers identified that there was a risk to delivery of the project within the required timeframes due to the scale of the project so elected to split the scope of work into two packages. There is concern that awarding both packages of the project to a single consultancy may have implications for meeting the required timelines. BMT have demonstrated that they have the capacity to undertake the project within the required timeframes and have confirmed a commitment to meeting the required delivery milestones adding extra human and/or computing resources as necessary. Council officers were satisfied that the response from BMT had fully recognised the resourcing requirements of the project.

Officers have explored the option of further breaking down the work into smaller packages and re-issuing to the market. Not only would this delay the commencement of the project, but it also reduces the likelihood of being able to produce the required inputs for the LGIP amendment and therefore not meet Council's statutory timeframes for the review. Having several consultancies each delivering a package increases the project management burden on Council to coordinate multiple consultancies and increases the risk of inconsistencies across the packages.

It is noted that BMT's proposal to undertake both packages of work reduces the risk of potential inconsistencies across the packages. This limits the potential impact on timeliness of delivery if the project was awarded across multiple consultancies.

As this project involves planning for future infrastructure requirements for the Region, only consultancies known not to be conflicted with development were invited to tender.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

This project will be debited to job/project number 108169. The 2019/20 budget amount for this Project of \$200,000 is insufficient. At the time of preparing the 2019/20 budget, this project was intended to be split across the 2018/19 and 2019/20 financial years - sufficient funds would have been available to undertake the scope and meet the requirements of the *Ministers Guidelines and Rules*.

The price submitted is within project costs estimated by officers. This estimate is based on an assessment of the professional modelling resources required to undertake both packages of work. Noting that the scope of the project covers ten (10) minor basins, the price submitted is considered to offer value for money.

Additional funds of \$195,000 will be required at the next quarterly review for the 2019/20 financial year, with \$116,000 required for the 2020/21 financial year.

Work on the project will commence in August 2019 and extend of the period of the 2019-20 and 2020-21 financial years.

3.7 Economic Benefit

Well planned infrastructure supports the economic growth and safety of our communities.

3.8 Environmental Implications

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

*ITEM 2.2 TENDER FOR STRATEGIC NETWORK PLANNING - STORMWATER QUANTITY - REGIONAL - A18886103 (Cont.)*

3.9 Social Implications

No social implications arise as a direct result of this report.

3.10 Consultation / Communication

The tender specifications were developed as a collaboration between Strategic Planning and Drainage Waterways & Coastal Planning.

Public consultation will occur for the broader LGIP project in accordance with the requirements of the *Planning Act 2016*. No specific public consultation is proposed for this project.

**ATTENDANCE**

Mr Denis Crowe attended the meeting at 12.00pm for discussion on Item 3.1.

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**3 CORPORATE SERVICES SESSION**

**(Cr M Constance)**

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**ITEM 3.1**

**MONTHLY REPORTING PACKAGE - JUNE 2019 - REGIONAL**

*Meeting / Session:* 3 CORPORATE SERVICES  
*Reference:* A18919212: 2 August 2019 - **Refer Supporting Information A18930087**  
*Responsible Officer:* AD, Management Accountant (CORP Accounting Services)

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**Executive Summary**

The purpose of this report is to present the Financial Reporting Package for the year to date period ending 30 June 2019.

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**RESOLUTION**

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**Moved by Cr Peter Flannery**

**Seconded by Cr Koliana Winchester**

**CARRIED 12/0**

**That the Financial Reporting Package for the year to date period ending 30 June 2019 be received.**

ITEM 3.1 MONTHLY REPORTING PACKAGE - JUNE 2019 - REGIONAL - A18919212 (Cont.)

**OFFICER'S RECOMMENDATION**

That the Financial Reporting Package for the year to date period ending 30 June 2019 be received.

**REPORT DETAIL**

**1. Background**

The Financial Reporting Package for the month ending 30 June 2019 is contained within the supporting information to this report.

