

DETAILED ASSESSMENT REPORT

RECONFIGURING A LOT

RAL19/0118

APPLICATION SUMMARY	
Division:	1
Applicant:	Coles Group Property Developments Pty Ltd
Consultant:	Project Urban Pty Ltd
Owner:	Ms M Biondi
Proposal:	Development Permit to Reconfigure a Lot (4 Lots into 4 Lots and New Road)
Properly Made Date:	11 November 2019
Street Address:	8 Roys Rd BEERWAH
RP Description:	Lot 122, 123, 124, 125 CG 155
Assessment Type:	Code
Number of Properly Made Submissions:	Not applicable – code assessable
State Referral Agencies:	<u>Concurrence</u> <ul style="list-style-type: none"> • SARA at Queensland Treasury
Referred Internal Specialists:	<ul style="list-style-type: none"> • Principal Traffic Engineer • Principal Development Engineer • Senior Development Engineer (Hydraulics) • Principal Environment & Landscape Officer

PROPOSAL:

The application seeks approval of an application for a Development Permit for Reconfiguring a Lot (4 Lots into 4 Lots and New Road). The proposal plan is included at Figure 1 below.

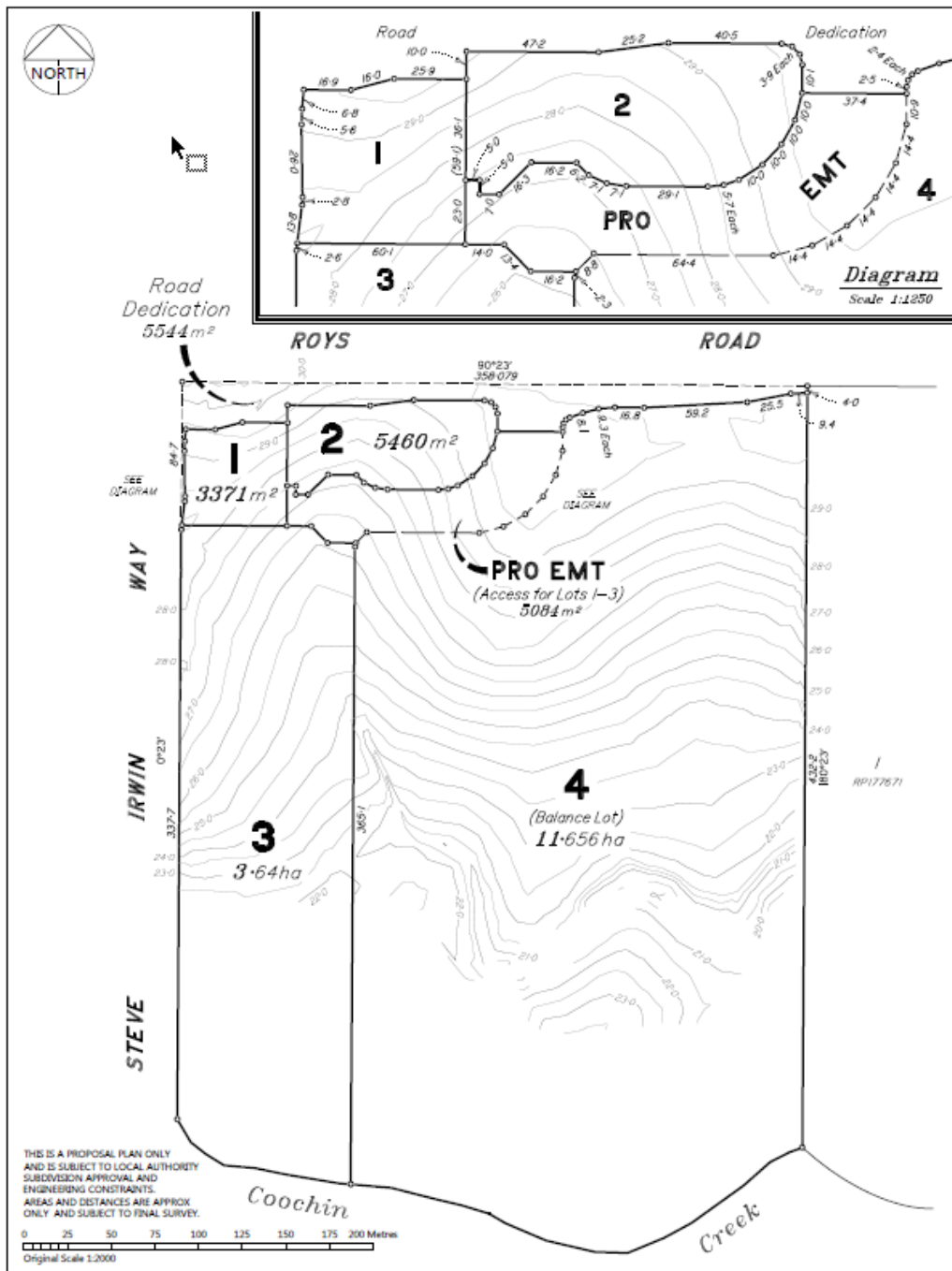


Figure 1 – Proposal Plan

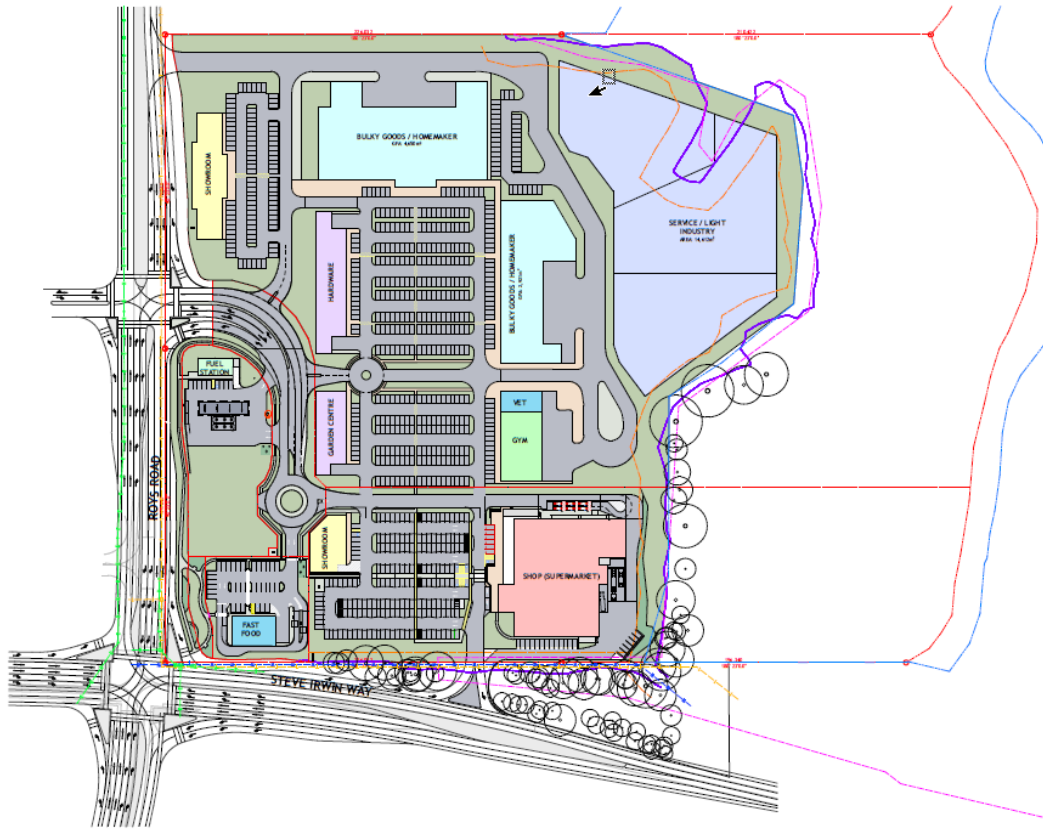
The following table describes the key development parameters for the proposal:

RECONFIGURING A LOT	DEVELOPMENT PARAMETERS
Number of Proposed Lots	Four (4)
Size of Proposed Lots	Lot 1 – 3371m ² Lot 2 – 5460m ² Lot 3 – 3.64 ha Lot 4 - 11.656 ha
Proposed New Road	Road dedication along Roys Road – 5544m ²
Proposed Easements	Access easement with proposed Lot 4 in favour of Lots 1, 2 and 3 – 5084m ²
Proposed Covenants	N/A

The proposed lot layout closely reflects an overall development concept for the land that forms part of a current application for the following (MCU19/0267):

