

**From:** [Janet Marshall](#)  
**To:** [Shane Spargo](#)  
**Cc:** [Andrew Litschner](#); [Refused under] [Refused under] [accbeef.net.au](mailto:accbeef.net.au)  
**Subject:** Australian Country Choice  
**Date:** Monday, 2 December 2019 12:07:44 PM  
**Attachments:** [image001.png](#)

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Hello Shane,

A heads up to let you know that Andrew Litschner and I met with [Refused under sec] (Reel Planning) and [Refused under sec] (ACC [Refused under sec]) regarding the Australian Country Choice abattoir site at Murarrie.

They confirmed an interest in pursuing the urban encroachment application and will be contacting you in coming weeks.

Kind regards,

Janet



**Janet Marshall RPIA (Fellow)**

Project Manager

**Investment Facilitation and Partnerships**

Department of State Development, Manufacturing,  
Infrastructure and Planning

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P 07 34527262 M [Refused under]  
[Janet.marshall@dsdmip.qld.gov.au](mailto:Janet.marshall@dsdmip.qld.gov.au)

Level 16, 1 William Street,  
Brisbane QLD 4000

PO Box 15009, City East QLD 4001 Australia

[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

## Matt Woodforth

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**From:** Janet Marshall  
**Sent:** Tuesday, 12 November 2019 2:31 PM  
**To:** Refused accbeef.net.au  
**Cc:** Andrew Litschner; Michael Lucy; Matthew Grant  
**Subject:** Urban encroachment information

Hello Refused und

It was very interesting to hear about ACC's plans for your operations.

As promised, the quick run down of the Urban Encroachment planning provisions is as follows:

### Planning Act

- s. 266-275 Part 4, Chapter 7 Planning Act provides a process for protecting existing uses of particular premises (essentially emissions generator/ premises with environmental authority) from effects of encroachment by newer uses in the vicinity of the premises. The Act sets up a registration process, limits it to premises which have emissions and are approved under a DA and EA. A minimum of 10 years ( max- 25 years) can be applied as part of the registration.
- Once the premises are registered, the owners are responsible for having this recorded on titles with the Registrar of Titles and publish details of the registration and the affected area.
- There are implications upon the rights of those within the affected area to complain or take legal action against the registered premises provided the premises are operating within their permits.
- It is not specifically stated but it does appear that if you wanted to have a new EA or amend the existing EA, the registration may not apply and you are likely to need to amend your registration. Given there has only been one registered, I'm not sure there would be an ready answer to this question. However, it is a question worth asking if you wish to go further with this.
- -A link to a pdf of the Planning Act is below.

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2016-025>

### Planning Regulation

- s.57-67, Part 8 Planning Regulation provides details of the mechanics of application and matters to consider in deciding whether to register premises or not plus other matters not of immediate interest.
- Key information requirements of any application for registration includes:
  - Map showing locality and where intensification has occurred or is likely to occur. (*JM-It appears that the mapped area is the premises as well as a likely area affected*)
  - Information regarding the significance of the activity to the State ( economic, heritage, infrastructure) (*JM- this is where you argue the case for protection. I think there would be benefit setting out some of your plans as your operation pattern changes but with greater value add/ economic benefit to the State*)
  - Public consultation activities and results within the mapped area and broader
  - Details of any complaints received
  - Technical report regarding emissions and a compliance report setting out that you operate within the conditions of the existing DA and EA
  - Copy of DA and EA.
- Please note that this is minimum information requirements. You may choose to provide more information such as your discussions with BCC or diversity of product from abattoir operation including

biomedical and the overseas success of use of ACC product for heart valve construction. The Minister may also ask for more information prior to making a decision.

- A link to a pdf of the Planning Regulation is below

<https://www.legislation.qld.gov.au/view/pdf/inforce/current/sl-2017-0078>

### Registered Premises

- As mentioned earlier, this provision has only been used for the Milton brewery. The register entry is in the link below.

<https://planning.dsdmip.qld.gov.au/planning/our-planning-system/the-legislation/registered-premises>

### How to proceed

- As mentioned earlier, there is no clear path within Planning Services for administration of this provision. There has been some work done to prepare for administration but it has not progressed to completion.
- I have made contact with the team which I think are likely to be involved in its administration should you choose to apply. I will let them know that we have met and that you and your consultants may wish to explore this option further and that you will be seeking a contact person to approach.

Happy to discuss further

Kind regards,

Janet



**Janet Marshall RPIA (Fellow)**

Project Manager

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Infrastructure and Planning

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P 07 34527262 M Refused under

[Janet.marshall@dsdmip.qld.gov.au](mailto:Janet.marshall@dsdmip.qld.gov.au)

Level 27, 1 William Street,

Brisbane QLD 4000

PO Box 15009, City East QLD 4001 Australia

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## Matt Woodforth

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**From:** Janet Marshall  
**Sent:** Thursday, 14 November 2019 10:35 AM  
**To:** [Refused under s]  
**Cc:** Matthew Grant; Andrew Litschner; Michael Lucy  
**Subject:** RE: Urban encroachment information

Thanks [Refused ur]

I've sent a request through to Planning Services to identify who the key contact will be for your enquiries and hopefully we can set this meeting up shortly.

In terms of preparing for such as meeting, I'd suggest that you identify why the existing site is key to your operation and why re-siting is not an option due to existing plant investment, logistics advantages, possibly industrial relations issues, etc. This will be important as well as the economic benefits the plant brings.

Kind regards,

Janet



**Janet Marshall RPIA (Fellow)**

Project Manager

**Investment Facilitation and Partnerships**

Department of State Development, Manufacturing,  
Infrastructure and Planning

---

P 07 34527262 M [Refused under s]  
[Janet.marshall@dsmip.qld.gov.au](mailto:Janet.marshall@dsmip.qld.gov.au)

Level 27, 1 William Street,  
Brisbane QLD 4000

PO Box 15009, City East QLD 4001 Australia

[www.dsmip.qld.gov.au](http://www.dsmip.qld.gov.au)

---

**From:** [Refused under section 47]@accbeef.net.au>  
**Sent:** Wednesday, 13 November 2019 7:06 AM  
**To:** Janet Marshall <Janet.Marshall@dsmip.qld.gov.au>  
**Cc:** Andrew Litschner <Andrew.Litschner@dsmip.qld.gov.au>; Michael Lucy <Michael.Lucy@dsmip.qld.gov.au>;  
Matthew Grant <Matthew.Grant@dsmip.qld.gov.au>; [Refused under section 47(3)(b) of the] <[Refused]  
[Refused under section]@reelplanning.com>  
**Subject:** Re: Urban encroachment information

Hi Janet



Discussed with the team internally and we would like to proceed towards an application for Urban Encroachment Protection. Suggest we pull together a meeting with the key stakeholders to understand the process better including any potential negative impacts and align on next steps

Have included our [Refused under section 47(3)(b) of the F] and Town Planner, [Refused under section 47(3)(b) of the F] in the email who will help facilitate proceedings our end.

Look forward to hearing from you

Thanks

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---

**From:** Janet Marshall <[Janet.Marshall@dsdmip.qld.gov.au](mailto:Janet.Marshall@dsdmip.qld.gov.au)>  
**Sent:** Tuesday, November 12, 2019 2:30 pm  
**To:** [Refused under section 47(3)(b) of the F]  
**Cc:** Andrew Litschner; Michael Lucy; Matthew Grant  
**Subject:** Urban encroachment information

Hello [Refused under section 47(3)(b) of the F]

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Happy to discuss further

Kind regards,

Janet



**Queensland  
Government**

**Janet Marshall RPIA (Fellow)**

Project Manager

**Investment Facilitation and Partnerships**

Department of State Development, Manufacturing,  
Infrastructure and Planning

P 07 34527262M Refused unde

[Janet.marshall@dsmip.qld.gov.au](mailto:Janet.marshall@dsmip.qld.gov.au)

Level 27, 1 William Street,

Brisbane QLD 4000

PO Box 15009, City East QLD 4001 Australia

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**From:** [Refused under section 47(3)(b) of the RTI Act]  
**To:** [Janet Marshall](mailto:Janet.Marshall@dsmip.qld.gov.au)  
**Cc:** [Matthew Grant](mailto:Matthew.Grant@dsmip.qld.gov.au); [Shane Spargo](mailto:Shane.Spargo@dsmip.qld.gov.au); [Andrew Litschner](mailto:Andrew.Litschner@dsmip.qld.gov.au); [Michael CAREY](mailto:Michael.Carey@dsmip.qld.gov.au); [Refused under section 47(3)(b) of the RTI Act]  
**Subject:** RE: ACC- going forward  
**Date:** Friday, 14 February 2020 12:32:27 PM  
**Attachments:** [image001.png](#)

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Hi Janet

Please find below the link to yesterday's presentation as requested.

Regards

[Refused under section 47(3)(b) of the RTI Act]

[Refused under section 47(3)(b) of the RTI Act]

[Refused under section 47(3)(b) of the RTI Act]

**REEL PLANNING PTY LTD**

a: 1/9 Camford Street, Milton  
PO Box 2088 Milton QLD 4064

[Refused under section 47(3)(b) of the RTI Act]

w: [www.reelplanning.com](http://www.reelplanning.com)

---

**From:** [Refused under section 47(3)(b) of the RTI Act]

**Sent:** Thursday, 13 February 2020 6:07 PM

**To:** Janet Marshall <[Janet.Marshall@dsmip.qld.gov.au](mailto:Janet.Marshall@dsmip.qld.gov.au)>

**Cc:** Matthew Grant <[Matthew.Grant@dsmip.qld.gov.au](mailto:Matthew.Grant@dsmip.qld.gov.au)>; Shane Spargo <[Shane.Spargo@dsmip.qld.gov.au](mailto:Shane.Spargo@dsmip.qld.gov.au)>; Andrew Litschner <[Andrew.Litschner@dsmip.qld.gov.au](mailto:Andrew.Litschner@dsmip.qld.gov.au)>; Michael Carey <[Michael.Carey@dsmip.qld.gov.au](mailto:Michael.Carey@dsmip.qld.gov.au)>; [Refused under section 47(3)(b) of the RTI Act] <[accbeef.net.au](mailto:accbeef.net.au)>; [Refused under section 47(3)(b) of the RTI Act] <[accbeef.net.au](mailto:accbeef.net.au)>; [Refused under section 47(3)(b) of the RTI Act] <[accbeef.net.au](mailto:accbeef.net.au)>; [Refused under section 47(3)(b) of the RTI Act] <[accbeef.net.au](mailto:accbeef.net.au)>; [Refused under section 47(3)(b) of the RTI Act] <[kinneallymiley.com.au](mailto:kinneallymiley.com.au)>

**Subject:** RE: ACC- going forward

Hi Janet

Thankyou (and the others) for giving us the opportunity to present on the issues at play. I know I speak for all the ACC representatives present today, that they appreciate timing is critical for ACC to move on both the land use and access issues. This will be done as a matter of urgency, with separate strategies, although the two are clearly related.

In terms of actions from here in response to our discussion today and your email below, I will:

- send you a drop box link to today's presentation in the morning; and
- ensure that any correspondence to BCC is copied into the Minister.

And on the Encroachment front, I confirm there is genuine interest in going down the designation path if we can confine the area of influence to the BMI holding, Raptis and the Council park. I will set out a program for endorsement by ACC following which I will send that through to Shane so we can get cracking on it.

Many thanks again for your time today and the genuine interest being shown by the State on the matter.

Regards

[Refused under section 47(3)(b) of the RTI Act]

**REEL PLANNING PTY LTD**

a: 1/9 Camford Street, Milton  
PO Box 2088 Milton QLD 4064

[Refused under section 47(3)(b) of the RTI Act]

w: [www.reelplanning.com](http://www.reelplanning.com)

---

**From:** Janet Marshall <[Janet.Marshall@dsmip.qld.gov.au](mailto:Janet.Marshall@dsmip.qld.gov.au)>

**Sent:** Thursday, 13 February 2020 3:10 PM

**To:** [Refused under section 47(3)(b) of the RTI Act] <[reelplanning.com](http://www.reelplanning.com)>

**Cc:** Matthew Grant <[Matthew.Grant@dsmip.qld.gov.au](mailto:Matthew.Grant@dsmip.qld.gov.au)>; Shane Spargo <[Shane.Spargo@dsmip.qld.gov.au](mailto:Shane.Spargo@dsmip.qld.gov.au)>; Andrew Litschner <[Andrew.Litschner@dsmip.qld.gov.au](mailto:Andrew.Litschner@dsmip.qld.gov.au)>; Michael Carey <[Michael.Carey@dsmip.qld.gov.au](mailto:Michael.Carey@dsmip.qld.gov.au)>

**Subject:** ACC- going forward

Hello [Refused under section 47(3)(b) of the RTI Act]

It was good to meet [Refused under section 47(3)(b) of the RTI Act] and to hear the issues afresh from his perspective plus the additional information about marketing of the BMI site.

We will be briefing internally and it would be helpful if you were able to forward a copy of your presentation to us. The images will be particularly useful in our briefings.

Also, as we discussed, it appears that a strategy for moving forward for ACC is emerging and that timeliness is critical.

It also appears that there may be benefits in progressing the road and the land use issues separately as there are different independent actions involved.

It was mentioned that there may be correspondence between ACC and Council in coming days regarding the marketing material and potential land use non-compliance issues. I understand that you may send a copy of this correspondence

to Minster Dick for his information.  
Please feel free to keep us informed of any developments and when you may choose to progress an urban encroachment application. approach  
Kind regards,  
Janet



**Janet Marshall RPIA (Fellow)**

Project Manager

**Investment Facilitation and Partnerships**

Department of State Development, Manufacturing,  
Infrastructure and Planning

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P 07 34527262 M **Refused un**

[Janet.marshall@dsmip.qld.gov.au](mailto:Janet.marshall@dsmip.qld.gov.au)

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PO Box 15009, City East QLD 4001 Australia

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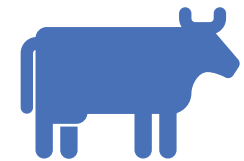
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# Australian Country Choice

## Our Operations

- 100% Australia family owned.
- Best-practice supply of high-quality meat products to domestic and export markets.
- Encompass everything from cattle breeding, backgrounding and lot feeding to beef primary processing and multi-specie further processing, value adding, retail packing and distribution.
- The 100-acre Cannon Hill site is location of ACC head office, Primary Processing and Further Processing areas.
- Facility is capable of processing up to 350,000 head of livestock per year and approximately 75,000,000 kgs of Retail Ready production.
- A world class facility with best in class technologies and performance, tailoring and customising our processing to suit our customers' requirements.



