

15 August 2014

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Cr Allan Sutherland  
Mayor  
Moreton Bay Regional Council  
PO Box 159  
Caboolture Qld 4510



Dear Cr Sutherland 

**Moreton Bay Regional Council Planning Scheme**



Thank you for the opportunity to provide feedback on the draft Moreton Bay Regional Council Planning Scheme (Scheme).



In late 2013, the Property Council was involved in a workshop with planning officers from Moreton Bay Regional Council (Council) as part of the development of the Scheme's use codes.



Feedback on the drafting and usability of the codes was provided directly to Council at the workshop and in the weeks following.

The following comments have been provided in addition to the previous feedback, and the Property Council is keen to see these suggestions taken into consideration in the final Scheme.



**General**

At almost 4,500 pages, the Scheme is an incredibly long, and at times unwieldy, document.



While the e-Plan makes it easier to navigate the Scheme when accessed online, navigation of the pdf version is extremely difficult, due to its length and repetition.



A 'one stop shop' for each code is a good idea, however in reality it causes unnecessary repetition throughout the Scheme.



Some of this information, particularly those criteria related to operational works, could be moved into planning scheme policies (PSP) to assist in reducing the overall length of the Scheme. For example, criteria relating to site works, earthworks and construction management could be replaced by a single Performance Outcome that requires compliance with PSP requirements.

On a positive note, most of the codes have been written in plain English and are therefore easy for a range of users to understand.



The new 'design-based' outcome for determining density, however, is considered as a subjective measure, and is difficult for users of the Scheme to determine.

At times, the Acceptable Solutions are quite specific, and at other times there are no Acceptable Solutions specified.

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Each criteria should have an Acceptable Solution specified, and where Council is unable to determine one, perhaps the need for the assessment criteria should be reconsidered.

Where Acceptable Solutions are quite specific, for example minimum percentage specified for active frontage glazing, there will need to be a practical approach where these solutions cannot be met.

The Property Council would like to see greater flexibility introduced to many Acceptable Solutions, as while the prescriptive nature these criteria is intended to increase quality, it will lead to counter-productive outcomes as applicants seek to comply with the code rather than deliver quality design outcomes.

The Scheme also broaches several building matters, for example siting and site cover, that are regulated under the *Building Act 1975*, and should not be included in the Scheme.

### Flooding

Of significant concern to the Property Council is Council's use of flood overlay mapping and limited development zones.

Through these mechanisms, Council has effectively sterilised large parcels of land in coastal communities and on Bribie Island, by removing owners' property rights.

The Property Council fought hard against the previous Queensland Government's introduction of the *Queensland Coastal Plan*, as like the Scheme, it promoted the dated response of retreating from risk, rather than encouraging adaptation and mitigation.

The Queensland Reconstruction Authority has developed a number of materials for use by local governments, including *Planning for stronger, more resilient floodplains*, which provide for a range of responses to flood risk, with retreat being a last resort.

The Property Council supports the use of innovative building design and appropriate construction materials as a first response to flooding risk.

Through the Scheme, Council has drastically reduced the value of the homes of hundreds of residents, with no consultation. This has significant flow on effects for existing loans, new loans and the cost and availability of insurance.

It is the role of governments to create the right conditions for households and businesses to manage their own risks, not dictate outcomes at the expense of those affected.

The Property Council therefore requests your urgent reconsideration of the use of the flood overlay mapping and limited development zones to ensure a considered, long-term approach to risk management in the region.

## Offsets

The Property Council has been working closely with the Queensland Government on the development and implementation of an environmental offsets framework that applies to local and State Government.

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As you would be aware, the guidance material for the *Queensland Government Environmental Offsets Framework* (Framework) is still under development, and as such, it is unclear how it will be implemented at a local government level.

As Council is required to comply with the new Framework, a review of the Scheme will subsequently be necessary to ensure it reflects the Framework's requirements.

The strategic framework of the Scheme rightly identifies that growth will be targeted within the urban footprint. The Property Council therefore questions Council's decision to seek offsets in these areas, which penalises proponents for developing in areas identified as desirable for growth.

In some place types, such as urban neighbourhoods and activity centres, the strategic framework highlights the priority of residential and employment outcomes- or urban design outcomes- over environmental outcomes.

The Property Council supports this sentiment, and is keen to ensure that as Council has expressly stated this priority, offsets are not sought in these areas.

## Strategic Framework

While the Scheme's strategic framework aims to establish the focus for the region over the next 20 years, the direction is lost through the excessive length and detail of the document.

In reading the strategic framework, it is unclear how planning for North Lakes and Redcliffe relates to the Scheme.

The strategic framework acknowledges the *Mango Hill Infrastructure Development Control Plan* still guides development in North Lakes, but it does not provide a clear statement regarding future planning for North Lakes or its relationship with the Scheme.

Similarly, the strategic framework notes that Council will prepare a strategy to guide the future development of the Redcliffe-Kippa-Ring major regional activity centre, however it is unclear how the process relates to the Scheme.

It is noted that until the planning work is complete, strategic sites in Redcliffe are to be maintained for their current purpose, and that interim zones will be applied.