- Preliminary Approval for Material Change of Use of Premises (Including a Variation Request to Vary the Effect of the *Sunshine Coast Planning Scheme 2014*) to Establish a Business, Industrial, Community, Sport and Recreation and Other Activities; and
- Development Permit for Material Change of Use of Premises to Establish a Shopping Centre (Full Line Supermarket and Showroom).

An extract from the master plan submitted as part of the above application, that depicts the overall development concept is included below. Application No. MCU19/0267 is currently within the decision part of the development assessment process.



BEERWAH HOME MAKER CENTRE - MASTERPLAN CONCEPT
 FOR COLES GROUP PROPERTY DEVELOPMENT AT 8 ROYS ROAD, BEERWAH QLD 4519

T +61 732 570 202 | W www.powerdirect.com | 6A Ground Floor, 108 Wickham Street |

Figure 2 – Overall Development Concept (MCU19/0267)

SITE DETAILS:

Site Features and Location

SITE AND LOCALITY DESCRIPTION	
Land Area:	Total - 16.491 ha Lot 122 CG 155 – 4.047 ha Lot 123 CG 155 – 4.047 ha Lot 124 CG 155 – 4.047 ha Lot 125 CG 155 – 4.35 ha
Existing Use of Land:	Rural
Road Frontage:	Roys Road – 357m approximately Steve Irwin Way – 422m approximately
Significant Site Features:	The northern two-thirds of the site is being used for agriculture (strawberry farm). A dwelling house is located in the north-western corner near the intersection of Roys Road and Steve Irwin Way. The southern third of the site contains native vegetation in a band adjacent to Coochin Creek, which forms the site's southern boundary.
Topography:	Gentle slope north to south

Surrounding Land Uses:	North – Industry uses East – Rural uses South – Coochin Creek, Extractive Industry (Sand) and Rural uses West – North Coast Railway
-------------------------------	--

The location of the subject site in relation to its surrounds is shown below:

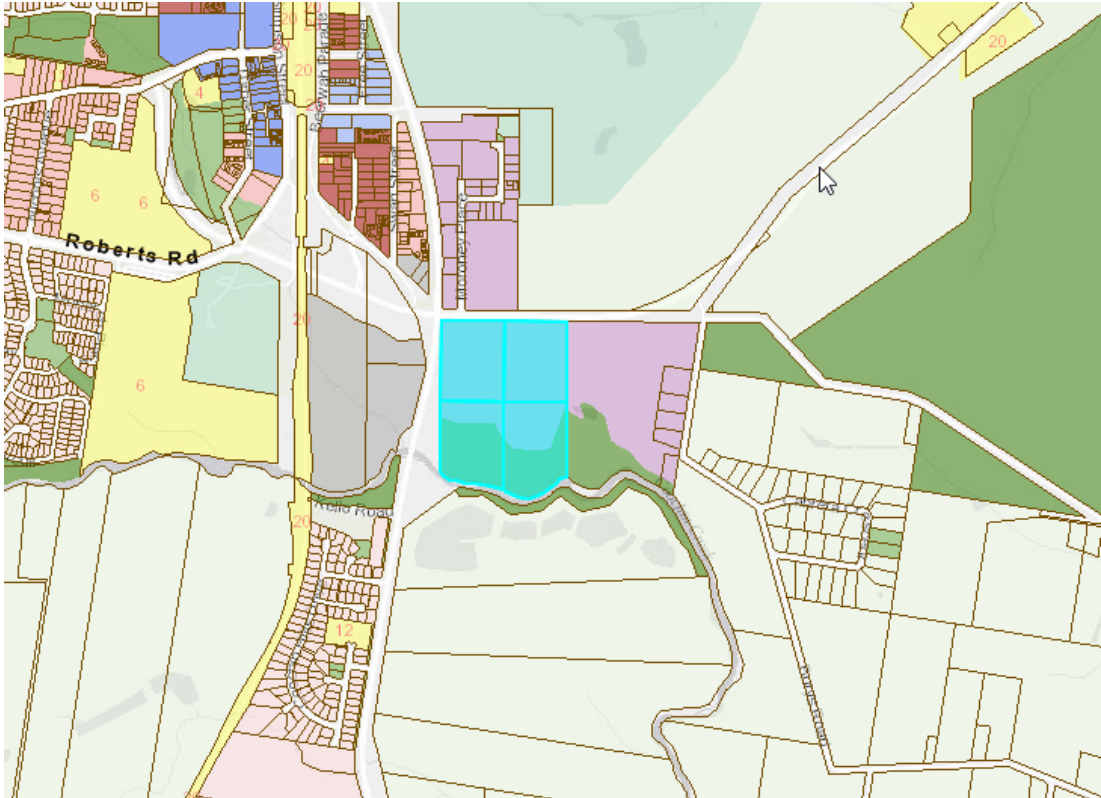


Figure 3 – Locality Map



Figure 4 – Aerial Photograph (Nearmap)

Development History of Site

There is no history of development approvals over the site.

ASSESSMENT:

Framework for Assessment

Categorising Instruments for Statutory Assessment

For the *Planning Act 2016*, the following categorising instruments may contain assessment benchmarks applicable to development applications:

- the *Planning Regulation 2017*
- the Planning Scheme for the local government area
- any temporary local planning instrument
- any variation approval

Of these, the planning instruments relevant to this application are discussed in this report.

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 may be contained within:

- the SEQ Regional Plan and Part E of the State Planning Policy, to the extent they are not appropriately integrated into the Planning Scheme; and
- Schedule 10 of the Regulation.

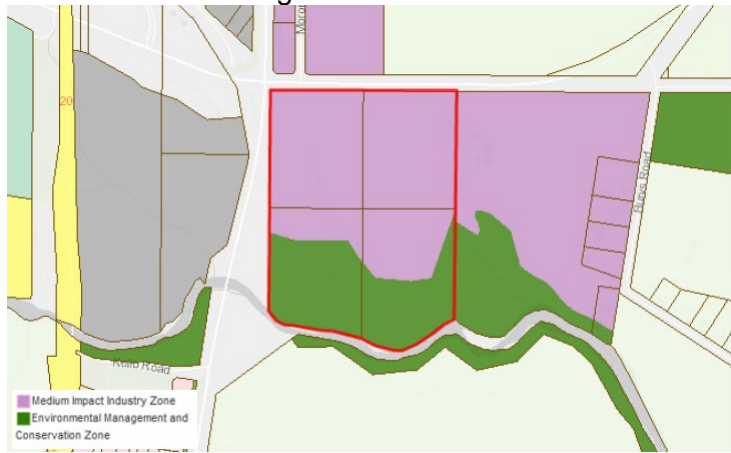
PLANNING REGULATION 2017 DETAILS	
Applicable Assessment Benchmarks:	<u>State Planning Policy</u> <ul style="list-style-type: none"> • Part E

State Planning Policy (SPP), Part E

The assessment benchmarks of the SPP Part E that are relevant to the development proposal do not vary the current provisions of the Planning Scheme.

Assessment Benchmarks Related to the Planning Scheme

The following sections relate to the provisions of the Planning Scheme.