# Our Issue



LAND USE  
INCOMPATIBILITY



ROAD ACCESS

# Colmslie Road









Subject site

Precinct 3

Precinct 2

Precinct 1

Source: Nearmap (24 October 2019)



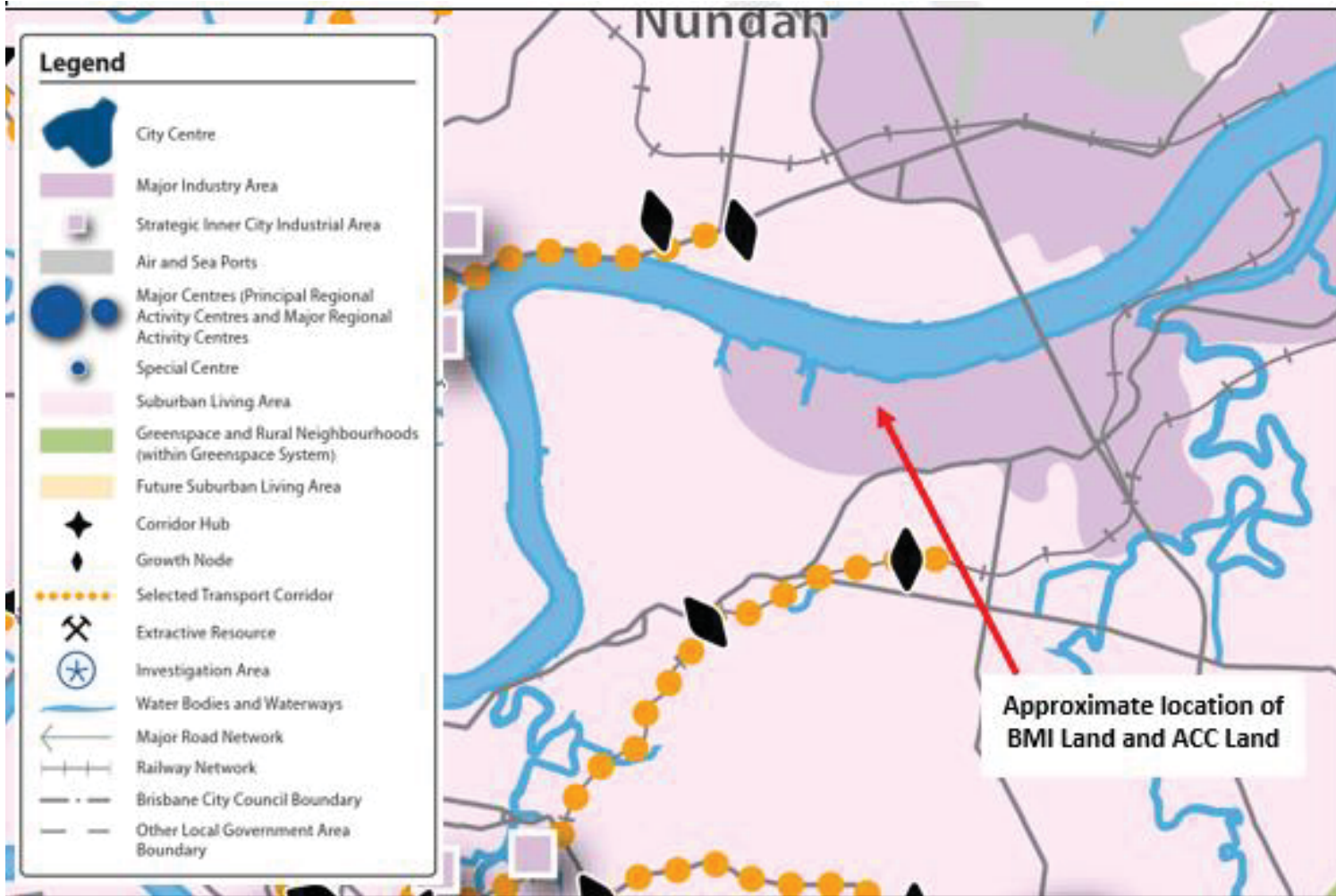


Source: <https://www.cbre.com.au/properties/industrial-warehouse/details/AU-5235092-1/506-lytton-road-morningside-qld-4170?view=isLe>

# City Plan 2014

Site Context





Strategic  
Framework Map  
SFM-002 (Extract)  
Brisbane CityShape  
2031 Land Use

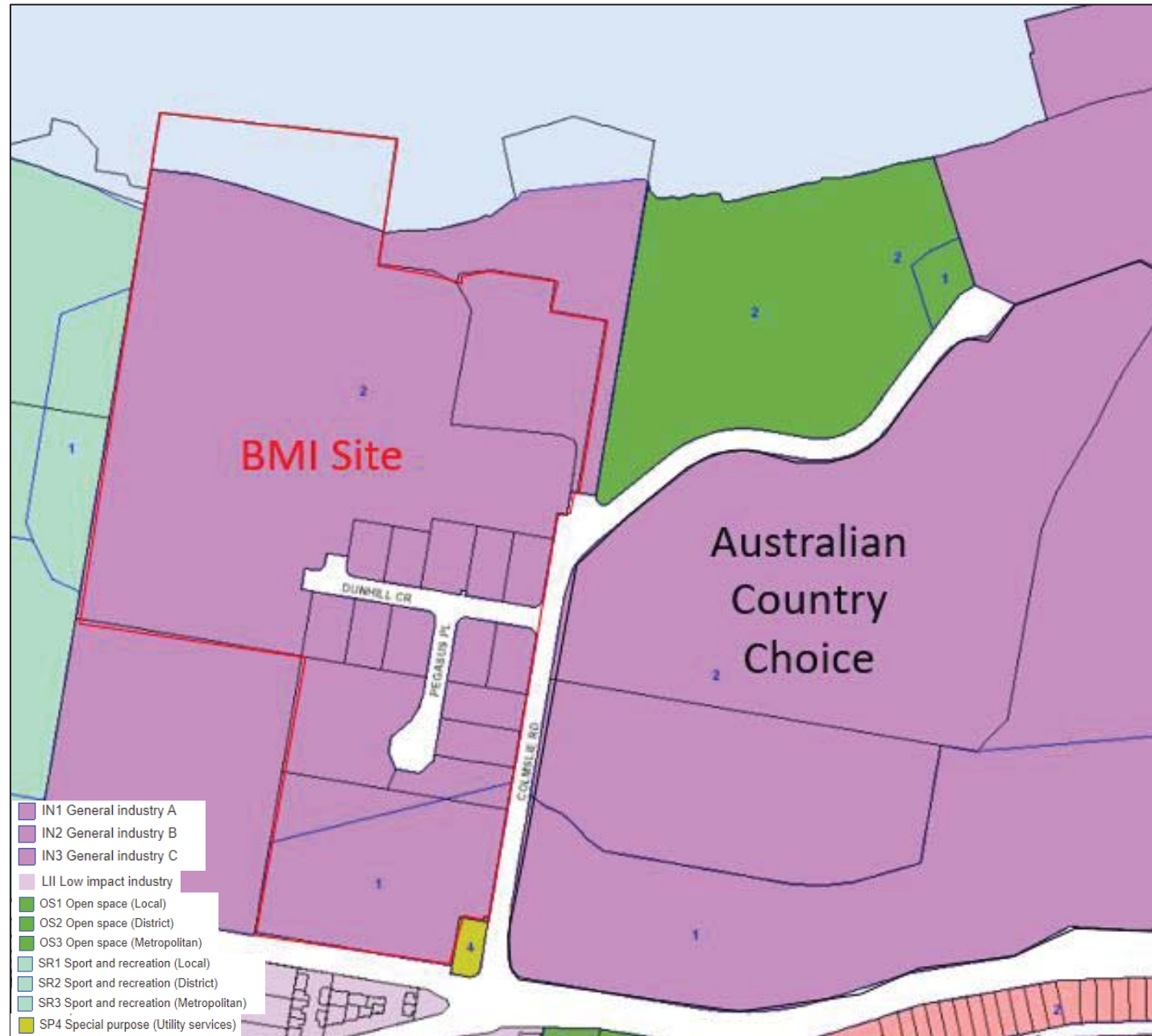
# City Plan 2014 zoning

## BMI Site:

- Site is included in General Industry A and B.

## Australian County Choice:

- Included in General Industry B.





## Destination Brisbane's Rivermakers.

This is it. Spread across 30 hectares of historic riverfront land, Rivermakers is more than a business park – it's a forward-thinking precinct for local pioneers.

Rivermakers is the latest project by BMI Group, the team of makers redefining industrial and mixed-use across Brisbane.

They've got a touch for benchmark urban renewal; transforming overlooked riverside suburbs into the city's trendiest neighbourhoods.

And it all kicks off at The Depot. Minutes from future residential development, this **lively homemaker and trade centre** will benefit the wider community **during business hours and beyond.**



### THE DEPOT

Draw in the  
home renovators  
and DIY-ers.

Open seven days a week, The Depot will be a dynamic hub for trade. It will supply **quality goods and services** to local businesses and businesses, plus thousands of nearby residents planning their home refresh.

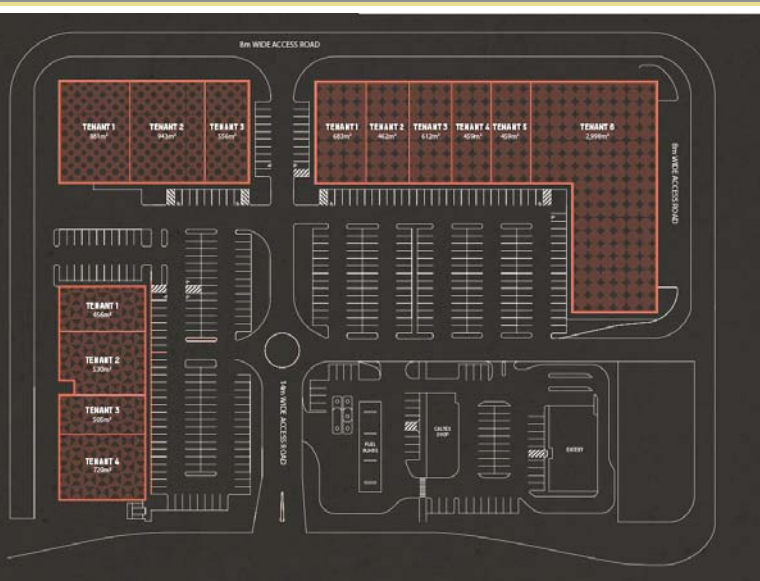
# Website/Media Release Extracts

Source: <https://rivermakers.com.au/>



# HERITAGE QUARTER

At the heart of Rivermakers in the near future will be an epic wholesaler, dining and maker's market for workers and visitors alike.



## The Depot is anything but an average trade centre.

Make your business bigger and better as a part of this buzzing homemakers experience.



### CLOSE TO THE ACTION

Located on Lytton Road with easy access to Colmslie Road



### ALL-IN-ONE HQ

Combined mezzanine office and warehouse available



### FLEXIBLE FLOOR PLANS

Tenancy sizes from 450m to 3,000m, with warehouse heights of 8.5m



### FIND A PARK FIRST GO

Over 500 on grade car spaces available



### EASY LOAD-INS

Separate truck loading access and 4.5m-high rear roller doors



### ENERGY EFFICIENT

A vision for solar powered workspaces and electric car charging stations



### BUSINESS ON SHOW

Excellent signage and exposure to over 20k of daily traffic along Lytton Road



### IN GREAT COMPANY

Work alongside exciting businesses to be announced shortly

Source: <https://rivermakers.com.au/>





**BUSINESS SPACES**

We've got a vision for innovative and contemporary workspaces that will support the next generation of local legends, working together to build tomorrow.



**Anything but an average trade centre.**

**THE DEPOT**  
Rivermakers is a unique site that will offer your business a big opportunity.

**THE DEPOT**  
Minutes from future residential development, The Depot will be a buzzing social hub that benefits the wider community. This homemaker and trade centre will be open seven days a week, supplying quality goods and services to the thousands of local businesses, builders and homeowners planning their next renovation.

Source: <https://rivermakers.com.au/>



**WALK TO THE RIVER**

Our concept includes opening up new access to the Brisbane River and creating a public promenade to surrounding green spaces.







CHEERS: Revel Brewing Co owners Matthew Flexman and Jay Neven at the old Acetate of Lime factory at The Rivermakers Heritage Quarter

# Brewers tap history

CHRIS HERDE

AN award-winning independent brewer has tapped into a riverside heritage precinct for their second brewery which will be part of a major southside entertainment precinct.

Business partners Jay Neven and Matthew Flexman plan to open a brewery, tap room and 300-seat farm-to-table restaurant in the heritage-listed former Commonwealth Acetate of

Lime factory which is part of the BMI Group's Rivermakers @ Morningside business park.

Mr Neven said they opened Revel Brewing Co. on Oxford St in Bulimba two years ago and its success convinced them to expand and take advantage of the area's rich craft beer history.

"Revel Brewing has been really successful and we wanted to tap into the craft beer history in Bulimba," he

said. "So we were looking at a few sites in Bulimba but we got a call from the BMI boys and they said we have this really great opportunity and we can do something really special."

They have started development work and plan to open the first stage — a brewhouse and production area — in May and aim to be fully open by the end of the year. BMI's other plans for its 25ha Rivermakers Heritage Quarter will focus

on creating an "industrial wholesale precinct" by attracting business such as smoked meat producers, coffee roasters, nurseries and distillers.

Mr Flexman said BMI's plans complement Revel Brewery's aim of not top create "just another brewery". "We're trying to create an experience for our customers that ties back into the rich history of the site and really engage with them," he said.

On Colmslie Rd, Morningside, the red brick factory was built in 1918 and as part of producing ingredients for ammunition manufacture.

During and just after WWII, the building was used as a Royal Australian Navy and in 1949 it was repurposed and used as a migrant hostel until it closed in the 1960s. It was taken over by Hans Continental Smallgoods which ceased operations about a decade ago.

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# Craft brewers tap into a near neglected piece of local history

From P40

The site is part of a BMI's 30ha Rivermakers estate of which 27.5ha of it was a former a Mobile refinery site and spans from Lytton Rd to the Brisbane River

Work is well underway on The Depot — a large format development with a Caltex Service station Lytton Rd — and Stage 1 of the business park behind the Depot is completed with Stage 2 before the Brisbane City Council for approval

BMI managing director Balfour Irvine said the Rivermakers Heritage Quarter will deliver a vibrant, creative environment with a vision for a mix of well-matched and relevant food and beverage outlets.

"Rivermakers will see a celebration of Brisbane's 'Makers', where craftsmen will ply their trade making some of



NEW FUTURE: The old Lime factory in the Heritage Quarter of the Rivermakers business park. Picture: John Gass

Brisbane's finest products" he said.

He said BMI was in early discussions with Brisbane City Council on how to best activate and open up the river frontages to the site.

"We're confident that we

will achieve something special at Rivermakers, with an active and vibrant mixed business community, strong connectivity to the river and connectivity to the Colmslie Beach reserve and Boat Ramp parks high on the agenda," Mr Irvine said.