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

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

**2. Explanation of Item**

The financial results presented for the 12-month period ending June 2019 are preliminary only and may be subject to change as the Queensland Audit Office (QAO) is yet to audit Council's Financial Statements for 2018/19. The audit will occur during August/September 2019. Despite the results being preliminary, it is not expected that any significant change will occur to the results presented.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

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

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

**3.2 Corporate Plan / Operational Plan**

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

**3.3 Policy Implications**

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



*ITEM 3.1 MONTHLY REPORTING PACKAGE - JUNE 2019 - REGIONAL - A18919212 (Cont.)*

3.4 Risk Management Implications

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

3.5 Delegated Authority Implications

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

3.6 Financial Implications

As at the end of June 2019, Council's net result amounted to \$257.5 million, Capital expenditure amounted to \$172.7 million (excluding the University Project). Cash holdings remain strong at \$361.4 million. Debt closed at \$379 million, down from the \$386 million at the start of the year.

3.7 Economic Benefit

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

3.8 Environmental Implications

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

3.9 Social Implications

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

3.10 Consultation / Communication

Chief Executive Officer, Interim Director Finance and Corporate Services, Accounting Services Manager.

## **ATTENDANCE**

Mr Denis Crowe left the meeting at 12.02pm after Item 3.1.

#### 4 ASSET CONSTRUCTION & MAINTENANCE SESSION

(Cr A Hain)

##### ITEM 4.1

##### CABOOLTURE - PUMICESTONE ROAD - PATHWAY CONSTRUCTION - DIVISION 3

Meeting / Session: 4 ASSET CONSTRUCTION & MAINTENANCE  
Reference: A18888060 : 29 July 2019 - Refer **Confidential** Supporting Information  
A18794644  
Responsible Officer: BB, Manager, Project Management (ECM Project Management)

##### Executive Summary

Tenders were invited from Council's prequalified Civil Construction Panel for the 'Caboolture - Pumicestone Road - Pathway Construction (MBRC005990/VP151356)' project. The tender closed on 5 July 2019 with a total of three conforming tenders received.

It is recommended that Council award the contract to Conbro Pty Ltd for the sum of \$217,064.86 (excluding GST) as this tender was evaluated as representing the best overall value to Council.

#### RESOLUTION

Moved by Cr James Houghton

Seconded by Cr Peter Flannery

CARRIED 12/0

1. That the tender for 'Caboolture - Pumicestone Road - Pathway Construction (MBRC005990/VP151356)' project be awarded to Conbro Pty Ltd for the sum of \$217,064.86 (excluding GST).
2. That the Council enters into an agreement with Conbro Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Conbro Pty Ltd for the 'Caboolture - Pumicestone Road - Pathway Construction (MBRC005990/VP151356)' project and any required variations of the agreement on Council's behalf.

ITEM 4.1 CABOOLTURE - PUMICESTONE ROAD - PATHWAY CONSTRUCTION - DIVISION 3 - A18888060 (Cont.)

**OFFICER'S RECOMMENDATION**

1. That the tender for 'Caboolture - Pumicestone Road - Pathway Construction (MBRC005990/VP151356)' project be awarded to Conbro Pty Ltd for the sum of \$217,064.86 (excluding GST).
2. That the Council enters into an agreement with Conbro Pty Ltd as described in this report.
3. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to, negotiating, making, amending, signing and discharging the agreement with Conbro Pty Ltd for the 'Caboolture - Pumicestone Road - Pathway Construction (MBRC005990/VP151356)' project and any required variations of the agreement on Council's behalf.

**REPORT DETAIL**

**1. Background**

This project is located in Pumicestone Road, between Reserve Drive and the King John Creek bridge, Caboolture.

The scope of works includes the construction of a shared pedestrian path and cycleway. The objective of this project is to provide a concrete pedestrian footpath connection between nearby residential estates, and ultimately, the Caboolture town centre.

Project construction is programmed to commence in September 2019 and conclude in October 2019. Construction period is four weeks which includes an allowance for wet weather.



Figure 1: Location of works - Pumicestone Road, Caboolture

ITEM 4.1 CABOOLTURE - PUMICESTONE ROAD - PATHWAY CONSTRUCTION - DIVISION 3 - A18888060 (Cont.)