PLANNING SCHEME DETAILS	
Planning Scheme:	Sunshine Coast Planning Scheme (11 November 2019)
Strategic Framework Land Use Category:	Not applicable to code assessment
Local Plan Area:	Beerwah Local Plan Area
Zone:	Medium Impact Industry Environmental Management and Conservation 
Consistent/Inconsistent Use:	Not applicable.
Applicable Assessment Benchmarks:	<i>Biodiversity, waterways and wetlands overlay code</i> <i>Extractive resources overlay code</i> <i>Flood hazard overlay code</i> <i>Landslide hazard and steep land overlay code</i> <i>Scenic amenity overlay code</i> <i>Beerwah local plan code</i> <i>Environmental management and conservation zone code</i> <i>Medium impact industry zone code</i> <i>Reconfiguring a lot code</i> <i>Prescribed other development codes</i>

Planning Scheme Codes

The application has been found to conflict with one or more elements of the applicable codes of the Planning Scheme and cannot be conditioned to comply.

As mentioned previously, the proposed lot layout closely reflects an overall development concept for the land that forms part of a current application for the following (MCU19/0267):

- Preliminary Approval for Material Change of Use of Premises (Including a Variation Request to Vary the Effect of the Sunshine Coast Planning Scheme 2014) to Establish a Business, Industrial, Community, Sport and Recreation and Other Activities
- Development Permit for Material Change of Use of Premises to Establish a Shopping Centre (Full Line Supermarket and Showroom).

The abovementioned application is subject to impact assessment and is in conflict with the *Sunshine Coast Planning Scheme 2014*.

An assessment against the applicable codes is provided in the following sections.

Ecologically important areas and buffers - Biodiversity, waterways and wetlands overlay code and Environmental management and conservation zone code

The subject site is affected by both vegetated related and water related aspects of the Biodiversity, waterways and wetlands overlay, as depicted on the figures below.

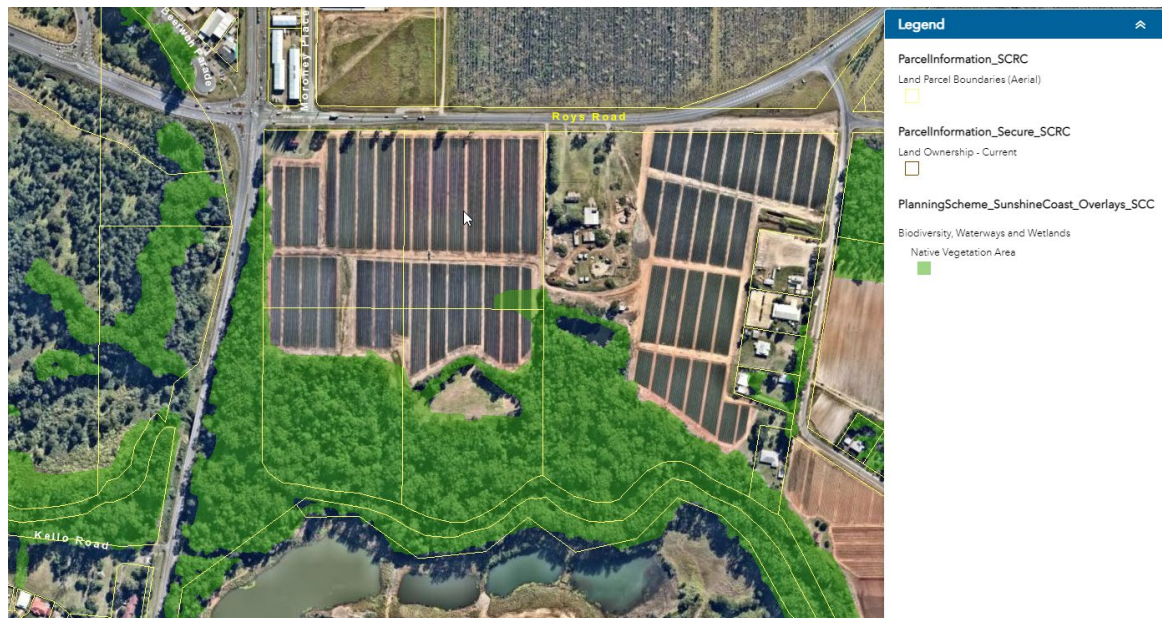


Figure 5 – Biodiversity, waterways and wetlands overlay – Native Vegetation Area



Figure 6 – Biodiversity, waterways and wetlands overlay – Waterways, Riparian Protection Area and Wetlands

The Purpose and the key, directly relevant Overall Outcomes of the *Biodiversity, waterways and wetlands overlay code* are as follows.

- (1) *The purpose of the Biodiversity, waterways and wetlands overlay code is to ensure that:-*
 - (a) *ecologically important areas are protected, rehabilitated and enhanced; and*
 - (b) *ecological connectivity is improved.*
- (2) *The purpose of the Biodiversity, waterways and wetlands overlay code will be achieved through the following overall outcomes:-*
 - (a) *development protects and enhances ecologically important areas and ecological connectivity;*
 - (b) *development protects and establishes appropriate buffers to waterways, wetlands, native vegetation and significant fauna habitat.*

Part of the site is included in the Environmental management and conservation zone, with the boundaries of this zoned area generally coinciding with the area mapped as a Native Vegetation Area and Wetlands on the Biodiversity, waterways and wetlands overlay map.

The Purpose and the key, directly relevant Overall Outcomes of the *Environmental management and conservation zone code* are as follows.