# Courier Mail Articles



# Revel Brewing Co. Media Release – 23/01/2020

collaborations with local businesses. We are therefore thrilled to announce that our expansion is in collaboration with local, family-owned developer, BMI Group. This collaboration will bring our community not only a wonderful new brewery to produce more of our high quality, independent craft beer, but also a fully catered restaurant and tap room inside the historic Acetate of Lime factory located within BMI's exciting new Rivermakers development!

way that is re-activating a piece of Brisbane's history. We are working closely with State and local governments to bring the noble practice of brewing back to this important landmark. We can't wait to share further details of this new site as plans progress and then to celebrate with our community when we open!



Image taken from: <https://rivermakers.com.au/#vis>

## Extract from Broadsheet Brisbane Article

# Coming Soon: Revel to Open New Heritage-Listed Brewpub in Morningside

The Bulimba-based brewer has discovered a one-of-a-kind riverside gem, and they have big plans for it.

What is that? Where is that? Prepare for these questions when you show someone a photo of Revel's planned new Morningside brewery.



And it is in Morningside - just. Take the rarely used Colmslie Road exit off the Junction Road roundabout, drive over a gentle rise and it comes into view, cordoned off behind a tangle of temporary fencing. The main facility is three buildings, neatly stacked down the far side of the hill, overlooking the river beyond.

Now owned by BMI Group, a developer best known for riverside projects like Teneriffe, Bulimba and Breakfast Creek, Revel's new brewery is intended to be the anchor tenant in a business park that will eventually include bakeries, coffee roasters, butchers and other light industry.

Source: <https://www.broadsheet.com.au/brisbane/food-and-drink/article/coming-soon-revel-open-new-heritage-listed-brewpub-morningside>

# Community Management Statement Extract

QUEENSLAND LAND REGISTRY  
Land Title Act 1994, Land Act 1994  
and Water Act 2000

## SCHEDULE

FORM 20 Version 2  
Page 6 of 31

Title Reference 51110887

### 2 Future Development in Stages

#### 2.1 Future Development of Scheme

- (a) The Scheme Land initially comprises of 2 lots and common property created on registration of Standard Form Plan SP 283395.
- (b) The Original Owner plans to create further lots in the Scheme by adding to the Scheme Land in accordance with this clause 2 as determined from time to time by the Original Owner.
- (c) The completed Scheme may comprise approximately 50 standard format lots which may be used for some or all of industrial, commercial and/or retail uses.



**From:** [Refused under section 47(3)(b) of the RTI Act]  
**To:** Janet Marshall; Shane Spargo  
**Cc:** Andrew Litschner; [Refused under section 47(3)(b) of the RTI Act]; accbeef.net.au  
**Subject:** RE: Australian Country Choice  
**Date:** Monday, 2 December 2019 12:12:31 PM  
**Attachments:** [image003.png](#)  
[image001.jpg](#)

---

Thanks for your time today Janet.

Yes Shane, we are keen to get together with you to discuss the application. Would you be in a position to meet [Refused under section 47(3)(b) of the RTI Act] and myself out on site toward the end of next week?

Happy to come into William Street if you don't have a window to get out to Murarrie but I thought it might be useful to show you around.

Regards

[Refused under section 47(3)(b) of the RTI Act]

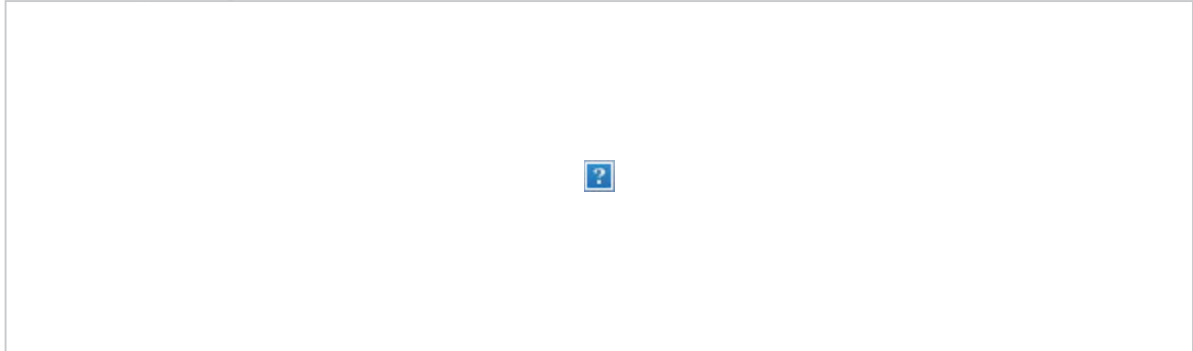
**REEL PLANNING PTY LTD**

a: 1/9 Camford Street, Milton

PO Box 2088 Milton QLD 4064

[Refused under section 47(3)(b) of the RTI Act]

w: [www.reelplanning.com](http://www.reelplanning.com)



**From:** Janet Marshall <Janet.Marshall@dsmip.qld.gov.au>

**Sent:** Monday, 2 December 2019 12:08 PM

**To:** Shane Spargo <Shane.Spargo@dsmip.qld.gov.au>

**Cc:** Andrew Litschner <Andrew.Litschner@dsmip.qld.gov.au>; [Refused under section 47(3)(b) of the RTI Act]

[Refused under section 47(3)(b) of the RTI Act] reelplanning.com>; [Refused under section 47(3)(b) of the RTI Act] accbeef.net.au

**Subject:** Australian Country Choice

Hello Shane,

A heads up to let you know that Andrew Litschner and I met with [Refused under section 47(3)(b) of the RTI Act] (Reel Planning) and [Refused under section 47(3)(b) of the RTI Act] (ACC [Refused under section 47(3)(b) of the RTI Act]) regarding the Australian Country Choice abattoir site at Murarrie.

They confirmed an interest in pursuing the urban encroachment application and will be contacting you in coming weeks.

Kind regards,

Janet



**Janet Marshall RPIA (Fellow)**

Project Manager

**Investment Facilitation and Partnerships**

Department of State Development, Manufacturing,

Infrastructure and Planning

-----  
-----  
P 07 34527262 M Refused unde  
[Janet.marshall@dsmip.qld.gov.au](mailto:Janet.marshall@dsmip.qld.gov.au)

Level 16, 1 William Street,

Brisbane QLD 4000

PO Box 15009, City East QLD 4001 Australia

[www.dsmip.qld.gov.au](http://www.dsmip.qld.gov.au)

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**From:** [Refused under section 47(3)(b) of the RTI Act]  
**To:** [Shane Spargo](#)  
**Cc:** [Kerry DOSS](#); [Refused under section 47(3)(b) of the RTI Act]; [Refused under section 47(3)(b) of the RTI Act]  
**Subject:** Urban encroachment meeting with the State  
**Date:** Tuesday, 3 March 2020 2:37:18 PM

---

Hi Shane

I am just confirming that ACC are very keen to commence the Urban Encroachment registration process. Thanks for confirming there is an opportunity to meet you and your team to initiate the process, tomorrow afternoon at 2.30pm.

[Refused under section 47(3)(b) of the RTI Act] and I will be in attendance. I will send a calendar invite.

I appreciate you making yourself available on short notice.

Regards

[Refused under section 47(3)(b) of the RTI Act.]

**REEL PLANNING PTY LTD**

a: 1/9 Camford Street, Milton  
PO Box 2088 Milton QLD 4064

[Refused under section 47(3)(b) of the RTI Act.]

w: [www.reelplanning.com](http://www.reelplanning.com)



## RE: ACC - BMI site concerns - Foodbank acknowledgement

Kerry DOSS <Kerry.Doss@dsdilgp.qld.gov.au>

Thu 21/05/2020 6:05 PM

To: [Refused under section 47]accbeef.net.au>

Hi [Refused]

thank you for your email and thank you for the information you and [Refused] provided me with last night.

This is extra information that we were not made aware of by the applicant.

I will pass this onto my team for their information and I have had a general discussion with them about being mindful if we received any other Temporary Use Licence (TUL) applications in this area to ensure that they meet the requirements of a TUL, specifically with respect to the need for the use to establish in response to the COVID-19 event.

As discussed last night we had a second application for a temporary use licence for a health care service in the same complex. We advised the applicant that we would be unlikely to approve the TUL as it was a sensitive use in an area set aside for industrial use and therefore seen as incompatible. The applicant subsequently withdrew the application.

We have a third TUL application for WBGs currently with us. It is currently being considered against the requirements of the Act. I have asked my team to advise me of the progress of the related development application currently with BCC for consideration.

For your further information I have signed a letter to [Refused under section 47] today regarding the next steps in ACC's process to have the Urban Encroachment provisions under the Planning Act applied in the area.

As discussed if you have any queries please don't hesitate to contact me.

regards



**Kerry Doss**  
Deputy Director-General  
Planning Group  
Queensland Treasury

P 07 3452 7909 M [Refused under section 47]  
Level 13, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002

---

**From:** [Refused under section 47(3)]accbeef.net.au>

**Sent:** Thursday, 21 May 2020 5:33 PM

**To:** Kerry Doss <Kerry.Doss@dsmip.qld.gov.au>

**Subject:** RE: ACC - BMI site concerns - Foodbank acknowledgement

Kerry – again , thanks for the call last night and we were greatly encouraged by your words and actions of support for the ACC site.

As mentioned please find below the response from Foodbank CEO , when questioned about retail. To us this clearly shows that BMI have applied for this special condition license license for uses not required by Foodbank as a likely means to get a retail position within the industrial zoned precinct after the license period.

It would seem that Foodbank have unknowingly been used as a pawn in this process by BMI , which is very uncharitable.

While we will remain necessarily vigilant, we remain reliant on your Government team and BCC to ensure lawfulness is maintained.

For your info, ACC has formally lodged an objection to Council for the establishment of the Gym and Health centre as according to town planning its fails to meet the zoning requirements. To this end, we will also lodge an objection to the operations of the Worlds Biggest Garage sale as its operations fail the general zoning rules, unless BCC agrees to a local laws covenant similar to those give to schools , communities for one off type fetes or carnivals- which we would necessarily challenge or raise our concerns as it is neither. Given the above , It is not inconceivable to think that BMI has misused WBGS without their knowledge of the ap[lication also. The founder of WBGS has agreed to meet with me on site to discuss their operations.

Whichever , I am sure this operation does not warrant what the Minister established the Covid 19 licenses for. Please call if we can help further in any way in these matters

Sincerely

Refused under section 47(3)(b) of t

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**Australian Country Choice of Companies**

Refused under section 47(3)(b) of the RTI Act.

117 Colmslie Road, Murarrie | PO Box 478, Morningside  
Queensland 4170, Australia

From: Refused under section 47(3)(b) of the RTI Act [foodbankqld.org.au\]](mailto:foodbankqld.org.au)

Sent: Monday, 11 May 2020 4:27 PM

To: Refused under section 47(3)(b) of the RTI Act [kinneallymiley.com.au](mailto:kinneallymiley.com.au)>

Subject: Response to your letter

Hi Refused under

Thank you for your letter dated 5 May 2020, which I received today.

Foodbank Queensland is a charity which procures food and grocery items from donors and suppliers for the purposes of supplying those items to charity member organisations. Charity members provide food and groceries to people in their own communities who are experiencing food insecurity. Our model involves working directly with other charity and social purpose organisations, who distribute to the food insecure individuals and families through their own operations. We are not open to the general public, nor are the general public able to access our service for food and grocery items. Our usage of the site at River makers Estate does not deviate from this.

Kind Regards

Refused under section 47

CHIEF EXECUTIVE OFFICER

FOODBANK QUEENSLAND LTD

179 Beverle Street Mornin side LD 4170

Refused under section 47(3)(b) of the RTI Act.

W [foodbank.org.au](http://foodbank.org.au)



Join the fight on social: [f](#) [@](#) [v](#) [t](#) [in](#)

## RE: ACC - BMI site concerns - Foodbank acknowledgement

Refused under section 47(3)(b) of [accbeef.net.au](mailto:accbeef.net.au)>

Thu 21/05/2020 5:32 PM

To: Kerry Doss <Kerry.Doss@dsmip.qld.gov.au>

Kerry – again , thanks for the call last night and we were greatly encouraged by your words and actions of support for the ACC site.

As mentioned please find below the response from Foodbank CEO , when questioned about retail. To us this clearly shows that BMI have applied for this special condition license license for uses not required by Foodbank as a likely means to get a retail position within the industrial zoned precinct after the license period. It would seem that Foodbank have unknowingly been used as a pawn in this process by BMI , which is very uncharitable.

While we will remain necessarily vigilant, we remain reliant on your Government team and BCC to ensure lawfulness is maintained.

For your info, ACC has formally lodged an objection to Council for the establishment of the Gym and Health centre as according to town planning its fails to meet the zoning requirements. To this end, we will also lodge an objection to the operations of the Worlds Biggest Garage sale as its operations fail the general zoning rules, unless BCC agrees to a local laws covenant similar to those give to schools , communities for one off type fetes or carnivals- which we would necessarily challenge or raise our concerns as it is neither. Given the above , It is not inconceivable to think that BMI has misused WBGS without their knowledge of the ap[lication also. The founder of WBGS has agreed to meet with me on site to discuss their operations.

Whichever , I am sure this operation does not warrant what the Minister established the Covid 19 licenses for. Please call if we can help further in any way in these matters

Sincerely

Refused under section 47(3)(b) of the

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### Australian Country Choice of Companies

Refused under section 47(3)(b) of the RTI Act.

117 Colmslie Road, Murarrie | PO Box 478, Morningside  
Queensland 4170, Australia

From: [Refused under section 47\(3\)\(b\) of the RTI Act](mailto:Refused under section 47(3)(b) of the RTI Act) <[Refused under section 47\(3\)\(b\) of the RTI Act](mailto:Refused under section 47(3)(b) of the RTI Act)> <[foodbankqld.org.au](mailto:foodbankqld.org.au)>

Sent: Monday, 11 May 2020 4:27 PM

To: [Refused under section 47\(3\)\(b\) of the RTI Act](mailto:Refused under section 47(3)(b) of the RTI Act) <[Refused under section 47\(3\)\(b\) of the RTI Act](mailto:Refused under section 47(3)(b) of the RTI Act)> <[kinneallymiley.com.au](mailto:kinneallymiley.com.au)>

Subject: Response to your letter

Hi [Refused under section 47\(3\)\(b\) of the RTI Act](mailto:Refused under section 47(3)(b) of the RTI Act)

Thank you for your letter dated 5 May 2020, which I received today.

Foodbank Queensland is a charity which procures food and grocery items from donors and suppliers for the purposes of supplying those items to charity member organisations. Charity members provide food and groceries to people in their own

communities who are experiencing food insecurity. Our model involves working directly with other charity and social purpose organisations, who distribute to the food insecure individuals and families through their own operations. We are not open to the general public, nor are the general public able to access our service for food and grocery items. Our usage of the site at River makers Estate does not deviate from this.