**2. Explanation of Item**

Tenderers were invited from Council's prequalified Civil Construction Panel (MBRC005990/VP151356) for the 'Caboolture - Pumicestone Road - Pathway Construction' project. The tender closed on 5 July 2019 with a total of three conforming tenders received. The tenders were assessed by the assessment panel in accordance with Council's Purchasing Policy and the selection criteria as set out in the tender documents.

All tenderers and their evaluation scores are tabled below (ranked from highest to lowest):

RANK	TENDERER	EVALUATION SCORE
1	Conbro Pty Ltd	99.21
2	THD Civil Pty Ltd	97.12
3	The Landscape Construction Company Pty Ltd	89.82

**Conbro Pty Ltd (Conbro)** submitted a comprehensive tender. Conbro confirmed their capability and methodology to complete the project and have previously undertaken works for Council, such as the Deception Bay Pathway Construction - value \$115,000 (excluding GST), Bellara, Verdoni Street Pathway Construction - value \$93,000 and Deception Bay, Claverton Drive Pathway Construction - value \$114,000.

**THD Civil Pty Ltd (THD)** submitted a comprehensive tender. THD's submission confirmed their capability to complete the project; however, there were no additional benefits for the higher price.

**The Landscape Construction Company Pty Ltd (TLCC)** submitted a comprehensive tender. TLCC's submission confirmed their capability to complete the project; however, there were no additional benefits for the higher price.

Reasons why other contractors did not provide submissions include works were outside normal scope of works and the size of the project was smaller than what some contractors would normally tender.

**3. Strategic Implications**

**3.1 Legislative/Legal Implications**

Council sought quotations via the Council's Prequalified Civil Construction Panel (MBRC005990) for the work through Vendor Panel in accordance with the *Local Government Act 2009*.

**3.2 Corporate Plan / Operational Plan**

This project is consistent with the Corporate Plan outcome - Valuing Lifestyle: Quality recreation and cultural opportunities - active recreation opportunities.

**3.3 Policy Implications**

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

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

**3.4 Risk Management Implications**

The detailed Risk Management Plan had been prepared. The project risk has been assessed and the following issues identified. The manner in which the possible impact of these risks will be minimised is detailed below.

*Financial Risks:*

The tenderers were sourced from the Council's prequalified Civil Construction Panel (MBRC005990).

ITEM 4.1 CABOOLTURE - PUMICESTONE ROAD - PATHWAY CONSTRUCTION - DIVISION 3 - A18888060 (Cont.)

*Construction Risks:*

- a. The recommended contractor will provide a detailed program of works, a staging plan, site specific traffic management, environmental management, tree management and safety plans. Work areas will be isolated to protect site personnel, the public, and to meet workplace health and safety requirements. The contractor provided detail on tree protection and management principles that will be included in the tree management plan.
- b. The contractor has demonstrated their understanding of constructability challenges and their technical capability to complete the works at this location.

3.5 Delegated Authority Implications

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

3.6 Financial Implications

The project is to be funded from Council's 2019-20 Minor Works budget. A sum of \$240,000 has been allocated for this project (project number 102308). All financials below are excluding GST.

Tender price	\$217,064.86
Contingency (10%)	\$ 21,706.49
QLeave (0.475%)	\$ 1,031.06
	-----
Total Project Cost	\$239,802.41
	=====
 Estimated ongoing operational/maintenance costs	 \$1,100 per F/Y

There are sufficient funds allocated to undertake the project.

3.7 Economic Benefit

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

3.8 Environmental Implications

A tree management plan will be implemented as part of the construction works to monitor and protect existing trees on site.

3.9 Social Implications

The project aims to promote a healthy and inclusive community, with a pathway upgrade that encourages active living and provides safe navigation along Pumicestone Road.

3.10 Consultation / Communication

A detailed communication plan has been prepared. Project signage will be displayed a minimum of four weeks prior to and throughout the works, including project notices distributed a minimum of two weeks prior to the commencement of works. Weekly email updates will be provided to the Divisional Councillor on progress of the works.