- (1) *The purpose of the Environmental management and conservation zone code is to provide for the protection and rehabilitation of land to maintain biodiversity, ecological processes, coastal processes, water quality, landscape character, scenic amenity, cultural heritage significance and community well-being.*
- (2) *The purpose of the Environmental management and conservation zone code will be achieved through the following overall outcomes:-*
 - (a) *areas identified as having natural environmental values in terms of biological diversity, water catchment management, ecological functioning, beach*

protection or coastal management, and/or historical or cultural significance are:-

- (i) protected for their importance in contributing to ecological sustainability; and*
 - (ii) appropriately managed to the general exclusion of most forms of development;*
- (d) development is located, designed and managed so as to:-*
- (i) conserve ecologically important areas and the other natural features of the site and the setting;*
 - (ii) maintain the scenic value and visual quality of the area, particularly prominent ridgelines, escarpments, significant landmarks, important view corridors and vistas;*
 - (iii) be sympathetic and respectful to places of cultural significance;*
 - (iv) minimise excavation and filling and other changes to landform;*
 - (v) minimise soil erosion, landslip and siltation of waterways and achieve best practice catchment management practices;*
 - (vi) maintain the safety of people, buildings, infrastructure and works;*
 - (vii) where effluent treatment is required, provide for the sustainable on-site treatment and disposal of effluent; and*
 - (viii) wherever possible, utilise existing cleared and degraded areas for the placement of buildings and related works.*

Council's Information Request asked the applicant to provide an Ecological Assessment Report, and to amend the proposal so that all of the vegetated land adjacent to Coochin Creek was included in a bushland reserve. In their response to Council's Information Request, the applicant advised that the subdivision would not result in any impacts on the vegetated lands adjacent to Coochin Creek, and, that the subdivision provides for the retention and enhancement of an open space corridor along Coochin Creek.

The proposed reconfiguring of a lot would not worsen the existing situation with respect to impacts on ecologically important areas as the number of lot boundaries traversing native vegetation would not increase. The boundary between existing Lots 124 and 125 currently traverses the native vegetation area, and the boundary between proposed Lots 3 and 4 also traverses the native vegetation area, but in a location further to the west of the existing boundary. The total length of boundary proposed to traverse the native vegetation area is similar to the existing situation. Furthermore, the proposed reconfiguring a lot would not necessarily preclude the creation of an open space corridor reserve along Coochin Creek in the future. It is conceivable that an open space corridor reserve could be required to be created and transferred to Council as a condition of any further development approval over proposed Lots 3 and 4. However, there is no guarantee that future applications over the land would be made, and it is therefore considered that the outcomes sought by the *Biodiversity, waterways and wetlands overlay code*, and the *Environmental management and conservation code*, with respect to protecting and enhancing ecologically important areas, and protecting and establishing appropriate buffers to waterways, ought to be addressed as part of the current application for reconfiguring a lot. It is considered that the application has failed to address these outcomes.

It is therefore considered that the proposed reconfiguring a lot departs from the Purpose and Overall Outcomes (a) and (b) of the *Biodiversity, waterways and wetlands overlay code* because it does not protect, rehabilitate and enhance ecologically important areas, nor does it protect and establish appropriate buffers to waterways and native vegetation.

Furthermore, it is considered that the proposed development departs from the Purpose and Overall Outcomes (a) and (d) of the *Environmental management and conservation zone code*, because it does not conserve or protect the parts of the site with natural environmental values.

Internal lot and street layout - Beerwah local plan code, Medium impact industry zone code, Reconfiguring a lot code and Transport and parking code

The Purpose and the key, directly relevant Overall Outcomes of the *Beerwah local plan code* are as follows:

- (1) *The purpose of the Beerwah local plan code is to provide locally relevant planning provisions for the assessment of development within the Beerwah local plan area.*
- (2) *The purpose of the Beerwah local plan code will be achieved through the following overall outcomes:-*
 - (m) *The industrial area to the east of Steve Irwin Way is consolidated and expanded to include additional allocated land south of Roys Road and west of Burys Road. Development provides for a range of lot sizes to cater for a range of medium and low impact industrial uses set within an integrated, modern and visually appealing industry park with a high level of environmental performance.*

The Purpose and the key, relevant, Overall Outcomes of the *Medium impact industry zone code* are as follows:

- (1) *The purpose of the Medium impact industry zone code is to provide for a range of low and medium impact industrial activities and limited non-industrial activities that are ancillary to industrial activities and do not compromise the operation of industrial activities or the integrity of the Medium impact industry zone.*
- (2) *The purpose of the Medium impact industry zone code will be achieved through the following overall outcomes:-*
 - (d) *development provides for a range of lot sizes to cater for varying industrial needs and user requirements;*

The Purpose and the key, relevant, Overall Outcomes of the *Reconfiguring a lot code* are as follows:

- (1) *The purpose of the Reconfiguring a lot code is to ensure that new lots are configured in a manner which:-*
 - (a) *is consistent with the desired character of the local area;*
 - (b) *is appropriate for their intended use;*
 - (c) *is responsive to site constraints;*
 - (d) *provides appropriate access (including access for services); and*
 - (e) *supports high quality urban and landscape design outcomes.*
- (2) *The purpose of the Reconfiguring a lot code will be achieved through the following overall outcomes:-*

