



Redland
CITY COUNCIL

MINUTES

SPECIAL MEETING

Monday, 15 November 2010

**Council Chambers
1st floor Administration Building
Bloomfield Street Cleveland. Qld 4163**



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1 DECLARATION OF OPENING

The Mayor declared the meeting open at 1.36pm.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**PRESENT:**Members:

| | |
|-----------------|--|
| Cr M Hobson PSM | Mayor |
| Cr M Elliott | Deputy Mayor and Councillor Division 7 - entered at 2.21pm |
| Cr W Boglary | Councillor Division 1 |
| Cr C Ogilvie | Councillor Division 2 |
| Cr D Henry | Councillor Division 3 |
| Cr J Burns | Councillor Division 4 |
| Cr B Townsend | Councillor Division 5 |
| Cr T Bowler | Councillor Division 6 |
| Cr K Reimers | Councillor Division 8 |
| Cr K Williams | Councillor Division 9 |

Executive Leadership Group:

| | |
|--------------------|---|
| Mr G Stevenson PSM | Chief Executive Officer |
| Mr N Clarke | General Manager Governance |
| Mr G Photinos | Acting General Manager Planning & Policy |
| Mrs T Averay | General Manager Development & Community Standards |

Officers:

| | |
|--------------|--|
| Mr A Ross | Manager Legal Services |
| Mr B Macnee | Manager Sustainable Assessment |
| Mr M Hunt | Acting Manager Land Use Planning |
| Mr C Vize | Senior Planner, Planning Assessment |
| Mr G Simpson | Acting Group Manager Community Standards |

Minutes:

| | |
|---------------|--|
| Mrs J Parfitt | Corporate Meetings & Registers Team Leader |
|---------------|--|

APOLOGY

Cr H Murray, Councillor Division 10

3 DECLARATION OF INTEREST

The Mayor reminded Councillors of their responsibilities in relation sections 172, 173 and 174 of the *Local Government Act 2009*.

4 ORDER OF BUSINESS

It was noted that item 4.1.1 (as listed on the Agenda) had been withdrawn following further information being received from the complainant. This matter will be considered at a later date.

COUNCILLOR ABSENCES FROM MEETING DURING CONFIDENTIAL DISCUSSION

Cr Elliott entered the meeting at 2.21pm.

Cr Ogilvie left the meeting at 2.08pm and returned at 2.10pm.

Cr Boglary left the meeting at 3.01pm and returned at 3.03pm.

Cr Williams left the meeting at 3.10pm and returned at 3.12pm.

Cr Elliott left the meeting at 3.45pm and returned at 3.50pm.

Cr Elliott left the meeting at 4.02pm and returned at 4.07pm.

Cr Burns left the meeting at 4.07pm and returned at 4.10pm.

5 CLOSED SESSION

MOTION TO CLOSE MEETING

Moved by: Cr Ogilvie
Seconded by: Cr Bowler

That the meeting be closed to the public pursuant to section 72(1) of the *Local Government (Operations) Regulation 2010* to discuss the following items:

- 5.1.1 Home Business at 31 Drevesen Avenue, Cleveland.
- 5.1.2 Interpretation of Redland Planning Scheme Building Height Restrictions for Apartment Buildings.

CARRIED

MOTION TO REOPEN MEETING

Moved by: Cr Williams
Seconded by: Cr Ogilvie

That the meeting be again opened to the public.

CARRIED

5.1 DEVELOPMENT & COMMUNITY STANDARDS

5.1.1 HOME BUSINESS AT 31 DREVESEN AVENUE, CLEVELAND

Dataworks Filename: MC012260
GOV – Special Meetings 2010

Attachments: [Attachment 1: Locality Maps & Site Plans](#)
[Attachment 2: Odour Expert Report](#)
[Attachment 3: Planning Expert Advice](#)
[Attachment 4: Acoustical Review](#)

Responsible Officer Name: Toni Averay
General Manager Development & Community Standards