This creates uncertainty to landholders in the centre, and with proposed development required to be consistent with the strategic framework, it is unclear how any new development will be permitted to proceed.

### Car parking

The Scheme is highly aspirational in terms of creating walkable communities, and the Property Council supports the intention behind reduced car parking rates.

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The reduction in car parking requirements will lead to positive outcomes in terms of increasing the affordability of housing, however in some instances, the parking reductions in the Scheme have moved too far too fast.

In Caboolture CBD, for example, retail uses will be dissuaded from locating in the centre as maximum car parking rates are significantly lower than other areas/retailers are subject to.

The Property Council would support lower *minimum* rates, which would give developers the option to reduce rates to meet market demand, and allow centres to phase in lower rates in conjunction with increased public transport offerings.

### Centres

The Property Council is pleased to see Council uphold its centres policy through the strategic framework.

As noted above, the role of North Lakes and Redcliffe in the strategic vision for the city is confused by how the areas are dealt with in the planning scheme.

While the strategic framework identifies North Lakes and Redcliffe-Kippa-Ring as Major Regional Activity Centres, they have been excluded from the detail of the plan. For example, Table 3.14.11.1.1 identifies Caboolture, Morayfield and Strathpine as the High Order centres, while North Lakes and Redcliffe-Kippa-Ring are not mentioned at all.

This further reinforces the confusion of the interaction between the planning for these two centres and the rest of the Scheme.

In terms of desired outcomes for higher order centres, the bar has been set too low for self-assessable development.

The Scheme only allows extensions up to 80m<sup>2</sup> as self-assessable, and even then proposals must comply with 80+ prescriptive requirements.

Increasing the GFA permitted as self-assessable development will encourage existing investors to take on new opportunities to adapt and redevelop their sites, helping to deliver on the Scheme's desired outcomes.

### Industrial

Significant down-zoning of sites has occurred as the Scheme has moved sites previously zoned as 'general industry' into 'mixed industry and business areas' (MIBA).





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Under the Scheme, low impact uses within MIBA are code assessable, while medium impact proposals are subject to impact assessment where less than 250 metres from a sensitive use or zone. Under the current *Pine Rivers Plan*, many of the uses considered as 'medium impact industry' are code assessable within 'general industry'.

The change in 'zoning' of these areas means that existing operators of medium impact uses within the new MIBA will be restricted in the expansion and adaptation of their operations. This will severely reduce the value of their landholding, and introduce a level of uncertainty in the future of their investment.

Brisbane City Council faced a similar issue in the development of *City Plan 2014*, which they countered through splitting medium impact industry into code and impact assessment, based on different uses.

A similar device could be utilised within the Scheme. For example:

Code Assessment
<b>Medium Impact Industry</b> where not impact assessable.
Impact Assessment
<b>Medium Impact Industry</b> where involving; <ul style="list-style-type: none"> <li>Recycling or reprocessing tyres including retreading;</li> <li>Reconditioning metal or plastic drums;</li> <li>Scrap metal yard;</li> </ul> <i>Further uses may also exist</i>

This would ensure existing investment stays in MBRC, with site owners able to expand and adapt their sites to suit their changing needs, rather than looking to relocate and take their investment elsewhere.

A number of other issues have arisen within the assessment criteria for industrial uses:

- The combined area for display and retail sales in industrial areas should be a maximum of 10 per cent of the site, not the stated 5 per cent. This is a reduction from the current provisions.
- Maximum limits on ancillary office sizes in industrial zones should be 20 per cent, not the stated 10 per cent. This is a reduction from the current provisions.

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- The requirements of PO17- *Loading and servicing of general industry*- are considered to be unrealistic for industrial areas. Screening all service areas, loading/unloading facilities, plant areas and outdoor storage areas from public areas will involve the screening of entire sites, and defeats the purpose of designating areas for industrial development.
- Service vehicle requirements should also include units under 1000m2 each, not just site areas under 1000m2.
- The 'nexus' requirements for office uses in industrial areas are ambiguous. Many tenants, such as engineering and design firms, have a relationship with other tenants, even though they may not be directly related to an industrial use.
- Consider the inclusion of short-term accommodation in MIBA, to reflect the growing need for this land use in employment areas.
- Most food and drink uses within industrial areas are currently over 100m2. The stated 100m2 GFA cap is considered too small, and would better reflect the market if increased to 150m2.
- 'Office' has not been included in the list of development in MIBA.
- PO7- *Onsite recreation*- is an unnecessary clause. While the intent of this provision is understood, it is our members' experience that onsite recreation areas add significantly to the cost of development, and are very rarely utilised by tenants.

Thank you once again for the opportunity to provide feedback on the Moreton Bay Regional Council Planning Scheme.

The Property Council appreciates the time Council has taken to involve our members in the development of the Scheme, and we look forward to working with you in finalising it.

If you have any questions regarding the Property Council or this submission, please do not hesitate to contact Jen Williams on [jwilliams@propertyoz.com.au](mailto:jwilliams@propertyoz.com.au) or 07 3225 3000.

Yours sincerely



Kathy Mac Dermott  
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