- (a) *development provides for lots that are of a size and have dimensions that are appropriate for their intended use and responsive to local character and site constraints;*
- (b) *development provides for lots that have a suitable and safe means of access to a public road; and*
- (c) *development provides for subdivisions that result in the creation of safe and healthy communities by:-*
 - (i) *incorporating a well-designed and efficient lot layout that promotes walking, cycling and the use of public transport;*
 - (ii) *incorporating a road and transport network that is responsive to, and integrated with, the natural topography of the site, is integrated with existing or planned adjoining development and supports the circulation of public transport with no or only minimal route redundancy;*
 - (iii) *avoiding adverse impacts on native vegetation, waterways, wetlands and other ecologically important areas present on, or adjoining the site;*
 - (iv) *avoiding or mitigating the risk to people and property from natural hazards;*
 - (v) *incorporating a lot layout that is responsive to natural climatic influences and allows for new dwellings to reflect the principles of sub-tropical and sustainable design; and*
 - (vi) *providing appropriate infrastructure, including reticulated water and sewerage (where available), sealed roads, pedestrian and bicycle paths, urban and nonurban open space and community facilities in urban areas.*

The Purpose and the key, relevant, Overall Outcomes of the *Transport and parking code* are as follows:

- (1) *The purpose of the Transport and parking code is to ensure that transport infrastructure including pathways, public transport infrastructure, roads, parking and service areas, are provided in a manner which meets the needs of the development, whilst promoting active and public transport use and preserving the character and amenity of the Sunshine Coast.*
- (2) *The purpose of the Transport and parking code will be achieved through the following overall outcomes:-*
 - (a) *development is consistent with the objectives of the strategic transport network, which are to:-*
 - (i) *provide for a highly permeable and integrated movement network;*
 - (ii) *improve coordination between land use and transport so as to maximise the potential for walking, cycling and public transport use and reduce reliance on private motor vehicle travel;*
 - (iii) *achieve acceptable levels of access, convenience, efficiency and legibility for all transport users, with the needs of pedestrians considered in the first instance, then cyclists, public transport and then motorists;*
 - (iv) *preserve the amenity of sensitive land uses;*
 - (v) *limit road construction to the minimum necessary to meet the endorsed levels of service for ultimate development of the Sunshine Coast; and*
 - (vi) *provide for staging of Council's limited trunk road construction program to maximise sustainability.*
 - (c) *transport infrastructure is designed and constructed to acceptable standards and operates in a safe and efficient manner that meets community*

expectations, prevents unacceptable off-site impacts and reduces whole of life cycle costs, including reduced ongoing maintenance costs.

The subject site forms part of a greenfield Medium impact industry zoned area as shown on the zoning map extract below.

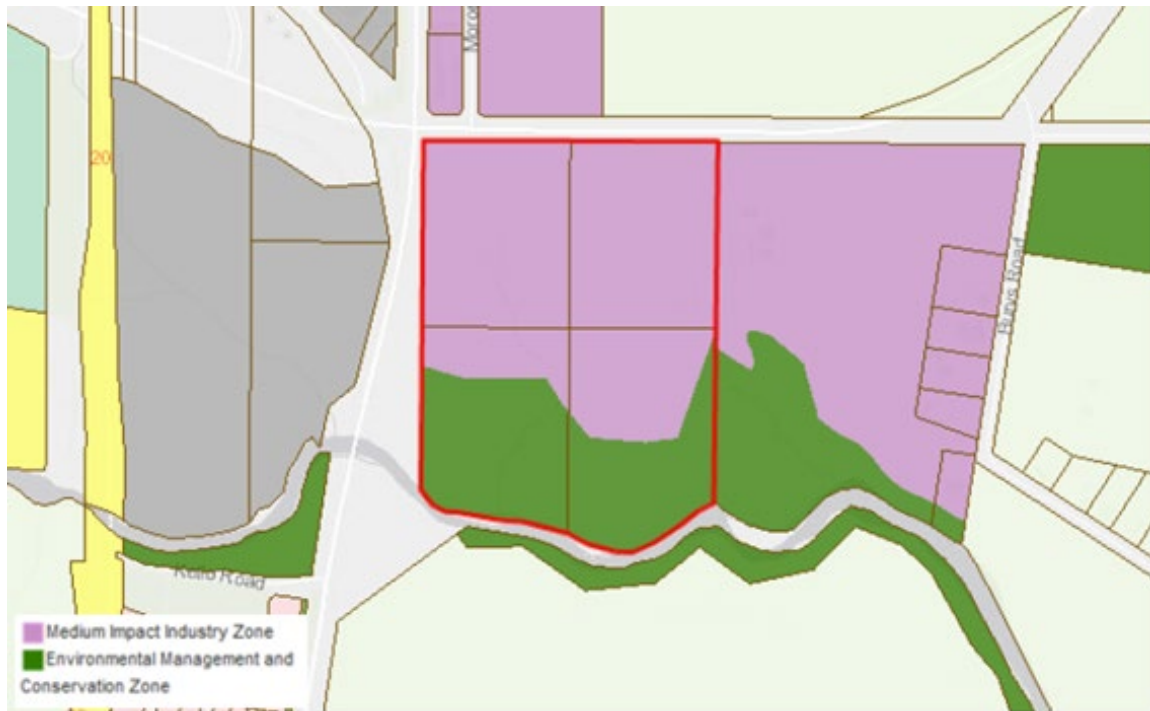


Figure 7 – Zoning (extract)

As mentioned previously, the proposed lot layout closely reflects an overall development concept for the land that forms part of a current application for a material change of use (MCU19/0267). The proposed overall development concept involves a variety of land uses including a full line supermarket, service station, food and drink outlet (high volume convenience restaurant), homemaker centre style showroom uses, and service industry and light industry uses. “Homemaker centre” is not defined by the planning scheme but is generally understood to involve a shopping precinct mostly occupied by large format retail shops or showrooms selling goods related to home furnishings, homewares and electronics. A Full line supermarket is defined by the planning scheme as “a supermarket offering all or most major lines of groceries for sale and having a gross leasable floor area generally in excess of 2,500m²”. The proposed lot layout has been designed to create a lot each for the supermarket (Lot 3), food and drink outlet (Lot 1) and service station (Lot 2) uses, and a balance lot (Lot 4) for the remaining uses which would be established in accordance with future development approvals. The main access for each lot is proposed to be gained via an access easement off Roys Road. The proposed lot layout also includes road dedication to provide for road widening intended to support the overall development concept.