Author Name: Chris Vize
Senior Planner, Planning Assessment

EXECUTIVE SUMMARY

| Application Type | Material Change of Use – Code Assessment |
|---|--|
| Proposed Use | Home Business |
| Property Description | Lot 42 on RP 118194 |
| Location | 31 Drevesen Avenue Cleveland |
| Land Area | 892.8m ² |
| Redlands Planning Scheme Zoning | Urban Residential |
| Designated Community Infrastructure | N/A |
| Overlays SEQ Regional Plan 2009-2031 - | Nil Urban Footprint |
| Land Use Category | N/A |
| No. of Public Submissions | Mr G M Wood |
| Applicant | Mr G M Wood |
| Land Owner | 09/09/2010 |
| Properly Made Date | 23/09/2010 |
| Start Decision Stage | 18/11/2010 |
| Statutory Decision Date | Chris Vize |
| Application Coordinator | Bruce Macnee |
| Manager | Refusal |
| Recommendation | |

PURPOSE

This Category 4 application is referred to the Development Assessment Committee for determination.

EXECUTIVE SUMMARY

Council has received an application seeking a Development Permit for a Material Change of Use (Code Assessment) for a *Home Business* on an allotment zoned

Urban Residential, on land at 31 Drevesen Avenue, Cleveland. The proposal involves the cooking and storage of seafood in a domestic outbuilding at the rear of the site.

The application was made in accordance with the *Sustainable Planning Act 2009* and did not require external referral or public notification. The application has been assessed against the relevant sections of the *Redlands Planning Scheme* and is considered to conflict with some of the applicable codes. It is considered that the proposal is not low-key in terms of the operational scale and activities. The development would require a level of infrastructure that is not consistent with a residential use and the applicant has not demonstrated that the proposal complies with the planning scheme in relation to odour and noise emissions, traffic movements, waste management/disposal and stormwater management. It is therefore recommended that the application be **refused**.

BACKGROUND

In 1997, Council received an application for a Home Occupation for the cooking and storage of seafood at the subject site (Council Ref: C2881). This application was granted approval on 22 September 1997. Condition 2M of the consent approval states:

- M *This consent shall lapse and cease to have effect on 30 August 1998 unless the Council agrees in writing to its extension in which case it shall remain valid subject to any conditions specified in the notification advising of the extension.*

On 23 June 1998 the applicant lodged a request to extend the approval period for an additional 5 years. On 23 July 1998 a 3 year extension was granted, with condition 2M being amended to state that the consent will lapse and cease to have effect on 30 August 2001.

On 24 October 2002 Council approved an additional extension to the approval period, with Condition 2M amended to read as follows:

- M *This approval will lapse and will have no force or effect whatsoever on 31 March 2005. No further notice will be given advising of the date the approval lapses and from 31 March 2005 the cooking and/or storage of seafood on the premises will be unlawful.*

On 31 March 2005 Council received a request to extend the approval period. On 7 February 2006 Council resolved to refuse the application, and a decision notice to this effect was sent on 13 February 2006.

On 10 March 2006 the applicant engaged solicitors to commence a Notice of Appeal in the Planning and Environment Court in respect of Council's decision to refuse the requested extension. On 31 August 2006 Council's solicitors sent a facsimile to the applicant's solicitors stating that the applicant may make a fresh application to Council for the home occupation, which will be considered on its merits.

On 4 September 2006 Council received confirmation that a Notice of Discontinuance had been lodged with the Planning and Environment Court. No further approval has been issued by Council for the home business at the site since 31 March 2005.

It is understood that while there have been several verbal complaints regarding the operation of the business and some anonymous written complaints, there are no formal written complaints registered on Council's system. These complaints have generally focused on the odour, noise and general amenity impacts of the use.

The seafood business is currently the subject of an application by Council in the Planning and Environment Court for a declaration that the operation of a seafood home business from the site requires a development approval. The Court application has been suspended subject to the Council assessment of the development application.

CONSULTATION

The Planning Assessment Team has consulted with other Council assessment teams where appropriate, as well as engaging external planning, odour and noise consultants. These external consultant reports have been considered in the assessment of the application. A copy of the original proposal was provided to Councillor Debra Henry of Division 3 on 13 September 2010.