Kind Regards

Refused under se

CHIEF EXECUTIVE OFFICER

FOODBANK QUEENSLAND LTD

179 Beverley Street Morningside QLD 4170

Refused under section 47(3)(b) of the RTI Act.

W [foodbank.org.au](http://foodbank.org.au)



Join the fight on social: [f](#) [@](#) [v](#) [t](#) [in](#)

## Shane Spargo

---

**From:** [Refused under section 47(3)]reelplanning.com>  
**Sent:** Friday, 21 February 2020 3:29 PM  
**To:** Matthew Grant  
**Cc:** Janet Marshall; Andrew Litschner; Michael Carey; Shane Spargo  
**Subject:** RE: ACC- going forward  
**Attachments:** Representations to BCC .pdf

Good afternoon Matthew,

Please see attached our representations to Council regarding the BMI land use approvals.

We are still in the process of acquiring an attendee list from the meeting last Friday. We will forward that on once we receive a copy from Council.

Thanks,

[Refused under section 47(3)(b) of the RTI Act.]

**REEL PLANNING PTY LTD**

a: 1/9 Camford Street, Milton  
PO Box 2088 Milton QLD 4064

[Refused under section 47(3)(b) of the RTI A]

w: [www.reelplanning.com](http://www.reelplanning.com)

---

**From:** Matthew Grant <Matthew.Grant@dsmip.qld.gov.au>  
**Sent:** Monday, 17 February 2020 1:31 PM  
**To:** [Refused under section 47(3)]reelplanning.com>  
**Cc:** Janet Marshall <Janet.Marshall@dsmip.qld.gov.au>; Andrew Litschner <Andrew.Litschner@dsmip.qld.gov.au>  
**Subject:** RE: ACC- going forward

Thanks [Refused]

Sounds like some small progress on the road, despite the 'tension'.

We will let you know how we go with BCC.

Regards



**Queensland  
Government**

Matthew Grant  
Director, Major Project Facilitation  
Investment Facilitation and Partnerships  
Department of State Development,  
Manufacturing, Infrastructure and Planning

P 07 3452 7473 M [Refused under]  
Level 16, 1 William Street, Brisbane QLD 4000  
PO Box 15009, City East QLD 4002  
[www.dsmip.qld.gov.au](http://www.dsmip.qld.gov.au)

---

**From:** [Refused under section 47(3)] <reelplanning.com>  
**Sent:** Sunday, 16 February 2020 2:20 PM  
**To:** Matthew Grant <Matthew.Grant@dsmip.qld.gov.au>  
**Cc:** Janet Marshall <Janet.Marshall@dsmip.qld.gov.au>; Shane Spargo <Shane.Spargo@dsmip.qld.gov.au>; Michael Carey <Michael.Carey@dsmip.qld.gov.au>  
**Subject:** RE: ACC- going forward

Thanks Matthew

Councillor Burke chaired the meeting and it was attended by the heads of the Departments of Planning, Infrastructure and Traffic (plus others – about 8 Council officers were present). [Refused under section 47(3)(b)] his manager, [Refused under section 47(3)(b)] and [Refused under section 47(3)(b)] were in attendance also. [Refused under section 47(3)(b)]

I will obtain a full list of attendees and send that through.

The outcome of the meeting was to the effect that:

1. The Lord Mayor will be advised on the urgent need to commit funds to the intersection upgrade
2. Alternative access options to Lytton Road directly for ACC are to be investigated
3. Council will look at diverting infrastructure contributions from BMI to the intersection upgrade
4. Council to undertake a traffic count in Colmslie Road

I will send through the attendee list when available and also any correspondence between ACC and Council re land use/ approval investigations.

Regards

[Refused under section 47(3)(b) of the RTI Act]

**REEL PLANNING PTY LTD**

a: 1/9 Camford Street, Milton  
PO Box 2088 Milton QLD 4064

[Refused under section 47(3)(b) of the RTI Act]

w: [www.reelplanning.com](http://www.reelplanning.com)

---

**From:** Matthew Grant <Matthew.Grant@dsmip.qld.gov.au>  
**Sent:** Friday, 14 February 2020 2:14 PM  
**To:** [Refused under section 47(3)] <reelplanning.com>  
**Cc:** Janet Marshall <Janet.Marshall@dsmip.qld.gov.au>; Shane Spargo <Shane.Spargo@dsmip.qld.gov.au>; Michael Carey <Michael.Carey@dsmip.qld.gov.au>  
**Subject:** RE: ACC- going forward

Thanks [Refused under section 47(3)(b)]

That is a great help to us telling the story up the line in addition to our own briefing material.

I would welcome any headline feedback ACC can provide on the outcome of today's meeting with BCC (including who attended from BCC).

FYI only, Janet Marshall doesn't work on Fridays.

Cheers





Matthew Grant  
 Director, Major Project Facilitation  
 Investment Facilitation and Partnerships  
 Department of State Development,  
 Manufacturing, Infrastructure and Planning  
 P 07 3452 7473 M [Refused under section 47(3)(b) of the RTI Act]  
 Level 16, 1 William Street, Brisbane QLD 4000  
 PO Box 15009, City East QLD 4002  
[www.dsdmip.qld.gov.au](http://www.dsdmip.qld.gov.au)

**From:** [Refused under section 47(3)(b) of the RTI Act] <[\[Refused under section 47\(3\)\(b\) of the RTI Act\]@reelplanning.com](mailto:[Refused under section 47(3)(b) of the RTI Act]@reelplanning.com)>  
**Sent:** Friday, 14 February 2020 12:32 PM  
**To:** Janet Marshall <[Janet.Marshall@dsdmip.qld.gov.au](mailto:Janet.Marshall@dsdmip.qld.gov.au)>  
**Cc:** Matthew Grant <[Matthew.Grant@dsdmip.qld.gov.au](mailto:Matthew.Grant@dsdmip.qld.gov.au)>; Shane Spargo <[Shane.Spargo@dsdmip.qld.gov.au](mailto:Shane.Spargo@dsdmip.qld.gov.au)>; Andrew Litschner <[Andrew.Litschner@dsdmip.qld.gov.au](mailto:Andrew.Litschner@dsdmip.qld.gov.au)>; Michael Carey <[Michael.Carey@dsdmip.qld.gov.au](mailto:Michael.Carey@dsdmip.qld.gov.au)>; [Refused under section 47(3)(b) of the RTI Act] <[\[Refused under section 47\(3\)\(b\) of the RTI Act\]@accbeef.net.au](mailto:[Refused under section 47(3)(b) of the RTI Act]@accbeef.net.au)>; [Refused under section 47(3)(b) of the RTI Act] <[\[Refused under section 47\(3\)\(b\) of the RTI Act\]@accbeef.net.au](mailto:[Refused under section 47(3)(b) of the RTI Act]@accbeef.net.au)>; [Refused under section 47(3)(b) of the RTI Act] <[\[Refused under section 47\(3\)\(b\) of the RTI Act\]@accbeef.net.au](mailto:[Refused under section 47(3)(b) of the RTI Act]@accbeef.net.au)>; [Refused under section 47(3)(b) of the RTI Act] <[\[Refused under section 47\(3\)\(b\) of the RTI Act\]@kinneallymiley.com.au](mailto:[Refused under section 47(3)(b) of the RTI Act]@kinneallymiley.com.au)>  
**Subject:** RE: ACC- going forward

Hi Janet  
 Please find below the link to yesterday's presentation as requested.  
 Regards

[Refused under section 47(3)(b) of the RTI Act]

[Refused under section 47(3)(b) of the RTI Act.]

[Refused under section 47(3)(b) of the RTI Act.]

**REEL PLANNING PTY LTD**  
 a: 1/9 Camford Street, Milton  
 PO Box 2088 Milton QLD 4064

[Refused under section 47(3)(b) of the RTI Act.]

w: [www.reelplanning.com](http://www.reelplanning.com)

**From:** [Refused under section 47(3)(b) of the RTI Act]  
**Sent:** Thursday, 13 February 2020 6:07 PM  
**To:** Janet Marshall <[Janet.Marshall@dsdmip.qld.gov.au](mailto:Janet.Marshall@dsdmip.qld.gov.au)>  
**Cc:** Matthew Grant <[Matthew.Grant@dsdmip.qld.gov.au](mailto:Matthew.Grant@dsdmip.qld.gov.au)>; Shane Spargo <[Shane.Spargo@dsdmip.qld.gov.au](mailto:Shane.Spargo@dsdmip.qld.gov.au)>; Andrew Litschner <[Andrew.Litschner@dsdmip.qld.gov.au](mailto:Andrew.Litschner@dsdmip.qld.gov.au)>; Michael Carey <[Michael.Carey@dsdmip.qld.gov.au](mailto:Michael.Carey@dsdmip.qld.gov.au)>; [Refused under section 47(3)(b) of the RTI Act] <[\[Refused under section 47\(3\)\(b\) of the RTI Act\]@accbeef.net.au](mailto:[Refused under section 47(3)(b) of the RTI Act]@accbeef.net.au)>; [Refused under section 47(3)(b) of the RTI Act] <[\[Refused under section 47\(3\)\(b\) of the RTI Act\]@accbeef.net.au](mailto:[Refused under section 47(3)(b) of the RTI Act]@accbeef.net.au)>; [Refused under section 47(3)(b) of the RTI Act] <[\[Refused under section 47\(3\)\(b\) of the RTI Act\]@accbeef.net.au](mailto:[Refused under section 47(3)(b) of the RTI Act]@accbeef.net.au)>; [Refused under section 47(3)(b) of the RTI Act] <[\[Refused under section 47\(3\)\(b\) of the RTI Act\]@kinneallymiley.com.au](mailto:[Refused under section 47(3)(b) of the RTI Act]@kinneallymiley.com.au)>  
**Subject:** RE: ACC- going forward

Hi Janet  
 Thankyou (and the others) for giving us the opportunity to present on the issues at play. I know I speak for all the ACC representatives present today, that they appreciate timing is critical for ACC to move on both the land use and access issues. This will be done as a matter of urgency, with separate strategies, although the two are clearly related.  
 In terms of actions from here in response to our discussion today and your email below, I will:

- send you a drop box link to today's presentation in the morning; and
- ensure that any correspondence to BCC is copied into the Minister.



And on the Encroachment front, I confirm there is genuine interest in going down the designation path if we can confine the area of influence to the BMI holding, Raptis and the Council park. I will set out a program for endorsement by ACC following which I will send that through to Shane so we can get cracking on it.

Many thanks again for your time today and the genuine interest being shown by the State on the matter.

Regards

Refused under section 47(3)(b) of the RTI Act

**REEL PLANNING PTY LTD**

a: 1/9 Camford Street, Milton  
PO Box 2088 Milton QLD 4064

Refused under section 47(3)(b) of the RTI Act

w: [www.reelplanning.com](http://www.reelplanning.com)

---

**From:** Janet Marshall <[Janet.Marshall@dsdmip.qld.gov.au](mailto:Janet.Marshall@dsdmip.qld.gov.au)>

**Sent:** Thursday, 13 February 2020 3:10 PM

**To:** Refused under section 47(3) [reelplanning.com](http://reelplanning.com)>

**Cc:** Matthew Grant <[Matthew.Grant@dsdmip.qld.gov.au](mailto:Matthew.Grant@dsdmip.qld.gov.au)>; Shane Spargo <[Shane.Spargo@dsdmip.qld.gov.au](mailto:Shane.Spargo@dsdmip.qld.gov.au)>; Andrew Litschner <[Andrew.Litschner@dsdmip.qld.gov.au](mailto:Andrew.Litschner@dsdmip.qld.gov.au)>; Michael Carey <[Michael.Carey@dsdmip.qld.gov.au](mailto:Michael.Carey@dsdmip.qld.gov.au)>

**Subject:** ACC- going forward

Hello Refused

It was good to meet Refused and to hear the issues afresh from his perspective plus the additional information about marketing of the BMI site.

We will be briefing internally and it would be helpful if you were able to forward a copy of your presentation to us . The images will be particularly useful in our briefings.

Also, as we discussed, it appears that a strategy for moving forward for ACC is emerging and that timeliness is critical.

It also appears that there may be benefits in progressing the road and the land use issues separately as there are different independent actions involved.

It was mentioned that there may be correspondence between ACC and Council in coming days regarding the marketing material and potential land use non-compliance issues. I understand that you may send a copy of this correspondence to Minster Dick for his information.

Please feel free to keep us informed of any developments and when you may choose to progress an urban encroachment application. approach

Kind regards,

Janet



**Janet Marshall RPIA (Fellow)**

Project Manager

**Investment Facilitation and Partnerships**

Department of State Development, Manufacturing,  
Infrastructure and Planning

---

P 07 34527262 M Refused under

[Janet.marshall@dsmip.qld.gov.au](mailto:Janet.marshall@dsmip.qld.gov.au)

Level 16, 1 William Street,  
Brisbane QLD 4000

PO Box 15009, City East QLD 4001 Australia

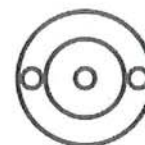
[www.dsmip.qld.gov.au](http://www.dsmip.qld.gov.au)

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21 February 2020

Marcus Mulholland  
Manager, Development Services  
Brisbane City Council  
Adelaide Street,  
Brisbane. 4000



**REEL PLANNING**  
URBAN AND RURAL STRATEGIES

Dear Mr Mulholland

**RE: Compliance Action- Dunhill Properties P/L (BMI) development – Corner of 506 Lytton Road and 32 Colmslie Road, Morningside**

We act for Australian Country Choice (ACC), advising on town planning related matters associated with their meat processing facility at Colmslie Road, Cannon Hill (situated immediately opposite the BMI development referred to above). We have been engaged by ACC to undertake an audit of all development applications and approvals for the BMI development. We have also been asked to advise on implications for the ongoing operation and development of the ACC Facility. As part of this exercise, we have reviewed the current marketing and leasing information for the BMI development, as well as recent media reporting which has revealed land use intentions for that site.

In short, our investigations suggest very strongly that BMI intends to establish non-industrial, retail related activities within the BMI development and we hereby request that Council urgently intervene to prevent the continuing and future unlawful use of the land.

#### **ACC's Operations and interests**

ACC's business is the best-practice supply of high-quality meat products to domestic and export markets. It encompasses everything from cattle breeding, backgrounding and lot feeding, beef primary processing, multi-specie further processing, value adding, retail packing and distribution. The Cannon Hill facility is the location of ACC head office, primary processing and further processing areas.

The ACC facility was established approximately 20 years ago on a site that has been processing meat for over 100 years. The site is one of the largest meat-processing facilities in South-East Queensland and is capable of processing up to 350,000 head of livestock per year and approximately 75,000,000 kilograms of value-added meat products per year. It is a world class facility with best in class technologies and performance, tailoring and customising processing to suit their customers' requirements. It is the largest stand-alone industrial site in Brisbane.