The current application for a material change of use (MCU19/0267) is subject to impact assessment and is in conflict with the *Sunshine Coast Planning Scheme 2014*. As the subject application for reconfiguring a lot is not combined with this material change of use, the reconfiguring a lot must be assessed on its merits against the applicable assessment benchmarks.

As the land is primarily included in the Medium impact industry zone, any proposal to reconfigure the subject lots must provide lots that have a layout, size and dimensions that are appropriate for the industrial uses intended by the Planning Scheme.

The proposed lot layout provides for a private internal street with an access intersection on Roys Road approximately 150 metres from the existing Moroney Place intersection to the west. Access arrangements to Roys Road are consistent with the requirements of the *Transport and parking code* for the subdivision of industrial zoned land.

The internal street layout proposed by the development, incorporating an easement-only cul-de-sac with an abrupt bend immediately adjacent to its access intersection with Roys Road, is not conducive to legible, safe and efficient integration of the proposal with potential future development of the balance of the site and indeed the balance of the entire industrial zoned land south of Roys Road. A grid-like internal street layout should be planned (allowing for safe and convenient internal intersection locations) to help facilitate the orderly, efficient and legible development of the balance areas and provide for suitable development integration.

It should be noted that for the purposes of another current development application for the subject site (MCU19/0267), the proposed access intersection location on Roys Road is not appropriate and a greater separation from the Moroney Place intersection is required (due to traffic forecasts associated with MCU19/0267 being significantly greater than what would be expected from a subdivision of industrial zoned land).

It is also noted the application proposes dedication of land as road reserve on its Roys Road frontage to allow for a future widening of Roys Road to accommodate an upgrade and widening of the proposed site access intersection (traffic signals including additional turning lanes and through lanes on Roys Road) for the purposes of another development application (MCU19/0267). In any case, the proposed dedication of road reserve is insufficient to provide for adequate verge width on both sides of the proposed widened Roys Road carriageway. The need to dedicate further land as road reserve from the site than what is currently proposed will impact on the proposed development lot layout.

It is considered that the proposed development departs from the Purpose and Overall Outcome (m) of the *Beerwah local plan code*, and the Purpose and Overall Outcome (d) of the *Medium impact industry zone code*, because it does not provide for, and will frustrate the future provision of, a range of lot sizes to cater for a range of medium and low impact industrial uses.

Furthermore, it is considered that the proposed development departs from the Purpose and all of the Overall Outcomes of the *Reconfiguring a lot code*, and the purpose and overall outcomes (a) and (c) of the *Transport and parking code* because the internal lot and street layout does not:

- (a) provide for an efficient land use pattern
- (b) effectively connect and integrate the site with existing or potential development on adjoining sites
- (c) create a legible and interconnected movement network
- (d) avoid the use of culs-de-sac
- (e) avoid the sporadic and out-of-sequence creation of lots

- (f) facilitate a high standard of urban design which reflects a grid pattern to assist connectivity
- (g) provide for the dedication and construction of roads to allow access to and proper development of adjoining land that is intended for development
- (h) provide for a transport network that achieves a high level of permeability and connectivity to the surrounding area
- (i) facilitate the orderly provision of transport infrastructure in accordance with the intended role, function and characteristics of the transport network
- (j) provide for public esplanade adjoining Coochin Creek.

Stormwater management code

The Purpose and the key, relevant, Overall Outcomes of the *Stormwater management code* are as follows.

- (1) *The purpose of the Stormwater management code is to provide for sustainable stormwater management infrastructure which protects water quality, environmental values and public health.*
- (2) *The purpose of the Stormwater management code will be achieved through the following overall outcomes:-*
 - (a) *development is located, designed, constructed and operated to protect and enhance the environmental values and flow regimes of both constructed and natural waterways, wetlands, lakes, ground waters and drainage systems;*
 - (b) *development is provided with effective stormwater drainage systems to protect people, property and the environment from the effects of stormwater runoff.*

The applicant has submitted a site based stormwater management plan. The report proposes that the future lots will be providing stormwater quantity and quality management measures. The report has demonstrated that the reconfiguring a lot proposal will increase the peak runoff rates from by site by 28 litres per second due to the increased hardstand by the proposed road and argues that such increase is minimal. Should the increased runoff rates not be mitigated, the cumulative impact assessment of such increased hardstand area would be significant and would produce adverse hydraulic impact to external properties. The cumulative increase of such runoff may result in channel bed and bank erosion. As such, the applicant was requested to mitigate the peak flow rates or conduct cumulative flood impact assessment for the entire catchment with similar increase of peak flow rates and demonstrate no adverse hydraulic impact to any external property. The application has failed to address these issues.

With respect to stormwater quality improvement, the development has proposed a tree pit. However, no cross section/s of the tree pit have been provided to demonstrate constructability with respect to the existing and proposed land level.