1.0 DEVELOPMENT PROPOSAL AND SITE DESCRIPTION

1.1 Proposal

The proposal involves the use of the premises for the cooking and storage of seafood. The use is predominantly contained within the shed (approximately 25m² (5m x 5m) gross floor area) at the rear of the site. This shed contains the refrigeration unit, for the storage of bait and crabs, the cooking vat and wash sinks. Eskies and buckets are predominantly stored under cover in a roofed and mesh screened area along part of the eastern and southern boundaries. Some materials, including crab pots, nets and some buckets and eskies, are stored uncovered and in the open at the rear of the site.

The main characteristics of the Home Business are as follows:

- The business generates a maximum of twenty (20) tonnes of seafood in an average fishing season.
- The application information indicates that the business is run and operated by the property owner, with no employees (refer IDAS Form 1). Discussions with the operator however, indicate that there are one or two non-resident employees.
- The business operates two (2) licensed fishing boats which are stored towards the rear of the site. Each of the employees uses a fishing boat and utility vehicle.
- The owner of the business has advised that the business can operate seven (7) days a week, is dependent on a number of elements such as the weather, and is characterised by the following operation:
 - The fishing boats are loaded and exit the site between 2.45am in summer and 5am in winter;

- The fishing boats return to the site between 6am - 9am;
- Cleaning and preparation of crabs for cooking between 6am – 9am;
- Cooking seafood begins at 9am; and
- Cooking of seafood concludes and cooked crabs are collected at approximately 1pm.
- Deliveries to the site are limited to gas canisters for cooking of the seafood. Discussions with the applicant indicate that bait is brought to the site by the applicant and seafood is taken from the site by the applicant.
- The applicant advises that there are no retail sales from the site and the produce is delivered directly to retail outlets.
- The applicant has advised that bait boxes are rinsed and taken to the refuse collection at the wharf.
- The business does not accept produce from other business sources.
- The owner has advised that the fishing boats are not repaired on site (aside from minor replacements).

The proposal also requires accreditation by Safe Food Production Queensland under the Food Production (Safety) Act 2000 that provides for food safety measures for the production of primary produce, including dairy, meat, eggs and seafood products. It is noted that Safe Food Production Queensland requires that Council approval for the use is gained prior to accreditation being granted.

1.2 Site

The subject site is located on the western side of Drevesen Avenue and contains a dwelling house towards the front of the site. Resident carparking is provided in a lock-up garage within the house, with additional car parking available on the concrete driveway area in front. A driveway runs along the southern side of the house down to the backyard. Two sheds are located at the rear of the site; one for general storage ancillary to the house and one containing the crab cooking operation.

1.3 Surrounding Area

The general area represents a standard urban residential neighbourhood, comprising dwelling houses on 700m²-900m² size lots. The site adjoins 3 neighbouring properties of similar size to the applicants (890m²) to the north, south and west with access to Drevesen Avenue to the east.

2.0 APPLICATION CONTEXT

2.1 *Sustainable Planning Act 2009 (SPA)*

This application has been made in accordance with Chapter 6 (Integrated Development Assessment System, IDAS) of the *Sustainable Planning Act 2009* and constitutes an application for Code Assessment for a material change of use under the *Redlands Planning Scheme*.

Section 313 (2) of SPA states:

The assessment manager must assess the part of the application against each of the following matters or things to the extent the matter or thing is relevant to the development—

- (a) *the State planning regulatory provisions;*
- (b) *the regional plan for a designated region, to the extent it is not identified in the planning scheme as being appropriately reflected in the planning scheme;*
- (c) *any applicable codes, other than concurrence agency codes the assessment manager does not apply, that are identified as a code for IDAS under this or another Act;*
- (d) *State planning policies, to the extent the policies are not identified in—*
 - (i) *any relevant regional plan as being appropriately reflected in the regional plan; or*
 - (ii) *the planning scheme as being appropriately reflected in the planning scheme;*
- (e) *any applicable codes in the following instruments—*
 - (i) *a structure plan;*
 - (ii) *a master plan;*
 - (iii) *a temporary local planning instrument;*
 - (iv) *a preliminary approval to which section 242 applies;*
 - (v) *a planning scheme;*
- (f) *if the assessment manager is an infrastructure provider—the priority infrastructure plan.*