The Divisional Councillor has been consulted and is supportive of the project.

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**5 PARKS, RECREATION & SPORT SESSION**

**(Cr K Winchester)**

No items for consideration.

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**6 LIFESTYLE & AMENITY SESSION**

**(Cr D Sims)**

No items for consideration.

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

**(Cr P Flannery)**

No items for consideration.

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**8 REGIONAL INNOVATION SESSION**

**(Cr D Grimwade)**

No items for consideration.

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11. GENERAL BUSINESS OR RESPONSE TO QUESTIONS TAKEN ON NOTICE

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**ITEM 11.1**  
**BUS DRIVER AWARDS FOR SOUTH EAST QUEENSLAND**

Cr Peter Flannery made mention of Mr John Russ from Caboolture Buslines who last week won the Best South East Queensland driver award. Approximately 2,500 drivers having been nominated, Mr Russ has been a driver for the past 18 years and is 61 years of age.

Cr Peter Flannery also made mention of the Best School Bus Driver which was awarded to Betty Hipwell (Christensen's Bus and Coach).

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**RESOLUTION**

**Moved by Cr Peter Flannery**  
**Seconded by Cr Adam Hain**

**CARRIED 12/0**

**That a Mayoral letter of congratulations be sent to Mr John Russ for his service to the community through driving buses.**

**ITEM 11.2**  
**PINE RIVERS BEARS RUGBY LEAGUE CLUB - 50<sup>TH</sup> ANNIVERSARY**

Representing the Mayor, Cr Denise Sims attended the **Pine Rivers' Bears 50<sup>th</sup> Anniversary game** on Saturday, 10 August together with Mike Charlton (Deputy Mayor). Unfortunately, the Bears lost the main game to North Lakes, however the event was very entertaining.

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**RESOLUTION**

**Moved by Cr Denise Sims**  
**Seconded by Cr Mike Charlton (Deputy Mayor)**

**CARRIED 12/0**

**That a Mayoral letter of congratulations be sent to the Pine Rivers Bears Rugby League Club on celebrating their 50<sup>th</sup> anniversary.**

**ITEM 11.3**  
**REGIONAL EVENTS**

Cr Julie Greer attended the **Lions Children of Courage Awards** over the weekend where 8 kids were presented with packs and certificates. Cr Julie Greer said that this was an inspirational day for all involved.

Cr Julie Greer attended the **2019 Multicap Inter-service Cup** held recently. Cr Julie Greer mentioned this was a wonderful day with many laughs and smiles on the day.

Cr Julie Greer attended the **North Lakes Probus 11<sup>th</sup> birthday anniversary** held at the Kallangur Tavern over the weekend.

*ITEM 11.3 REGIONAL EVENTS - A18888060 (Cont.)*

Cr James Houghton mentioned the visit from students of **Sanyo-Onoda, Japan** (Council's Sister City) on the weekend. The students attended a Dolphins home game and were presented with jerseys. Cr Houghton advised that a good night was had by all with the students being introduced to the players at full time. The students also showing keen interest in the University presently under construction.

Cr Mick Gillam advised of his attendance at the **Annual Railway Model and Hobby Show** at the Strathpine Community Centre over the weekend. Cr Mick Gillam mentioned that approximately 2,000 people attended the event over the two days. Cr Mick Gillam noted there were models from all over South East Queensland on display.

Cr Adam Hain reported that the Caboolture Festival concluded on Monday with the conduct of the annual **Caboolture Family Fun Day**. Cr Peter Flannery and Cr Mike Charlton (Deputy Mayor) also attended along with many others from the region and beyond. Cr Hain commented he believed this year's numbers exceeded those of previous years, stating that this was a terrific event with perfect weather. Cr Mike Charlton (Deputy Mayor) concurred adding that this was a great day out for all the family.

Cr Adam Hain also mentioned his attendance at the unveiling of the **new mural** at the Caboolture Village Green in Caboolture over the weekend. The mural is quite spectacular and a feature when coming out of the Caboolture train station.