It should be noted that stormwater easements have been proposed over the proposed new road related to this application and the related application for a material change of use (MCU19/0267). As the proposed road alignment is not supported for transport reasons, this will impact on the lawful point of discharge of proposed Lots 1 and 2.

It is considered that the proposed development departs from the Purpose and Overall Outcomes (a) and (b) of the *Stormwater management code*, because it has not demonstrated that it would protect and enhance the environmental values and flow

regimes of constructed and natural waterways and drainage systems, and, it has not demonstrated that it would provide effective stormwater drainage systems to protect people, property and the environment.

Assessment Benchmarks Related to a Variation Approval

Not applicable.

Assessment Benchmarks Related to a Temporary Local Planning Instrument

Not applicable.

Other Assessment Matters

In addition to the assessment benchmarks referred to above, the *Planning Regulation 2017* requires that code assessment must be carried out having regard to:

- the regional plan for a region, to the extent the regional plan is not identified in the Planning Scheme as being appropriately integrated in the Planning Scheme; and
- the State Planning Policy, to the extent the State Planning Policy is not identified in the Planning Scheme as being appropriately integrated in the Planning Scheme.

South East Queensland Regional Plan (SEQRP)

The development is located partially within the Urban Footprint and partially within the Regional Landscape and Rural Production Area of the SEQRP. Having regard to the SEQRP, the development is generally consistent with the outcomes expressed and sought to be achieved by the SEQRP.

State Planning Policy (SPP)

Since the time the *Sunshine Coast Planning Scheme* commenced on 21 May 2014, a new SPP came into effect on 3 July 2017 and must be considered for development assessment to the extent the SPP is inconsistent with the Planning Scheme.

The proposal is generally consistent with the policy intent of the SPP and does not conflict with any of the identified state interests.

CONSULTATION:

Referral Agencies

The application was referred to the following referral agencies in accordance with the *Planning Act 2016* and the *Planning Regulation 2017*:

Queensland Treasury (SARA)

The department is a concurrence agency for State-controlled road matters. The department responded by letter dated 7 January 2020 stating that referral agency

conditions must be imposed upon any approval. On 21 December 2020 the applicant made representations about the referral agency response and on 29 March 2021 SARA provided an amended referral agency response.

Other External Referrals

The application did not require any other external referrals.

Public Notification

The application was code assessable and did not require public notification in accordance with the *Planning Act 2016*.

CONCLUSION:

The proposed development does not comply with, nor can it be conditioned to comply with, the requirements of the Planning Scheme. As such, the application is recommended for refusal. The reasons for the refusal are as follows:

1. The proposed development departs from the Purpose and Overall Outcomes (a) and (b) of the *Biodiversity, waterways and wetlands overlay code* because it does not protect, rehabilitate and enhance ecologically important areas, nor does it protect and establish appropriate buffers to waterways and native vegetation.
2. The proposed development departs from the Purpose and Overall Outcome (m) of the *Beerwah local plan code*, and the Purpose and Overall Outcome (d) of the *Medium impact industry zone code*, because it does not provide for, and will frustrate the future provision of, a range of lot sizes to cater for a range of medium and low impact industrial uses.
3. The proposed development departs from the Purpose and Overall Outcomes (k), (l) and (m) of the *Medium impact industry zone code*, because it has not demonstrated that future industrial activities would have access to an appropriate level of transport infrastructure and would not interfere with the safe and efficient operation of the surrounding road network.
4. The proposed development departs from the Purpose and Overall Outcomes (a) and (d) of the *Environmental management and conservation zone code*, because it does not conserve or protect the parts of the site with natural environmental values.
5. The proposed development departs from the Purpose and all of the Overall Outcomes of the *Reconfiguring a lot code*, and the Purpose and Overall Outcomes (a) and (c) of the *Transport and parking code* because the internal lot and street layout does not:
 - (a) provide for an efficient land use pattern
 - (b) effectively connect and integrate the site with existing or potential development on adjoining sites
 - (c) create a legible and interconnected movement network
 - (d) avoid the use of culs-de-sac
 - (e) avoid the sporadic and out-of-sequence creation of lots
 - (f) facilitate a high standard of urban design which reflects a grid pattern to assist connectivity

- (g) provide for the dedication and construction of roads to allow access to and proper development of adjoining land that is intended for development
 - (h) provide for a transport network that achieves a high level of permeability and connectivity to the surrounding area
 - (i) facilitate the orderly provision of transport infrastructure in accordance with the intended role, function and characteristics of the transport network
 - (j) provide for public esplanade adjoining Coochin Creek.
6. The proposed development departs from the Purpose and Overall Outcomes (a) and (b) of the *Stormwater management code*, because it has not demonstrated that it would protect and enhance the environmental values and flow regimes of constructed and natural waterways and drainage systems, and, it has not demonstrated that it would provide effective stormwater drainage systems to protect people, property and the environment.
 7. The departures from the assessment benchmarks above are not capable of being addressed or mitigated by conditions of approval.
 8. The departures from the assessment benchmarks support refusal of the proposed development.
 9. Compliance with some assessment benchmarks do not otherwise sufficiently support approval of the proposed development.
 10. Refusal of the proposed development advances the purpose of the *Planning Act 2016* because the development would not facilitate the achievement of ecological sustainability in that it fails to protect ecological processes and natural systems, and, fails to maintain the cultural, economic, physical and social wellbeing of people and communities.