Section 313 (3) of SPA continues:

In addition to the matters or things against which the assessment manager must assess the application under subsection (2), the assessment manager must assess the part of the application having regard to the following—

- (a) *the common material;*
- (b) *any development approval for, and any lawful use of, premises the subject of the application or adjacent premises;*
- (c) *any referral agency's response for the application;*
- (d) *the purposes of any instrument containing an applicable code.*

In essence, this means that the application must be assessed against the applicable codes in the Redlands Planning Scheme, including the purpose (overall outcomes) of these codes, having regard to the common material (the application information).

It is noted that there is currently no lawful approval for a home business or any type of seafood operation on the site, and therefore point (b) above is not applicable.

2.2 SEQ Regional Plan 2009-2031

The subject land is located within the Urban Footprint in the SEQ Regional Plan 2009-2031.

2.3 State Planning Policies

There are no applicable State Planning Policies for this application.

2.4 State Planning Regulatory Provisions

There are no applicable State Planning Regulatory Provisions for this application.

3.0 APPLICATION ASSESSMENT

Council has engaged external consultants to provide expert advice in relation to planning, odour and noise issues for the application as detailed in this report.

3.1 Proposed Use

The proposal is for a “home business” defined under the Redlands Planning Scheme as:

Home Business: Means the use of premises for a business activity located either within a dwelling unit, an extension to a dwelling unit, or outside of a dwelling unit but on the same premises.

The proposal could alternatively be defined as “general industry”, which is defined under the Redlands Planning Scheme as:

General industry (v) seafood processing – means commercially processing seafood, including removing the scales, gills, intestines or shells, filleting, chilling, freezing or packaging seafood in works with a design production capacity of up to 100 tonnes per year.

The proposed use could definitely meet the criteria for either use, by being a business activity operated on the same premises as the dwelling house and involving the processing of seafood with a design capacity well under 100 tonnes per year. Council must consider the “best fit” definition for the use.

It is considered that the dwelling house is the predominant and primary use of the allotment, and therefore the proposal is most closely aligned to a ‘home business’.

3.2 Odour Expert Advice

The report from the odour expert is provided as **Attachment 2** of this report.

In summary, the odour expert has recommended conditions on the development to mitigate odour impacts, should it be approved.

3.3 Noise Expert Advice

Council sought advice from a qualified Noise Expert. The Expert has advised that the proposed activities of loading the two boats and departing at 2.45am or thereabouts cannot comply with the stringent noise thresholds contained in the code. Even a less

stringent criterion, applicable to transient noise emissions, would be unachievable, given the close proximity to the neighbouring house and the fact that the house is a high-set.

3.4 Planning Expert Advice

The report from the planning expert is provided as **Attachment 3** of this report.

In sum, the planning expert has recommended that the application be refused based primarily on the impact of the development in terms of odour, noise, traffic and stormwater/ wastewater management.

3.5 Assessment Summary

The advice and recommendations of the experts have been considered and an assessment of the application against the applicable codes has been conducted by Council's planning officer. The main points of this assessment and consideration are presented below.

3.4.1 Urban Residential Zone Code

Consistency of Use

Overall Outcome (a)(i)(d) requires that development:

Provide for a range of residential uses that...encourage opportunities for working from home.

Specific Outcome S1.4 requires the following:

The following uses are encouraged –

- (a) bed and breakfast;
- (b) home business;
- (c) relatives apartment.

The proposal provides an opportunity for working from home and therefore achieves these overall and specific outcomes. Home business uses are encouraged in the Urban Residential Zone, provided they achieve suitable amenity requirements, as discussed herein.