## 12. CLOSED SESSION

*(s275 of the Local Government Regulation 2012)*

Consideration of confidential officers' reports as referred by the Chief Executive Officer and confidential general business matters as raised at the meeting.

### RESOLUTION

Moved by Cr Brooke Savige

Seconded by Cr Matt Constance

CARRIED 12/0

**That Council move into closed session pursuant to the provisions of s275 (1) of the Local Government Regulation 2012 to discuss Items C.1 to C.2.**

Members of the press and public gallery left the Chambers.  
The closed session commenced at 12.15pm.

### ATTENDANCE

Ms Amy White and Mr David Hood attended the meeting at 12.16pm for discussion on Item C.1.

## OPEN SESSION

### RESOLUTION

Moved by Cr Mike Charlton (Deputy Mayor)

Seconded by Cr Matt Constance

CARRIED 12/0

**That Council resume in open session and that the following motions be considered.**

The open session resumed at 12.20pm, and members of the public gallery returned to the meeting at that time.

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**12a. CONFIDENTIAL OFFICERS' REPORTS TO COUNCIL**

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**ITEM C.1 – CONFIDENTIAL**

**OUTCOME OF TENDER (MBRC007831) FOR OPERATION OF SUNDAY STREET MARKET, REDCLIFFE PARADE, REDCLIFFE - DIVISION 6**

**Meeting / Session:** 2 Planning & Development (Cr M Gillam)

**Reference:** A18741211 : 5 August 2019

**Responsible Officer:** LF, Team Leader Strategic Planning and Economic Development (PED Strategic Planning)

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**Basis of Confidentiality**

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

**Executive Summary**

Tenders were invited for the 'Operation of Sunday Street Market, Redcliffe Parade, Redcliffe (MBRC007831)', to award a Management Agreement to a market operator for a three-year term with a possible three-year extension. The tender was opened on 23 February 2019 and closed on 19 March 2019. Four conforming tenders were received.

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**RESOLUTION**

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Moved by Cr Denise Sims

Seconded by Cr Matt Constance

**CARRIED 12/0**

1. That the tender for 'Operation of Sunday Street Market, Redcliffe Parade, Redcliffe (MBRC007831)' be awarded to Goodwill Projects Pty Ltd.
2. That the Chief Executive Officer be authorised to take all action necessary, including but not limited to negotiating, making, amending, signing and discharging the Management Agreement with Goodwill Projects Pty Ltd for 'Operation of Sunday Street Market, Redcliffe Parade, Redcliffe (MBRC007831)' and any required variations of the agreement on Councils behalf.
3. That the market fee payable by Goodwill Projects Pty Ltd to Council is \$30,000 per annum (excluding GST, CPI indexed in July each year) for the term of the three-year Management Agreement. The market fee payable for any extension of the agreement is to be renegotiated at that time.

**ATTENDANCE**

Ms Amy White and Mr David Hood left the meeting at 12.17pm after Item C.1.

**ITEM C.2 – CONFIDENTIAL**

**WOODFORDIA CULTURAL PRECINCT UPGRADES PROJECT - REGIONAL COMMUNITY PROJECT GRANT - DIVISION 12**

**Meeting / Session:** 7 Economic Development, Events & Tourism (Cr P Flannery)

**Reference:** A18941857 : 8 August 2019

**Responsible Officer:** MM, Manager - Community Services, Sport and Recreation (CES Community Services, Sport & Recreation)

**Basis of Confidentiality**

Pursuant to s275 (1) of the Local Government Regulation 2012, clause (h), as the matter involves other business for which a public discussion would be likely to prejudice the interests of someone else, or enable a person to gain a financial advantage.

**Executive Summary**

At Council's 3 May 2016 Coordination Committee meeting, Council resolved to support the Queensland Folk Federation (now known as Woodfordia Inc.) in their application to Round 3 of the Federal Government's National Stronger Regions Fund (NSRF) for upgrades to the Woodfordia Cultural Precinct (Woodfordia Cultural Precinct Upgrades project). A financial contribution of \$1,000,000 was committed by Council, subject to Woodfordia Inc. being successful in their application for \$3,500,000 from the NSRF.