The Cannon Hill facility is strategically located to transport products to shipping ports, air terminals and domestic distribution centres in a time-critical manner to maintain supply and product quality. Road network accessibility is therefore critical to the business operation. The Cannon Hill site is located on a major arterial and freight route in Brisbane, suitable for both receiving and dispatching in the supply chain. Clearly, maintaining efficient access to the facility is critical to the success of the business. Existing access to the ACC facility for loading and unloading of cattle and staff (up to 1150 staff with change of shifts) is currently via Colmslie Road from the Lytton Road roundabout. Colmslie Road is a road currently shared with Raptis Seafood, Queensland Bulk Terminals, Emergent Cold Storage, the users of Colmslie Park, and the BMI development site.



ACC's interests in the BMI development are two-fold. Firstly, it is seriously concerned about land use incompatibility with their established facility and likely 'reverse amenity' complaints that will occur from any future retail or entertainment related activities (discussed below). Secondly (and related) it is concerned about the implications of the development in terms of maintaining efficient access to ACC's facility via Colmslie Road.

Whilst ACC has invested approximately \$200 Million since purchasing the site from the Queensland Government, it seeks to invest further to create jobs and bring economic benefits. That can only be done if there is confidence in the observance of the *Brisbane City Plan 2014 and the Brisbane Industrial Strategy 2019*, which provide that the surrounding area retains its zoning as "general industry".

### **The BMI application and approval history**

Monitoring of the application and approval history of the BMI development has occurred for some time however recent marketing material has revealed different land use intentions to that described in material lodged with and approved by Council to date. For the purposes of our assessment we have broken down the BMI development site into three distinct precincts.

- Precinct 1, being marketed as "the Depot" with frontage to Lytton Road and Colmslie Road;
- Precinct 2, being the balance of the BMI holding in the central part of the site; and
- Precinct 3, being the former Hans site toward the river frontage.

Please note that the precincts are for our audit purposes and do not represent the approved staging of development. These precincts are described below:

#### Precinct 1

The approval history for "the Depot", the Service station and food and drink outlet is outlined in Table 1 (Attachment A to this letter). In summary:

1. Approval has been granted for code assessable Warehouse, Low Impact Industry and Medium Impact Industry.
2. There have been three minor change applications and approvals which resulted in tenancies reducing in size (down to 450sqm), the glass façade of the buildings becoming more prominent and carparking numbers increasing with each iteration. The 338 car parking spaces provided exceeds the requirement for "Showroom" and is in the order of twice the requirement for warehouse and industry uses under the City Plan TAPS code requirement.
3. The latest approved plans (with a gross floor area of 11,545sqm) identify the project as the "Colmslie Business Park Trade Centre". There is no definition of "Trade Centre" in City Plan 2014, with the closest definition being "Hardware and trade supplies" which is an impact assessable use and not one contemplated in the Industry (General Industry A) zone. Marketing (discussed below and extracts of which are attached) reveals a home maker centre is being established on the site which, by its nature, would include retail showrooms.
4. ACC objected to the DA A004351560, raising concerns about vehicular access and emphasising the importance of access to this site being confined to Lytton Road because of issues being experienced on Colmslie Road and the Lytton road intersection being at capacity. There were no appeal rights given the application was code assessable.
5. The Service station and food premises was approved (by consent between Council and BMI in an order of the Court) with vehicular access onto Colmslie Road as well as Lytton Road.
6. The approved plan for the Depot complex was changed to benefit from the Colmslie Road access (granted under the Service Station approval).

Precinct 2

7. There have been a number of development applications for Warehouse, Low Impact Industry and Medium impact industry in the central part of the BMI site.
8. Marketing and leasing material suggests smaller premises are, in fact, being offered for sale or lease as offices and showrooms. See photo below.



An example of advertising for “business space” and ‘man caves” in Precinct 2.

9. A brewery was approved as high impact industry, shop and hotel. ACC objected to this application on the basis of incompatible land use and access issues on Colmslie Road. Inspection reveals that the carpark is being used for entertainment purposes with tables and umbrellas. (See the photo below). There is promotions for bands to entertain patrons and a food truck in the car park. Within the brewery itself there is no defined area for the hotel which is noted on the approve plan to be 245sqm for the hotel (including the mezzanine) and 5sqm for the shop.





The car park of the brewery at 43 Dunhill Crescent

### Precinct 3

10. There have been no development applications received over the former Hans site although media articles (discussed below and in the attached) suggest it has been leased for a Brewery. It is noted that, as a Medium impact industry, a Brewery may establish within the existing building as Accepted Development, provided there is a heritage exemption that has been issued by the State. The Shop and Hotel elements will be impact assessable development.

### **The Marketing**

We refer Council to the marketing of the BMI development at the web site <https://rivermakers.com.au/> and various media releases.

Extracts from the Rivermakers web site include (with bold added):

*“And it all kicks off at The Depot. Minutes from future residential development , **this lively homemaker and trade centre** will benefit the wider community during business hours and beyond”*

*“**Draw in the home renovators and DIY-ers.** ‘Open seven days a week, The Depot will be a dynamic social hub for trade. It will supply quality goods and services to local businesses and builders, **plus thousands of nearby residents planning their next home refresh.**”*

*“Heritage Quarter – At the heart of Rivermakers in the near future will be an epic wholesaler, **dining and maker’s market** for workers and visitors alike”*

The Heritage quarter refers to the former Hans site.

Recent Courier mail articles relating to the Heritage quarter reveal plans for a *“major southside entertainment precinct”* including a *“300 seat farm to table restaurant”* and *“attracting business such as smoked meat producers, coffee roasters, nurseries and distillers. Further, “BMI managing director Balfour Irvine said the Heritage Quarter will deliver a vibrant, creative environment with a vision for a mix of well-matched and relevant food and beverage outlets.”*

In addition to this, the website for the brewery (<https://revelbrewingco.com.au/blogs/the-draught/revel-brewing-co-expension>) also promotes the following:

*“We are therefore thrilled to announce that our expansion is in collaboration with local, family-owned developer, BMI Group. This collaboration will bring our community not only a wonderful new brewery to produce more of our high quality, independent craft beer, but also a fully catered restaurant and tap room inside the historic Acetate of Lime factory located within BMI’s exciting new Rivermakers development!”*

By the website *“Hoyne.com.au/work/rivermakers”*, the company, Hoyne, says there that it was approached by BMI to assist in the marking for the *“opportunity to transform this 30-hectare abandoned estate into a destination of choice in Brisbane for work, entertainment, and connection to surrounding green spaces”*. Further on, the page says that there is to be *“on-site food, beverage and retailers offering the everyday essentials will an elevated edge, adding value to the Colmslie area”*.

By the website [www.hembrows.com.au/recent-projects/2019/10/9/the-depot-rivermakers](http://www.hembrows.com.au/recent-projects/2019/10/9/the-depot-rivermakers), Hembrows Electrical write that they are *“pleased to be the electrical contractor for the project, which includes a new retail hub on the main Lytton Road frontage called ‘the Depot’”*.

By the website [www.commercialrealestate.com.au/property/506-Lytton-Road-Morningside-Queensland-Qld-4170-13804588](http://www.commercialrealestate.com.au/property/506-Lytton-Road-Morningside-Queensland-Qld-4170-13804588), CBRE announces that it is *“excited to present to the market exclusively the latest stage of Rivermakers Brisbane-the Depot”*. It trumpets the features of the local population and, in a section headed *“Calling all Retail, Trade and Industrial Users”*, it invites interested parties to contact the leasing agent, Ben Lyons.

These and other articles and media releases are included in Attachment B to this letter.

### **The Town Planning Context**

Council is no doubt well aware of the town planning context of the BMI and ACC sites, their inclusion within a Major Industry Area under the Strategic Framework, and the importance of and need to protect the finite supply of inner city industrial land able to accommodate genuine industrial uses such as that undertaken by ACC at their Cannon Hill site.

The industrial zone under the planning scheme is supported by Council’s 2019 Industrial Strategy that includes as its first key priority, to provide a framework to support the evolution of Brisbane’s industrial economy as being *“Land use mix – Protect industrial zoned land while facilitating the right mix of employment generating industrial and compatible non industrial uses to support synergies, industrial function and the needs of workers”*.

In our opinion there is no ambiguity in the planning framework seeking to protect industrial areas of the City for industrial purposes.

Against this backdrop and the evident intentions by BMI to establish non-industrial land uses, ACC is understandably alarmed about the future of their Cannon Hill operations. There is a fundamental



incompatibility when there are abutting land uses involving an abattoir on the one hand, and a retail/entertainment/food precinct on the other. In addition, there is a major looming logistical issue in that the precinct has access to Colmslie Road which is already the only thoroughfare to service the industrial operations of Queensland Bulk Terminals, Emergent Cold Storage, Raptis Seafood and ACC. Over and above those issues, there is the problem that the intersection of Lytton Road and Colmslie Road is already incapable of dealing with the traffic load currently placed upon it.

There are other problems. The approvals issued by Council do not factor in the effects of the likely increase in traffic from a development squarely aimed at the general public which will only intensify the roundabout congestion, safety risks and other adverse impacts on the business conducted by operators on Colmslie Road, including ACC. Further, ACC has a capital works program to maintain the best practice status of their facility but it cannot reasonably be expected to invest further in their operations with such issues looming.

In our view, there is clear evidence of existing breaches, as well as intended breaches, of Council approvals. Please take this letter as a formal complaint in that regard. The BMI site involves 27 hectares of General industry land, which is being actively promoted for non-industrial uses. Once established, it's our firm belief (and that of ACC) that an industrial use which is critical to the supply of meat products throughout the country (and therefore of genuine local and State significance) will be threatened due to land use incompatibility and traffic conflict issues.

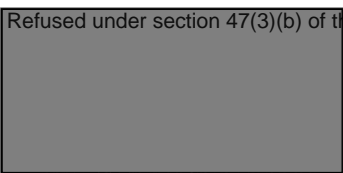
In the face of such blatant land use intentions by BMI, on behalf of ACC, we urge Council to take action (via compliance investigation and enforcement) to prevent the further intrusion of non-industrial uses and to avoid the complexity, time, cost and other adverse effects involved in having to deal with individual tenants who are likely to be presently committed or who will shortly commit to the Rivermakers project, soon employing staff, investing money and fitting out premises, for unlawful uses.

With construction at "*the Depot*" being promoted as due to finish on 15 March 2020 (as published on the Rivermakers website), we believe there is a narrowing window in which to have this matter addressed.

We would appreciate being informed of Council's intended actions.

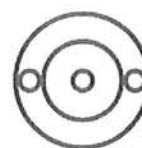
Yours faithfully

Refused under section 47(3)(b) of the



REEL PLANNING PTY LTD





REEL PLANNING  
URBAN AND RURAL STRATEGIES

# Attachment A – Development approval table

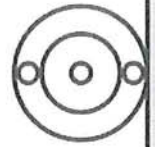
Table 1 - Development Applications and Approval: Precinct 1 ("the Depot")

APPLICATION NUMBER	APPLICANT	ADDRESS	APPLICATION TYPE	DESCRIPTION OF PROPOSAL	LEVEL OF ASSESSMENT	DATE LODGED	DATE DECIDED	DECISION	NOTES
A004351560	Dunhill Properties Pty Ltd C/- Planning Initiatives	32 Colmslie Road	Development Permit for MCU - Low & Medium Impact Industry and Warehouse Use Preliminary Approval for Building Works Preliminary Approval for Operational Works (Bulk Earthworks)	Five Industry buildings over the southern portion of the lot with access from Lytton Road	Code	24 March 2016	28 October 2016	Approved	- over part of 506 Lytton Road - Response to Information request 19.07.16 - maintains access to Lytton Road
A004685291	Dunhill Properties Pty Ltd - C/ Urbis	32 Colmslie Road	Development Permit for MCU - Low & Medium Impact Industry and Warehouse, Carry out Building Works Operational Works (Bulk Earthworks)	Change to A004351560 (First Permissible Change)	Code	30 June 2017	27 October 2017	Approved	-Reconfiguration of approved warehouse and industrial buildings location/siting to improve access efficiency and visual appearance for tenancies within the site. - Increase in GFA of 318sqm -46 additional car parks
A004807894	Dunhill Properties Pty Ltd C/- TIA Project Group	32 Colmslie Road	Development Permit MCU - Service Station, Shop, Food and Drink Outlet	Replacing approved Warehousing	Code	11 December 2017	17 April 2018	Refusal overturned on appeal	-Appeal 1754/2018 -Appeal Notice Filed on 14/05/18. -Judgement 22 Nov 18 - Appeal be allowed the changes described in John Joseph Rowell's Affidavit are a minor change and the changed DA be approved. Also relied on Cardno technical report to support secondary access to Colmslie Road
A005120730	Dunhill Properties Pty Ltd c/- Landpartners	32 Colmslie Road	Development Permit - OPW, Building works and MCU Warehouse Low Impact Industry Medium Impact Industry	Minor Change to A004685291 (new access points, changes to warehouse areas, removal of building 2 and outdoor storage areas) (Second Permissible Change)	Code	01 February 2019 Properly Made 06 February 2019	15 March 2019	Approved	- New architects, new design with smaller tenancies - Access to Colmslie road now show to reflect the consent order of the court for the service station - remove warehousing from the area approved for service station and food premises - 338 car parking spaces
A005124689 <a href="#">File</a>	Dunhill Properties Pty Ltd	32 Colmslie Road	Development Permit MCU	Service Station, Food and Drink Outlet (Other Change to A004807894)	Impact	06 February 2019	30 May 2019	Refused	-Appeal 2127/2019 filed on 17 Jul 2019 -ACC elects to join appeal having objected to the DA -Appeal unresolved
A005277201 <a href="#">File</a>	Dunhill Properties	32 Colmslie Road	Development Permit - OPW, Building works and MCU Warehouse Low Impact Industry Medium Impact Industry	Minor Change to A005120730 (changes to floor plan of buildings) (Third permissible change)	Code	6 September 2019	11 October 2019	Approved	- Introduced a 1172sqm mezzanine - Car parking remained at 338 - Generally in Accordance request 19/12/19 seeking emergency access to the roof of Building 1 for certification - Further amended plans submitted 31/1/20 (no letter)