Amenity Impacts

Overall Outcome (c)(i) requires that:

Uses and other development achieves a high standard of amenity by -

- a. *protecting and enhancing of places of cultural significance or streetscape value;*
- b. *having access to natural light and ventilation, privacy and private open space commensurate with the use;*

- c. providing high quality useable public open space that meets the needs of the community;
- d. maintaining the safety of people and property;
- e. eliminating or mitigating impacts associated with light, noise, air and traffic.

Points (d) and (e) are applicable. In relation to point (d), it is considered that the proposal itself does not endanger people or property. In relation to point (e), the external odour consultant has advised that the proposal can be conditioned to "mitigate" the odour impacts from the use to a level consistent with a residential environment. While this may be the case, conditions to ensure compliance with the requirements (e.g. keeping the roller door closed during cooking, thawing bait in the refrigerator, cleaning all materials and gear in the shed, etc) may not be practical and may impose a heavy monitoring burden on Council.

The specific outcomes provide a more specific interpretation of the requirements of the code. Specific Outcomes S3.7, S3.8 and S3.9 are relevant to assessing the amenity impacts of the proposal.

S3.7

- (1) Artificial lighting does not result in unreasonable disturbance to any person or activity;
- (2) Glare and reflection from the sun are minimised through material and glazing choice.

The operation of vehicles as early as 2:45am has the potential to cause a lighting nuisance to neighbours, particularly from vehicle headlights.

S3.8

Noise generated by the use or other development is compatible with that experienced in a residential environment.

The operation involves working up to 7 days a week and 365 days a year, with boats being taken out as early as 2:45am. This early operation has the potential to cause an undue noise nuisance to neighbours, which is exacerbated by the frequency of the potential nuisance. It is considered the noise likely to be generated by the proposed use will not be compatible with that typically experienced in a residential environment.

Noise nuisance is likely to also result from the cooking and refrigeration activities associated with the use. The applicant has not substantiated the noise levels of these activities, and has therefore not demonstrated compliance with this specific outcome and/or the decibel levels prescribed in probable solution P8.

S3.9

Air quality impacts are eliminated or mitigated to a level that is compatible with a residential environment by not emitting vibration, odour, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, radio or electrical interference beyond the premises.

The proposed use will emit odour from the cooking operation and the storage of seafood, bait and fishing gear. The independent odour consultant has advised that the proposal can be conditioned to “mitigate” the odour impacts from the use to a level consistent with a residential environment. As discussed above, conditions to ensure compliance with the requirements may not be practical and may impose a heavy monitoring burden on Council.

Traffic

Specific Outcome S3.10 requires that “*traffic movements are compatible with that experienced in a residential environment*”.

Traffic movements associated with the home business include:

- Taking the two licensed fishing boats out for up to 365 days a year, as early as 2:45am;
- Delivery of gas canisters; and
- Potential deliveries of bait and transporting of crabs.

This extent of traffic movements is not considered to be compatible with a normal residential dwelling unit, and therefore has the potential to impact on the amenity and lifestyle of the surrounding residents.

Waste management

Specific Outcome S5.5 requires the following:

Waste and recycling is managed to minimise impacts on the environment by -

- (a) *locating waste and recycling storage areas to protect amenity and to provide safe manual handling of containers;*
- (b) *screening waste and recycling container storage areas from view;*
- (c) *providing for the cleansing of containers in a manner that does not cause adverse environmental impacts.*

The applicant has not clarified how waste is stored and disposed of and has therefore not demonstrated compliance with this specific outcome. As discussed in more detail further in this report, the use would require a trade waste permit and a trade waste pre-treatment device (for example, a grease trap). The waste contained in this device would be defined as “regulated waste” under the Environmental Protection Regulation, which would require removal by a licensed contractor.