Whilst unsuccessful in their 2016 application to the Federal Government NSRF, and a subsequent application to the Federal Government Building Better Regions Fund in 2017, Woodfordia Inc. secured a State Government grant of \$2,000,000 towards the Woodfordia Cultural Precinct Upgrades project. The majority of works associated with this project have now been completed, with the remainder to be finalised by the end of August 2019.

Woodfordia Inc. have completed works associated with this project on their understanding that Council's 2016 funding commitment of \$1,000,000 towards the project would still be provided, even though their Federal Government grant applications were unsuccessful.

As one of the largest cultural events in the state, Queensland Tourism has estimated that the Woodford Folk Festival contributes over \$30 million annually to the South-East Queensland economy, \$16 million of which remains within the Moreton Bay Region.

This report seeks confirmation from Council of its continued commitment to the provision of a \$1,000,000 grant to Woodfordia Inc. towards upgrades to the Woodfordia Cultural Precinct, noting that the Federal Government funding contribution originally sought was not received. Should Council confirm this commitment, this report also seeks Council approval to provide this grant under Council's Community Grants Policy as a Regional Community Project Grant. Furthermore, Council would be required to make provision for this grant in its 2019/20 budget.

**RESOLUTION**

**Moved by Cr Mick Gillam**

**Seconded by Cr Matt Constance**

**CARRIED 12/0**

1. That having taken into account the matters for consideration under Council's Community Grants Policy, Council confirms its continued commitment to the provision of a \$1,000,000 grant to Woodfordia Inc. towards upgrades to the Woodfordia Cultural Precinct, noting that the Federal Government funding contribution originally sought was not received.
2. That Council provides this grant under Council's Community Grants Policy as a Regional Community Project Grant, noting that Woodfordia Inc. have secured a State Government funding contribution towards the project in the amount of \$2,000,000.

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*ITEM C.2 – CONFIDENTIAL WOODFORDIA CULTURAL PRECINCT UPGRADES PROJECT - REGIONAL COMMUNITY PROJECT GRANT - DIVISION 12 - A18941857 (Cont.)*

3. That Council make provision in its 2019/20 financial year budget for the grant referred to in Recommendation 1.
4. That the Chief Executive Officer be authorised to take all action necessary including, but not limited to, negotiating, making, amending, signing and discharging the funding agreement and any required variations of the funding agreement on the Council's behalf, as described in this report.

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**12b. CONFIDENTIAL GENERAL BUSINESS**

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No items for consideration.

10. OFFICERS' REPORTS TO COUNCIL (conducted in Sessions) - *continued*

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Council further considered Item 2.1 from Page 19/1691

**ATTENDANCE**

John Hall and Elton Morais attended the meeting for further consideration of Item 2.1.

**ITEM 2.1 (further considered) - DECLARATION OF INTEREST**

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

Pursuant to s175E of the *Local Government Act 2009*, Cr Allan Sutherland (Mayor) declared a real conflict of interest in Item 2.1 (further considered) as the development permit for multiple dwellings located at 156a, 156 and 158 Griffith Road, Newport are located in close proximity to where the Mayor resides.

**Cr Allan Sutherland (Mayor) retired from the meeting at 12:25 PM taking no part in the debate or resolution regarding same.**

Cr Mike Charlton (Deputy Mayor) assumed the Chair at this time.