Table 2 - Development Applications and Approval: Precinct 2

APPLICATION NUMBER	APPLICANT	ADDRESS	APPLICATION TYPE	DESCRIPTION OF PROPOSAL	LEVEL OF ASSESSMENT	DATE LODGED	DATE DECIDED	DECISION	NOTES
A004936277	The Planning Place	43 Dunhill Crescent	Development Permit MCU for Medium Impact Industry	Medium Impact Industry – Single building with GFA of 1344.59sqm	Code	30 May 2018	04 July 2018	Approved	RiskSMART application
A004979788	New Sky Investments PTY Ltd ATF Whittaker Family Trust	13 and 25 Dunhill Crescent	Development Permit MCU for Warehouse – Lot 12 & 13	Warehouse – 6 tenancies with GFA ranging for 522sqm to 696sqm	Code	23 July 2018	29 March 2019	Approved	IR: 23/08/18: Office Size and Use, Traffic report Labelled as Draft, Service bays, Articulated vehicles, Large Rigid Vehicles, Vehicle queuing – minimum 6m required proposed shows 2m. Response to IR: 11/10/18 Further Issues: 07/11/18 – Service Bays, Articulated Vehicles, onsite detention front Setback, stormwater quality.
A004990322	The Planning Place	43 and 57 Dunhill Crescent	Development Permit MCU High Impact Industry, Shop, Hotel	Extension to built form of previously approved Warehouse (A004936277). Use changed to brewery and associated service area. Outdoor seating area extending into 57 Dunhill Crescent.	Impact	07 August 2018	29 January 2019	Approved	IR – 12/09/18: Hotel Scale is too large, Air Quality, Noise Impacts, hazardous goods, stormwater quality, fuel burning Response to IR 13/09/18: amended plans Hazardous goods table, Boiler emissions details, Acoustic Report Further Issues: 22/10/18 – Air Quality Industrial Impacts, Storm water quality management plan, pedestrian access Further Issues response 31/10/18: Amended Plans Response to Further Issues: 31/10/18 – Stated application is solely over Lot 15 now and no reference should be made to Lot 16 Further Advice: 15/11/18 – Reduce scale of Hotel and Shop – provide amended plans; provide amended DA Forms removing Lot 16 and provide a site plan showing location of brewing equipment etc. - Applicant submitted amended plans in line with request.
A005040163 <a href="#">File</a>	The Planning Place	43 Dunhill Crescent	Development Permit MCU (minor Change to A004936277)	Minor change to remove condition which prohibits any commencement of work prior to completion of subdivision.	Code	12 October 2018	24 October 2018	Approved	Minor change was for Change to Condition 5 – commencement of Use: works must not commence until all conditions relating to the earlier RCL have been Complied with (A004643846)
A005065452	Tam Dang Planning	14 & 28 Dunhill Crescent	Development Permit MCU for warehouse	Warehouse - 12 Tenancies with GFA from 185sqm to 419sqm.	Code	13 November 2018	7 March 2019	Approved	Properly Made: 20/11/18 Information Request: 18 December 2018 Front setback Stormwater Access and Manoeuvring Stormwater Hazardous Goods Response to IR: 07 February 2019 – Revised Plans, Revised SBSMP, Revised Stormwater Layout, Revised Earthworks Plan
A005086206	Workstores	28 Pegasus Place	Development permit MCU for warehouse	Warehouse – 21 tenancies GFA ranging 89sqm to 135sqm	Code	11 December 2018	25 January 2019	Approved	21 tenancies with floor areas ranging from 89sqm to 135sqm.
A005093282	Dunhill Enterprise Park	39 Dunhill Crescent	Development Permit MCU - Low Impact Industry, Warehouse, Medium Impact Industry	18 tenancies with floor areas ranging from 62sqm to 181sqm	Code	21 December 2018	24 May 2019	Approved	
A005127643	Spaceframe Buildings Pty Ltd	59 Pegasus Place	Development Permit MCU for Medium Impact Industry	Medium Impact Industry for Cold Storage and Distribution Centre with GFA of 7,923sqm	Code	11 February 2019	21 June 2019	Approved	Cold storage and distribution centre with GFA of 7,923sqm.
A005219382	Prekaro	57 Dunhill Crescent	Development Permit MCU for warehouse	Single warehouse tenancy 1200sqm GFA	Code	19 June 2019	29 July 2019	Approved	

APPLICATION NUMBER	APPLICANT	ADDRESS	APPLICATION TYPE	DESCRIPTION OF PROPOSAL	LEVEL OF ASSESSMENT	DATE LODGED	DATE DECIDED	DECISION	NOTES
A005253103	Spaceframe Buildings Pty Ltd	46 and 60 Dunhill Crescent	Development Permit for Material Change of Use for warehouse	Warehouse- single tenancy of 3,288sqm occupied by commercial kitchen supplier	Code	2 August 2019	18 September 2019	Approved	
A005319512	Compli Group Pty Ltd	14 and 28 Dunhill Crescent	Development permit for MCU for warehouse (12 tenancies)	Minor change to A005065452 – changes to sites internal layout for certification	Code	31 October 2019	21 January 2020	Approved	
A005348323	Multi Span Australia Group Pty Ltd	74 Dunhill Crescent	Development Permit MCU for Warehouse, Research and Technology Industry	Warehouse, Research and Technology Industry – single tenancy GFA of 1,507sqm for telecom network provider	Code	11 December 2019	14 January 2020	Approved	
A005370159	M-Space Pty Ltd	39 Dunhill Crescent	Development permit for low impact industry, medium impact industry, warehouse	Minor change to A005093282 – changes to size of mezzanine, carparking layout and pedestrian access	Code	14 January 2019			IR Response 4 February 2020



REEL PLANNING  
URBAN AND RURAL STRATEGIES

# Attachment B – Marketing and media releases



Subject site

Precinct 3

Precinct 2

Precinct 1

Source: Nearmap (24 October 2019)





Source: <https://www.cbre.com.au/properties/industrial-warehouse/details/AU-5235092-1/505-lytton-road-morningside-qld-4170?view=isletting>

## The destination of Brisbane's modern makers.

This is it. Spread across 30 hectares of historic riverfront land, Rivermakers is more than a business park – it's a forward-thinking precinct for local pioneers.

Rivermakers is the latest project by BMI Group, the team of makers redefining industrial and mixed-use across Brisbane.

They've got a tough for benchmark urban renewal, transforming overlooked riverside suburbs into the city's trendiest neighbourhoods.

And it all kicks off at The Depot. Minutes from future residential development, this lively homemaker and trade centre will benefit the wider community during business hours and beyond.



### THE DEPOT

## Draw in the home renovators and DIY-ers.

Open seven days a week, The Depot will be a dynamic social hub for trade. It will supply quality goods and services to local businesses and builders, plus thousands of nearby residents planning their next home refresh.

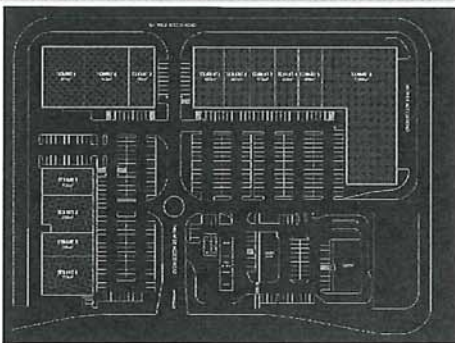
# Website/Media Release Extracts

Source: <https://rivermakers.com.au/>



## HERITAGE QUARTER

At the heart of Rivermakers in the near future will be an epic wholesaler, dining and maker's market for workers and visitors alike.



## The Depot is anything but an average trade centre.

Make your business bigger and better as a part of this buzzing homemakers experience.



### CLOSE TO THE ACTION

Located on Lytton Road with easy access to Colmille Road



### ALL-IN-ONE HQ

Combined mezzanine office and warehouse available



### FLEXIBLE FLOOR PLANS

Tenancy sizes from 450m<sup>2</sup> to 3,000m<sup>2</sup>, with warehouse heights of 8.5m



### FIND A PARK FIRST GO

Over 500 on grade car spaces available



### EASY LOAD-INS

Separate truck loading access and 4.5m-high rear roller doors



### ENERGY EFFICIENT

A vision for solar powered workspaces and electric car charging stations



### BUSINESS ON SHOW

Excellent signage and exposure to over 20k of daily traffic along Lytton Road



### IN GREAT COMPANY

Work alongside exciting businesses to be announced shortly

Source: <https://rivermakers.com.au/>



**BUSINESS SPACES**

We've got a vision for innovative and contemporary workspaces that will support the next generation of local legends, working together to build tomorrow.

« »

**Anything but an average trade centre.**

**THE DEPOT**  
Rivermakers is a unique site that will offer your business a big opportunity.



**WALK TO THE RIVER**

Our concept includes opening up new access to the Brisbane River and creating a public promenade to surrounding green spaces.

« »

**THE DEPOT**

Minutes from future residential development, The Depot will be a buzzing social hub that benefits the wider community. This homemaker and trade centre will be open seven days a week, supplying quality goods and services to the thousands of local businesses, builders and homeowners planning their next renovation.

Source: <https://rivermakers.com.au/>

**Dev  
tary  
Ney**

**ONE** of the best ways to build a business is to tap into a niche market. The small town of Lytton has many craft brewers for whom the depot is a great location. A war-time depot is now a craft brewery. The depot is a great location for a craft brewery. The depot is a great location for a craft brewery.

**Chris Herde**  
AN award-winning, independent brewer has tapped into a niche market by opening a brewery which will be part of a major sustainable entertainment precinct.

**Brewers tap history**

**Chris Herde**  
Line factory which is part of the BMI Group's Rivermakers Heritage Quarter business park.

Mr Neven said they opened Revell Brewing Co on Oxford St in Bulimba two years ago and its success convinced them to expand and take advantage of the area's rich craft beer history.

"Revell Brewing has been really successful and we wanted to tap into the craft beer history in Bulimba," he said. "As we were looking at a few sites in Bulimba, we got a call from the BMI boys and they said we have this really great opportunity and we can do something really special."

They have started development work and plan to open the first stage — a brewhouse and production area — in May and aim to be fully open by the end of the year. BMI's other plans for its 25ha Rivermakers Heritage Quarter will focus on creating an "industrial wholesale precinct" by attracting business such as stacked meat producers, coffee roasters, restaurants and distillers.

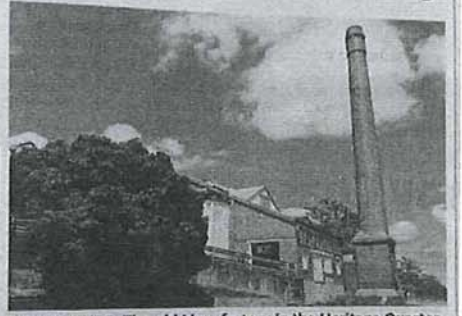
"Mr Neven and BMI's plan to complement Revell Brewery's aim of not just creating a craft beer brewery, but another brewery. "We're trying to create an experience for our customers that ties back into the rich history of the site and really engage with them," he said.

On Colindale Rd, Morningside, the red brick factory was built in 1965 and as part of providing ingredients for ammunition manufacture, during and just after WWII, the building was used as a Royal Australian Navy and in 1949 it was repurposed and used as a retail food store until it closed in the 1960s. It was taken over by Hama Continental Smelters which ceased operations about a decade ago.

**Continued P63**

# Craft brewers tap into a near neglected piece of local history

**From P40**  
The site is part of a BMI's 30ha Rivermakers estate of which 27.5ha of it was a former a Mobile refinery site and spans from Lytton Rd to the Brisbane River.



Work is well underway on The Depot — a large format development with a Caltex Service station Lytton Rd — and Stage 1 of the business park behind the Depot is completed with Stage 2 before the Brisbane City Council for approval.

**NEW FUTURE:** The old Lime factory in the Heritage Quarter of the Rivermakers business park. Picture: John Gass

BMI managing director Balfour Irvine said the Rivermakers Heritage Quarter will deliver a vibrant, creative environment with a vision for a mix of well-matched and relevant food and beverage outlets.

Rivermakers will see a celebration of Brisbane's 'Makers', where craftsmen will ply their trade making some of

Brisbane's finest products' he said.

He said BMI was in early discussions with Brisbane City Council on how to best activate and open up the river frontages to the site.

"We're confident that we will achieve something special at Rivermakers, with an active and vibrant mixed business community, strong connectivity to the river and connections to the Colmslie Beach reserve and Boat Ramp parks high on the agenda," Mr Irvine said.

Courier Mail Articles



Revel  
Brewing Co.  
Media  
Release –  
23/01/2020

collaborations with local businesses. We are therefore thrilled to announce that our expansion is in collaboration with local, family-owned developer, BMI Group. This collaboration will bring our community not only a wonderful new brewery to produce more of our high quality, independent craft beer, but also a fully catered restaurant and tap room inside the historic Acetate of Lime factory located within BMI's exciting new Rivermakers development!

way that is re-activating a piece of Brisbane's history. We are working closely with State and local governments to bring the noble practice of brewing back to this important landmark. We can't wait to share further details of this new site as plans progress and then to celebrate with our community when we open!



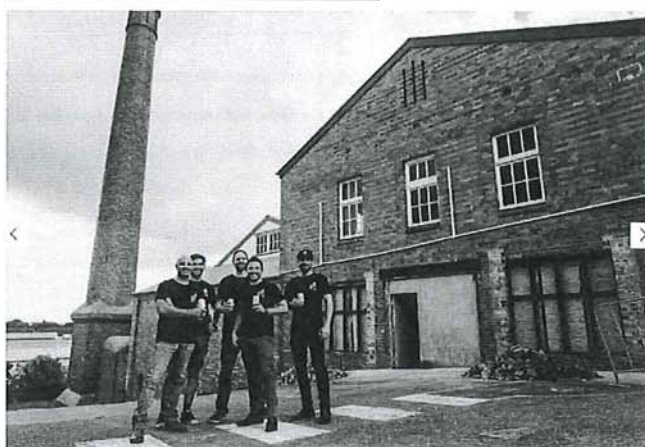
Image taken from: <https://rivermakers.com.au/#vision>

Extract from  
Broadsheet  
Brisbane Article

## Coming Soon: Revel to Open New Heritage-Listed Brewpub in Morningside

The Bulimba-based brewer has discovered a one-of-a-kind riverside gem, and they have big plans for it.

What is that? Where is that? Prepare for these questions when you show someone a photo of Revel's planned new Morningside brewery.



And it is in Morningside – just. Take the rarely used Colmslie Road exit off the Junction Road roundabout, drive over a gentle rise and it comes into view, cordoned off behind a tangle of temporary fencing. The main facility is three buildings, neatly stacked down the far side of the hill, overlooking the river beyond.

Now owned by BMI Group, a developer best known for riverside projects in Teneriffe, Bulimba and Breakfast Creek, Revel's new brewery is intended as the anchor tenant in a business park that will eventually include bakeries, coffee roasters, butchers and other light industry.

Source: <https://www.broadsheet.com.au/brisbane/food-and-drink/article/coming-soon-revel-open-new-heritage-listed-brewpub-morningside>



# Community Management Statement Extract

QUEENSLAND LAND REGISTRY  
Land Title Act 1994, Land Act 1994  
and Water Act 2000

SCHEDULE

FORM 20 Version 2  
Page 6 of 31

Title Reference 51110887

## **2FutureDevelopmentInStages**

### **2.1 Future Development of Scheme**

- (a) The Scheme Land initially comprises of 2 lots and common property created on registration of Standard Format Plan SP 283395.
- (b) The Original Owner plans to create further lots in the Scheme by adding to the Scheme Land in accordance with this clause 2 as determined from time to time by the Original Owner.
- (c) The completed Scheme may comprise approximately 50 standard format lots which may be used for some or all of industrial, commercial and/or retail uses.