3.4.2 Home Business Code

Overall Outcome (a) requires that the use:

- “(i) *facilitates business and employment from home in a manner that does not adversely affect the amenity of the surrounding area;*
 - “(ii) *promotes alternative employment opportunities that do not undermine the role and function of centres or industrial areas.”*
-

The home business does facilitate business and employment from home. However, it is considered that the use would adversely affect the amenity of the surrounding area by causing a noise nuisance and potentially an odour problem. The use, in terms of scale, consistency of operation, required upgrades to the facility and treatment devices, is considered akin to a commercial operation. It is therefore considered that the use is inappropriate in a residential zone and is more suitably located in an industrial area. It therefore potentially detracts from the role and function of centres or industrial areas where these activities are encouraged to locate.

Specific Outcome S1 requires the following:

"The use -

- (a) is associated with a dwelling unit that is being used as a private residence;*
- (b) is low-key in terms of -*
 - (i) scale;*
 - (ii) operating characteristics;*
 - (iii) the number of non-resident employees;*
- (c) does not adversely impact on the amenity or infrastructure of adjoining or nearby properties;*
- (d) is compatible with the level of infrastructure provided to a dwelling unit under normal residential circumstances."*

Each point of the specific outcome is addressed in turn.

- (a) The use is associated with the dwelling unit on the site, with the resident of the dwelling being the operator.
- (b) The use is not considered to be low-key in terms of scale and operating characteristics. While the shed containing the cooker and refrigeration is only 25m², the scale and operational characteristics of the use are considered to be significant because the use:
 - Involves the required storage of a large amount of materials, including fishing gear, buckets and eskies, which would need to be stored in a screened location on the site;
 - Involves the use of two licensed fishing boats stored on the site;
 - Is intended to operate up to 365 days a year, with the operation starting as early as 2:45am;
 - Cooks up to 20 tonnes of crabs per year;
 - Would require upgrading of the shed to deal with odour, including an exhaust hood and upgraded supply and extraction fans;
 - Would require trade waste approval and a trade waste pre-treatment device; and
 - Would involve regulated waste that would require removal by a licensed contractor.

These points highlight that the use in terms of scale and operating characteristics is akin to a commercial facility that is inappropriate in a residential area.

- (c) As discussed, it is considered that the use would adversely impact on the amenity of adjoining and nearby properties by causing an odour and noise nuisance
- (d) It is considered that the use would not be compatible with the level of infrastructure provided to a residential dwelling unit under normal circumstances. Probable solution P1(c) specifies that one way to achieve this part of the outcome is for the use to not generate wastewater that requires connection to a trade waste facility and not generate regulated waste under the Environmental Protection Regulation.

It has been confirmed with Allconnex that the use would require a trade waste approval, and that it is highly likely that a trade waste pre-treatment device (for example, a grease trap) would be required. It has also been confirmed by Council's Health and Environment department that waste from a grease trap is "regulated waste" under the Environmental Protection Regulation.

These infrastructure components are not compatible with a dwelling unit under normal residential circumstances.

Specific Outcome S2 requires that "*traffic generated by a home business is consistent with the expected level of traffic for the area*".

As discussed with regard to the Urban Residential Zone Code, the traffic movements associated with this use are not considered compatible with a normal residential dwelling unit.

4.0 REFERRAL AGENCIES

The application did not trigger any referral requirements under the IDAS.

5.0 CONCLUSION

The proposal has been assessed against the Redlands Planning Scheme and the requirements of the Sustainable Planning Act 2009. External experts have been engaged to provide advice in relation to planning and odour issues. It is considered that the proposal is not low-key in terms of the operational scale and activities and the applicant has not demonstrated that the proposal complies with the planning scheme in relation to odour and noise emissions, traffic movements and stormwater management.