**ITEM 2.1 (further considered from Page 19/1691)**

**DA/38402/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (54 DWELLINGS), SHOP, FOOD AND DRINK OUTLET, OFFICE AND MARINE INDUSTRY, LOCATED AT 156A, 156 (COMMON PROPERTY) AND 158 GRIFFITH ROAD, NEWPORT - DIVISION 5**

**APPLICANT: KINDRED DEVELOPMENTS PTY. LTD. C/- URBIS PTY. LTD.**  
**OWNER: JD KINDRED AND DB PTY. LTD.**

Meeting / Session: 2 PLANNING & DEVELOPMENT  
Reference: A18729575: 13 August 2019 – Refer Supporting Information A18729634, A18901878, A18926239, A18937307 (provided separately)  
Responsible Officer: GH, Planning and Economic Development (Development services)

**RESOLUTION**

**Moved by Cr Peter Flannery**

**Seconded by Cr Koliana Winchester**

**CARRIED 6/5**

*Cr James Houghton, Mike Charlton (Deputy Mayor), Darren Grimwade, Mick Gillam, Julie Greer voted against the motion*

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

That Council, in accordance with the *Planning Act 2016*, refuse the development application for a Material Change of Use - Development Permit for Multiple dwelling (54 dwellings), Shop, Food and drink outlet, Office and Marine industry, located at 156A, 156 (Common Property) and 158 Griffith Road, Newport on land described as Lot 21 SP297765, Lot 0 SP111814 (easement area only) and Lot 34 SP105124, for the following reasons:

- (a) the proposed development does not comply with section 3.6.1 of the MBRC Planning Scheme in that the proposed development will not:
  - (i) result in a more efficient land use and development pattern being achieved progressively over time by encouraging more intense development and a greater mix of uses at targeted locations within the Urban Footprint and requiring new development to be integrated into existing neighbourhoods in a spatially cohesive manner to help create walkable communities with an emphasis being placed on active transport and access by transit; and
  - (ii) ensure that new development and redevelopment in established urban areas reinforces the strengths and individual character of the urban area in which the development occurs;
- (b) the proposed development does not comply with section 3.14.1.7(2) of the MBRC Planning Scheme in that the proposed development will not continue to provide low density residential, predominantly detached housing, with a limited range of local convenience services and facilities;
- (c) the proposed development does not comply with section 3.14.8.4 of the MBRC Planning Scheme in that the proposed development does not reflect the intended settlement pattern and urban form;
- (d) the proposed development does not comply with section 6.2.7.5 of the MBRC Planning Scheme in that the proposed development is not for uses supported under the Industry zone code, Marine industry precinct;

*ITEM 2.1 (further considered from Page 19/1691) DA/38402/2019/V2L - MATERIAL CHANGE OF USE - DEVELOPMENT PERMIT FOR MULTIPLE DWELLING (54 DWELLINGS), SHOP, FOOD AND DRINK OUTLET, OFFICE AND MARINE INDUSTRY, LOCATED AT 156A, 156 (COMMON PROPERTY) AND 158 GRIFFITH ROAD, NEWPORT - DIVISION 5 - A18729575 (Cont.)*

- (e) there are no other relevant matters that would otherwise support an approval of the proposed development having regard to the proposed development's conflict with the MBRC Planning Scheme, in particular:
- (i) the proposed development is not consistent with the expectations of the community of the immediate and wider locality;
  - (ii) the proposed development does not advance the purpose of the *Planning Act 2016* in that it does not achieve ecological sustainability as the development does not maintain the physical and social wellbeing of people and communities;
  - (iii) the proposed development cannot be redesigned or conditioned to achieve compliance with the MBRC Planning Scheme;
  - (iv) the application does not demonstrate an economic and social need for the Proposed Development on the premises which will benefit the immediate and wider locality.

## **ATTENDANCE**

Cr Allan Sutherland (Mayor) returned to the meeting at 12.31pm after further consideration of Item 2.1 and resumed the Chair at that time.

### 13. CLOSURE

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There being no further business the meeting closed at 12.32pm.

#### CHIEF EXECUTIVE OFFICER'S CERTIFICATE

I certify that minute pages numbered 19/1681 to 19/1803 constitute the minutes of the General Meeting of the Moreton Bay Regional Council held 13 August 2019.

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Daryl Hitzman  
Chief Executive Officer

#### CONFIRMATION CERTIFICATE

The foregoing minutes were confirmed by resolution of Council at its meeting held Tuesday 20 August 2019.

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Daryl Hitzman  
Chief Executive Officer

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Councillor Allan Sutherland  
Mayor