## Paul Beutel

---

**From:** Infrastructure/Planning ESU  
**Sent:** Monday, 25 January 2021 4:04 PM  
**To:** Refused u accbeef.net.au  
**Cc:** Infrastructure Designation; Planning Correspondence  
**Subject:** Correspondence from the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning – Our ref: WR21/2497  
**Attachments:** Refused under WR21 2497.pdf; Enclosure 1 - Gazette Notice section 94 direction notice.PDF; Enclosure 2 - Map of the Australia TradeCoast Regional Economic Cluster.PDF

Good afternoon

Please find attached correspondence from the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning.

Please do not respond to this email. If you wish to reply please send your email to [deputy.premier@ministerial.qld.gov.au](mailto:deputy.premier@ministerial.qld.gov.au)

Kind regards



### Executive Services Unit

Department of State Development, Infrastructure,  
Local Government and Planning  
1 William Street, Brisbane QLD 4000

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**Hon Steven Miles MP**  
Deputy Premier  
Minister for State Development, Infrastructure,  
Local Government and Planning

Our ref: WR21/2497

25 JAN 2021

1 William Street  
Brisbane Queensland 4000  
PO Box 15009  
City East Queensland 4002  
**Telephone** +61 7 3719 7100  
**Email** deputy.premier@ministerial.qld.gov.au  
**Website** www.dsdilgp.qld.gov.au

ABN 65 959 415 158

Mr David Foote  
Managing Director  
Australian Country Choice Group of Companies  
Refused up [paccbeef.net.au](mailto:paccbeef.net.au)

Dear Mr Foote

Thank you for your letter of 10 November 2020 to the Honourable Cameron Dick MP, Treasurer and former Minister for Planning requesting the exercise of ministerial powers to call in the development application approved by the Brisbane City Council (the council) for an indoor sport and recreation centre on an industry zoned site at 500 Lytton Road and 32 Colmslie Road, Morningside. As the current Planning Minister, I write to advise that on this occasion, I have decided not to exercise my power to call in the development application.

I note that there are currently two appeals filed in the Planning and Environment Court (P&E Court) against the decision by the council to approve the development application. I consider that the court is an effective forum for the resolution of these issues and have asked the department to keep me informed as to the outcomes of the appeals. I also note the council's advice that they only approved this use for a period of two years and did so in consideration of the impact COVID has had on commercial property leasing.

Noting the importance of protecting key industrial land and also industrial land uses from incompatible development, I have decided to give direction to the council, in accordance with section 94 of the *Planning Act 2016* (the Planning Act), to provide me with copies of future applications proposing non-industrial activities in industry zoned land in the Australia TradeCoast Regional Economic Cluster.

This will provide me a better understanding of the scale and impact that applications of this type are having on the continued operation of appropriately located industrial development, and significant industrial land in this important area of Brisbane and South East Queensland.

As Planning Minister it is also open to me to take advice on any broader or systemic issues that arise, and also any actions that may be required through monitoring such applications.

The direction notice was published in the government gazette on 25 January 2021, in accordance with section 94(1) of the Planning Act.

I attach a copy of the direction notice and a Map of the Australia Trade Coast Regional Economic Cluster.

If you require any further information regarding this matter, please contact my Chief of Staff, Ms Danielle Cohen, by telephone on (07) 3719 7100.

Yours sincerely

A handwritten signature in black ink, appearing to read 'SM', with a small horizontal line extending from the end.

**STEVEN MILES MP**  
**DEPUTY PREMIER**  
**Minister for State Development, Infrastructure,**  
**Local Government and Planning**

Enc (2)





# Queensland Government Gazette

**EXTRAORDINARY**

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**MONDAY 25 JANUARY 2021**

**[No. 11**

*Planning Act 2016*

## **DIRECTION TO BRISBANE CITY COUNCIL – FUTURE APPLICATIONS**

I, the Honourable Steven Miles MP, Deputy Premier, Minister for State Development, Infrastructure, Local Government and Planning, direct, pursuant to section 94 of the *Planning Act 2016*, the Brisbane City Council (the council) to give me copies of all applications of the types stated in the schedule that are made, or where applicable properly made to the council, before Friday, January 21, 2022 but after the date this direction was gazetted.

Each application must be given to me within 5 business days after the day the application is received by the council or, where applicable, the day the application is properly made, whichever is the later.

The state interests for which the direction is given are –

- (a) an interest that affects an economic or environmental interest of the State or part of the State; and
- (b) the interest of ensuring the *Planning Act 2016* purpose is achieved.

The reasons for the direction are –

- (a) I consider:
  - the continued operation of appropriately established industrial development is of importance to the state, as reflected in the State Planning Policy and the South East Queensland Regional Plan
  - protecting core components including Major enterprise and industrial areas within Regional Economic Clusters from encroachment by incompatible land uses is of importance to the state, as reflected in the Regional Plan.
- (b) The council issued a development approval for Material change of use on 9 November 2020. This approval approves a material change of use for indoor sport and recreation, being a non-industry use on industry zoned land within the Australia TradeCoast Regional Economic Cluster and seeks to limit the use to operating for two years. This approval is currently the subject of two Planning and Environment Court appeals 3451/20 and 23/21. I consider that this approval and the council's assessment material relating to the application, as well as the appeals, identify significant planning issues relating to matters of economic and environmental importance to the State and matters relating to ensuring the purpose of the *Planning Act 2016* is achieved. Accordingly, I consider these state interests support the issuing of this direction.
- (c) The direction is made to the council, as the council issued the development approval referred to above.

I am satisfied that the direction should apply to the nature and type of applications set out in the direction because:

- applying to all applications referred to in section 90 of the *Planning Act 2016*, will provide me with a fulsome picture of all relevant applications made to council, including changes to current approvals;
- the direction is limited to applications relating to development for a material change of use in order to identify where a non-industry activity is to be commenced on industry zoned land and necessitates a use approval to do so (regardless of whether approvals for other development, for example reconfiguring a lot or building work, are also required);
- the direction relates to non-industry activities on industry zoned land within the Australia TradeCoast Regional Economic Cluster. The Australia TradeCoast Regional Economic Cluster is identified in the Regional Plan as being of significance as one of the key industrial areas in South East Queensland;
- twelve months is an appropriate length of time for me to be provided with the applications the subject of the direction.

- (d) I consider that 5 business days for the council to comply with the direction after the day the application is received or where applicable the application is properly made (whichever is the later) is reasonable.
- (e) I am satisfied that it is an appropriate exercise of my discretion to issue the direction to the council to ensure that I am aware of further applications, and changes to existing approvals, and so that I may be informed as to the overall impact that applications of this type may have on the outcomes sought to be achieved by the relevant planning instruments for industry zoned land within the Australia TradeCoast Regional Economic Cluster. This will then allow me to take further advice on the applications that I receive in accordance with the direction, having regard to the state interests identified above.

Before deciding to issue this direction, I was provided with briefing material by the Department of State Development, Infrastructure, Local Government and Planning.

#### SCHEDULE

All of the following types of application relating to non-industry activities in an industry zone, if all or part of the premises the subject of the application, is located within the Australia TradeCoast Regional Economic Cluster –

- (a) Development application for a material change of use;
- (b) Change representation for a material change of use;
- (c) Change application, other than for a minor change, for a development approval for a material change of use;
- (d) Extension application for a development approval for a material change of use; and
- (e) Cancellation application for a material change of use.

#### MEANING OF TERMS

In this direction –

***Australia TradeCoast Regional Economic Cluster*** – see ‘Shaping SEQ – South East Queensland Regional Plan 2017’ made by the Minister on 31 July 2017, and published on the department’s website








***industry activities*** – see *Planning Regulation 2017*, schedule 24

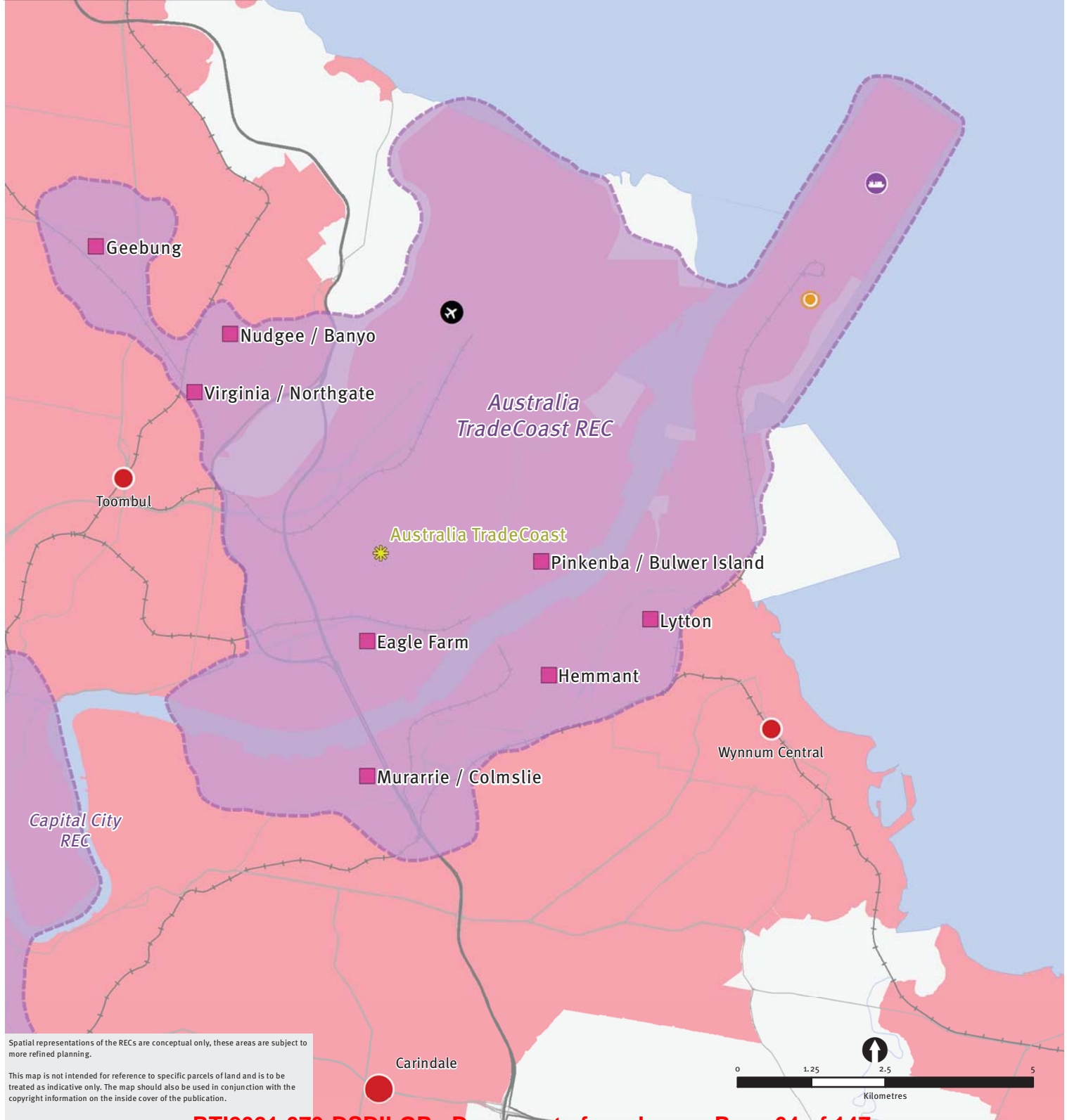
***industry zone*** – see *Planning Regulation 2017*, schedule 24

***non-industry activities*** – means activities other than industry activities

# Australia TradeCoast Regional Economic Cluster

Extracted from ShapingSEQ (August 2017) prosper mapping

-  International airport
-  Port of Brisbane
-  Intermodal terminal
-  Knowledge and technology precinct
-  Major enterprise and industrial area
- Regional activity centres network
  -  Principal
  -  Major
-  Regional Economic Cluster (REC)
- Regional land use category
  -  Urban Footprint



Spatial representations of the RECs are conceptual only, these areas are subject to more refined planning.

This map is not intended for reference to specific parcels of land and is to be treated as indicative only. The map should also be used in conjunction with the copyright information on the inside cover of the publication.



## Daniel Ryan

---

**From:** Michael Coe <michael.coe@kinneallymiley.com.au>  
**Sent:** Thursday, 10 December 2020 4:26 PM  
**To:** Pec Appeals  
**Subject:** HPE CM: Cannon Hill Services Pty Ltd and Australian Country Choice Production Pty Ltd - V - Brisbane City Council & Anor - Attaching Notice of Appeal  
**Attachments:** Letter to Chief Executive regarding service of Notice of Appeal (KML01004813).pdf; Notice of Appeal (sealed) filed 10.12.2020 (KML01004819).pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**Categories:** Dan Actioned

Dear Sir,

Please refer to the following attachments:

1. Correspondence; and
2. Notice of Appeal.

Hard copies of the attachments are being delivered to the address referred to in our correspondence.

Yours faithfully,

**Michael Coe** | Partner

**[ · ] Kinneally Miley Law**

Direct Telephone: 07 3210 5709 Mobile: Refused under sec

[E: [michael.coe@kinneallymiley.com.au](mailto:michael.coe@kinneallymiley.com.au)] [T: +61 7 3210 5777] [A: Level 23, 110 Mary Street, Brisbane Q 4000]  
[W: [www.kinneallymiley.com.au](http://www.kinneallymiley.com.au)]



*Our office will be closed from 5.00pm Wednesday, 23 December 2020 to 9.30am Monday, 11 January 2021. We wish you the compliments of the season.*



---

**CAUTION ON MONEY TRANSFERS:** There has been a recent increase in the number of attempted fraud cases relating to the transfer of money. Please ensure that you DO NOT deposit money to an account nominated by Kinneally Miley Law UNLESS you have first telephoned us on a known or separately verified number to verify the account number by phone. Conversely, we will not use bank account details supplied by you without verification by phone. Liability limited by a scheme approved under Professional



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10 December 2020

**By Express Post**

The Chief Executive  
Department of State Development, Infrastructure, Local Government and Planning  
PO Box 15009  
CITY EAST QLD 4002

And by email: [pecappeals@dsmip.qld.gov.au](mailto:pecappeals@dsmip.qld.gov.au)

Our ref: MJC 14901  
Your ref:

Dear Sir

**GREG OVENDEN ON BEHALF OF CANNON HILL INVESTMENTS  
PTY LTD AND AUSTRALIAN COUNTRY CHOICE PRODUCTION  
PTY LTD -V - BRISBANE CITY COUNCIL & ANOR – PLANNING AND  
ENVIRONMENT COURT APPEAL NO. 3451**

We act for the Appellant.