Accordingly, it is recommended that the application be **refused**.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr Elliott
Seconded by: Cr Bowler

That the application for material change of use for the purpose of a Home Business on the land known as 31 Drevesen Avenue, Cleveland described as Lot 42 RP 118194 be refused on the following grounds:

1. The proposal does not comply with the purpose of the Urban Residential Code, in that the proposal does not maintain a high level of amenity, and the proposal has not demonstrated how noise or air emissions are mitigated.
2. The proposal does not comply with the purpose of the Urban Residential Code, in that the proposal has not demonstrated that the adverse impacts on the environment are minimised through stormwater management.
3. The proposal does not comply with Specific Outcomes and Probable Solutions in the Urban Residential Code, including:
 - a. S3.8 and P3.8 in relation to the likely noise impacts, and the lack of evidence to show that noise generated can be ameliorated to be compatible with the residential environment;
 - b. S3.9 in relation to the emission of odour, and the lack of evidence to show that odour generated can be ameliorated to be compatible with the residential environment;
 - c. P3.10 and S3.10 in relation to traffic movements, which are not considered compatible with a residential environment, and the manoeuvring which has not demonstrated compliance with Council's codes;
 - d. S4.1 and S5.3 in relation to stormwater management, where no evidence has been provided to support compliance with Council's stormwater standards.
4. Conditions required to mitigate emissions to a level compatible with a residential environment and will impose a heavy monitoring burden on Council.
5. The proposal does not comply with the purpose of Council's Home Business Code, in that the proposed use impacts on the amenity of the surrounding area in relation to noise, odour, traffic movements and stormwater management.
6. The proposal does not comply with the purpose of Council's Home Business Code because these activities are more suitably located in a

centre or industrial area, and therefore will detract from the role and function of centres or industrial areas where these activities are encouraged to locate.

7. The proposal does not comply with the Specific Outcomes and Probable Solutions of the Home Business Code in that:
 - a. The proposal does not comply with P1 and S1 in relation to the impacts on amenity of adjoining or nearby properties in relation to noise, odour, traffic movements and stormwater management;
 - b. The proposal does not comply with P1 and S1 as the development is not compatible with the level of infrastructure provided to a dwelling unit under normal residential circumstances. The use would require a trade waste pre-treatment device and would involve regulated waste under the Environmental Protection Regulation;
 - c. The proposal does not comply with P1 and S2 as the development is not low-key in scale and operational characteristics, being akin to a commercial operation in terms of the intensity of the use and the required mitigation treatments of odour, noise and waste.
 - d. The proposal does not comply with P2 and S2 in relation to traffic movements, which are not considered to be consistent with the level of traffic for the surrounding area and have the potential to impact on the amenity and lifestyle of surrounding residents.
8. The proposal does not comply with the Access and Parking Code in that no evidence has been provided to demonstrate compliance with Council's requirements for car parking or manoeuvring.
9. The proposal is in conflict with the planning scheme and there are insufficient planning grounds to justify approval of the application, despite the conflict.

CARRIED

A division was called for.

Crs Reimers, Elliott, Bowler, Williams, Townsend, Henry, Ogilvie, Boglary and Hobson voted in the affirmative.

Cr Burns voted in the negative.

Cr Murray was absent from the meeting.

The motion was declared by the Mayor as CARRIED.

5.1.2 INTERPRETATION OF REDLAND PLANNING SCHEME BUILDING HEIGHT RESTRICTIONS FOR APARTMENT BUILDINGS

Dataworks Filename: GOV –Special Meetings 2010

Responsible Officer Name: Toni Averay
General Manager Development & Community Standards

Author Name: Andrew Ross
Manager Legal Services

EXECUTIVE SUMMARY

A confidential report from General Manager Development & Community Standards dated 12 November 2010 was discussed in closed session pursuant to section 72(1)(e) of the *Local Government (Operations) Regulation 2010*.

COUNCIL RESOLUTION

Moved by: Cr Williams
Seconded by: Cr Ogilvie

That Council resolve to assess future applications for apartment buildings and multiple dwellings in the MDR zone sub areas as impact assessable if they exceed the thresholds of Table 2 column 2 or column 3.

CARRIED

A division was called for.

Crs Burns, Reimers, Elliott, Williams, Townsend, Henry and Ogilvie voted in the affirmative.

Crs Bowler, Boglary and Hobson voted in the negative.

Cr Murray was absent from the meeting.

The motion was declared by the Mayor as **CARRIED**.

6 MEETING CLOSURE

There being no further business, the Mayor declared the meeting closed at 4.46pm.

Signature of Chairperson: _____

Confirmation date: _____