Enclosed, by way of service in accordance with s 230(3)(f) of the *Planning Act 2016* (Qld) is a sealed copy of our client's Notice of Appeal filed in the Planning and Environment Court at Brisbane on 10 December 2020.

Should you have any queries about this matter, please contact us.

Yours faithfully

*Kinneally Miley Law*

**KINNEALLY MILEY LAW**

Refused under section 47(3)(b) of the RTI Act.



In the Planning and Environment Court  
Held at: Brisbane

No. 3451 of 2020

Between: **GREG OVENDEN ON BEHALF OF CANNON HILL INVESTMENTS PTY LTD AND AUSTRALIAN COUNTRY CHOICE PRODUCTION PTY LTD TRADING AS AUSTRALIAN COUNTRY CHOICE GROUP (ACC)** Appellant

And: **BRISBANE CITY COUNCIL** Respondent

And: **RIVERMAKERS WELLNESS & RESEARCH CENTRE PTY LTD** Co-Respondent

### NOTICE OF APPEAL

Filed on 1/12/2020

Filed by: Kinneally Miley Law  
Service address: Level 23, 110 Mary Street, Brisbane QLD 4000  
Phone: (07) 3210 5709  
Email: michael.coe@kinneallymiley.com.au

**GREG OVENDEN ON BEHALF OF CANNON HILL INVESTMENTS PTY LTD AND AUSTRALIAN COUNTRY CHOICE PRODUCTION PTY LTD TRADING AS AUSTRALIAN COUNTRY CHOICE GROUP (ACC)** of c/- Kinneally Miley Law, Level 23, 110 Mary Street, Brisbane in the State of Queensland hereby appeals to the Planning and Environment Court at Brisbane against the decision of the Respondent, dated 9 November 2020, to approve, subject to conditions, the Co-Respondent's development application for a development permit for a material change of use for indoor sport and recreation (the **development application**) in respect of land situated at 32 Colmslie Road and 500 Lytton Road, Morningside and described as Lot 2 on SP303654 and Lot 0 on SP283395 (the **land**) and seeks the following orders or Judgment:

- A. the appeal be allowed;
- B. the development application be refused;
- C. any other orders the Court deems appropriate.

The **grounds of appeal** are:

The land is:

1. Described as Lot 2 on SP303654 and Lot 0 on SP283395;



**NOTICE OF APPEAL**  
Filed on behalf of the Appellant  
Form PEC-1

**KINNEALLY MILEY LAW**  
Level 23  
110 Mary Street  
BRISBANE QLD 4000  
Tel: (07) 3210 5709  
Email: michael.coe@kinneallymiley.com.au

{MJC\14901\01004800-002.docx}

- 1.2 Located at 32 Colmslie Road and 500 Lytton Road, Morningside;
- 1.3 Situated within the Industry Zone and, more particularly, in part in the General Industry A Precinct and in part in the General Industry B Precinct pursuant to the terms of the Respondent's Planning Scheme, City Plan 2014 (**City Plan**).
- 2 On or about 29 April 2020 the Co-Respondent lodged the development application with the Respondent.
- 3 The development application was impact assessable.
- 4 The Appellant lodged a properly made submission with respect to the development application.
- 5 By way of Decision Notice dated 9 November 2020 (the **Decision Notice**) the Respondent approved the development application.
- 6 By letter dated 1 December 2020 a copy of the Decision Notice was provided to the Appellant.
- 7 The development application should be refused having regard to the matters set out in paragraphs 8 through 24, below.
- 8 The development application:
  - 8.1 Proposes a use that is of a scale and form that is not consistent with the land use intent for the site;
  - 8.2 Is for a non-industrial facility that does not reasonably provide a direct nexus or support to industrial activities and cannot reasonably be considered to be for the convenience of industrial workers. It is a facility intended to service a catchment beyond the surrounding industry zone,

and in this regard, it is inconsistent with the following assessment benchmarks:

- 8.3 City Plan:
  - 8.3.1 Part 3 Strategic Framework, 3.3 Theme 1: Brisbane's globally competitive economy:
    - 8.3.1.1 Section 3.3.1 Strategic Outcome 1(h);
    - 8.3.1.2 Section 3.3.3 Element 1.2 – Brisbane's industrial economy, Table 3.3.3.1, SO1, L1.1, SO2, S2.1, SO4, L4;
    - 8.3.1.3 Section 3.7.1 Strategic Outcome 1(c)(iv);
  - 8.3.2 Part 6.2.5.2 Industry Zone Code:
    - 8.3.2.1 Section (1);
    - 8.3.2.2 Section (4) (b), (e), (g);
    - 8.3.2.3 Section (6);



- 8.3.2.4 Section (7) (a), (b);
  - 8.3.3 Part 7.2.18.3 River Gateway Neighbourhood Plan Code:
    - 8.3.3.1 Section 7.2.18.3.2 (3)(c), (3)(e), (8)(a);
    - 8.3.3.2 Section 7.2.18.3.3, Table 7.2.18.3.3.A PO1 (a), (d);
  - 8.3.4 Part 9.3.3 Centre or Mixed Use Code:
    - 8.3.4.1 Section 9.3.3.2(2) (a), (b), (c), (g);
  - 8.3.5 Part 9.3.11 Indoor Sport and Recreation Code:
    - 8.3.5.1 Section 9.3.11.2(2)(b);
    - 8.3.5.2 Section 9.3.11.3, Table 9.3.11.3.A, PO3;
  - 8.4 South East Queensland Regional Plan 2017 (*ShapingSEQ*):
    - 8.4.1 Chapter 3, Part A, Goal 2: Prosper:
      - 8.4.1.1 Element 5, Strategy 5.
  - 9 The development application:
    - 9.1 Does not appropriately recognise the economic significance of the Major Industry Areas and Industry Zone designations of City Plan and the Australia TradeCoast Regional Economic Cluster and Murarrie/Colmslie Major Enterprise and Industrial Area of *ShapingSEQ* and protect this area from encroachment from incompatible uses;
    - 9.2 Will introduce a non-industrial use that is not intended in the locality in which the land is located and operationally is incompatible with existing and intended uses on the land and in the surrounding area,
- and in this regard, it is inconsistent with the following assessment benchmarks:
- 9.3 City Plan:
    - 9.3.1 Part 3 Strategic Framework, 3.3 Theme 1: Brisbane's globally competitive economy:
      - 9.3.1.1 Section 3.3.1 Strategic Outcomes (1) (g), (h), (i);
      - 9.3.1.2 Section 3.3.3 Element 1.2 – Brisbane's industrial economy, Table 3.3.3.1, SO1, L1.1, L1.4, SO2, L2.1;
      - 9.3.1.3 Section 3.7.1 Strategic Outcomes (1)(c) (i), (ii), (iii);
    - 9.3.2 Part 6.2.5.2 Industry Zone Code:
      - 9.3.2.1 Section (1);
      - 9.3.2.2 Section (4)(a);

- 9.3.2.3 Section (6) (a), (b), (c);
- 9.3.2.4 Section (7) (a), (b);
- 9.3.3 Part 7.2.18.3 River Gateway Neighbourhood Plan Code
  - 9.3.3.1 Section 7.2.18.3.2 (3)(c), (3)(e), (8)(a);
  - 9.3.3.2 Section 7.2.18.3.3, Table 7.2.18.3.3.A PO1;
- 9.4 *ShapingSEQ*:
  - 9.4.1 Chapter 3, Part A, Goal 2: Prosper:
    - 9.4.1.1 Element 1, Strategy 5;
    - 9.4.1.2 Element 2, Strategies 1, 2;
    - 9.4.1.3 Element 5, Strategies 1, 2;
  - 9.4.2 Chapter 3, Part C, Metro Sub-Region, Sub Regional Outcomes, Outcomes for Prosper, Regional Economic Clusters, 8 b. Australia TradeCoast.
- 10 The development application:
  - 10.1 Will deter industrial uses from investing and/or establishing in the Industry Zone/Major Industry Area (City Plan) and Major Enterprise and Industrial Area (*ShapingSEQ*) due to proximity to a non-industrial use (i.e. that is proposed in the development application) of this scale and form;
  - 10.2 Has the potential to act as a catalyst for other non-industrial uses to move into this industrial precinct/locality, furthering the impacts that would otherwise be associated with the proposed development alone,and in this regard, it is inconsistent with the following assessment benchmarks:
  - 10.3 City Plan:
    - 10.3.1 Part 3 Strategic Framework, 3.3 Theme 1: Brisbane's globally competitive economy:
      - 10.3.1.1 Section 3.3.1 Strategic Outcomes (1) (h), (i);
      - 10.3.1.2 Section 3.3.3 Element 1.2 – Brisbane's industrial economy, Table 3.3.3.1, SO1, L1.2, SO8, L8.2;
      - 10.3.1.3 Section 3.3.4 Element 1.3 – Brisbane's population - serving economy, Table 3.3.4.1, SO7, L7;
    - 10.3.2 Part 6.2.5.2 Industry Zone Code:
      - 10.3.2.1 Section (1)(b)(ii);
      - 10.3.2.2 Section (4) (a), (e);

10.3.2.3 Section (6) (a), (b), (c);

10.3.2.4 Section (7) (a), (b);

10.3.3 Part 7.2.18.3 River Gateway Neighbourhood Plan Code:

10.3.3.1 Section 7.2.18.3.2 (3) (c), (3)(e), (8)(a);

10.3.3.2 Section 7.2.18.3.3, Table 7.2.18.3.3.A PO1(d), PO1(e);

10.4 *ShapingSEQ*:

10.4.1 Chapter 3, Part A, Goal 2: Prosper;

10.4.2 Element 5, Strategy 2.

11 The development application proposes a development that is able to be, and should reasonably be, accommodated elsewhere in the Respondent's Local Government Area and in this regard, it is inconsistent with the following assessment benchmarks:

11.1 City Plan:

11.1.1 Part 3 Strategic Framework, 3.7 Theme 5: Brisbane's CityShape:

11.1.1.1 Section 3.7.1 Strategic Outcome (1)(c)(v).

12 The development application:

12.1 Will introduce traffic movements beyond those reasonably expected or typically generated by industrial and other uses reasonably intended for the land;

12.2 Will introduce a significant amount of non-industrial traffic to an industrial area;

12.3 Will result in conflicts between industrial and non-industrial traffic and will compromise the efficient operation of existing industrial activities that rely on the surrounding road network,

and in this regard, it is inconsistent with the following assessment benchmarks:

12.4 City Plan:

12.4.1 Part 3 Strategic Framework, 3.6 Theme 4: Brisbane's highly effective transport and infrastructure:

12.4.1.1 Section 3.6.1 Strategic Outcomes (1), 4(a), insofar as they relate to the Transport Infrastructure Network;

12.4.1.2 Section 3.6.2, Table 3.6.2.1, SO1, L1.1, SO2, L2.1;

12.4.2 Part 6.2.5.2 Industry Zone Code:

12.4.2.1 Section (5)(b);

12.4.3 Part 8.2.18 Road Hierarchy Overlay Code:



- 12.4.3.1 Section 8.2.18.2(2) (a), (c), (f);
- 12.4.3.2 Section 8.2.18.3, Table 8.2.18.3, PO2, AO2.1;
- 12.4.4 Part 9.3.3 Centre or Mixed Use Code:
  - 12.4.4.1 Section 9.3.3.2 (2)(b);
  - 12.4.4.2 Section 9.3.3.3, Table 9.3.3.3.A, PO13(b);
- 12.4.5 Part 9.4.11 Transport, Access, Parking and Servicing Code:
  - 12.4.5.1 Section 9.4.11.2(2) (c), (d), (g);
  - 12.4.5.2 Section 9.4.11.3, Table 9.4.11.3, PO1, AO1;
- 12.5 *ShapingSEQ*:
  - 12.5.1 Goal 3: Connect:
    - 12.5.1.1 Element 1, Strategies 1, 3.
- 13 The development application does not appropriately recognise and/or respond to the importance of and protect the major transport infrastructure, specifically the freight routes, which service the Major Industry Area and Industry Zone in which the land is located and in this regard, it is inconsistent with the following assessment benchmarks:
  - 13.1 City Plan:
    - 13.1.1 Part 3 Strategic Framework, 3.3 Theme 1: Brisbane's globally competitive economy:
      - 13.1.1.1 Section 3.3.1 Strategic Outcome (1)(f);
      - 13.1.1.2 Section 3.3.3 Element 1.2 – Brisbane's industrial economy SO5, L5.1;
    - 13.1.2 Part 3 Strategic Framework, 3.6 Theme 4: Brisbane's highly effective transport and infrastructure:
      - 13.1.2.1 Section 3.6.1 Strategic Outcomes (1), 4(a), insofar as they relate to the Transport Infrastructure Network;
      - 13.1.2.2 Section 3.6.2 SO1, L1.1, SO2, L2.1, SO4, L4, SO11, L11, SO12, L12, SO15, L15.1, L15.2;
    - 13.1.3 Part 3 Strategic Framework, 3.7 Theme 5: Brisbane's CityShape:
      - 13.1.3.1 Section 3.7.1 Strategic Outcome 1(c)(vi)(B);
      - 13.1.3.2 Section 3.7.3 Element 5.2 – Brisbane's Major Industry Areas, Table 3.7.3.1, SO1;
    - 13.1.4 Part 7.2.18.3 River Gateway Neighbourhood Plan:



- 13.1.4.1 Section 7.2.18.3.2 (3)(c);
- 13.1.5 Part 8.2.18 Road Hierarchy Overlay Code:
  - 13.1.5.1 Section 8.2.18.2 (2)(f);
- 13.1.6 Part 9.4.11 Transport, Access, Parking and Servicing Code:
  - 13.1.6.1 Section 9.4.11.2(2) (c), (e);
  - 13.1.6.2 Section 9.4.11.3, Table 9.4.11.3, PO1, AO1;
- 13.2 *ShapingSEQ*:
  - 13.2.1 Goal 2: Prosper:
    - 13.2.1.1 Element 1, Strategy 3;
    - 13.2.1.2 Element 5, Strategy 1;
  - 13.2.2 Goal 3: Connect:
    - 13.2.2.1 Element 1, Strategies 1, 3.
- 14 The development application:
  - 14.1 Relies on, in context significant, road upgrades that have not occurred and are not (by either the Respondent or any other person) committed or adequately funded works;
  - 14.2 Does not adequately contribute to the upgrade of the existing trunk road network to accommodate the traffic impacts associated with the use;
  - 14.3 Is inconsistent with the planning assumptions with respect to the type, scale and location of development and demand for the trunk infrastructure network,  
and in this regard, it is inconsistent with the following assessment benchmarks:
  - 14.4 City Plan:
    - 14.4.1 Part 3 Strategic Framework, 3.6 Theme 4: Brisbane's highly effective transport and infrastructure:
      - 14.4.1.1 Section 3.6.1 Strategic Outcomes 1, 2, 3;
      - 14.4.1.2 Section 3.6.2, Table 3.6.2.1, SO3, L3;
    - 14.4.2 Part 7.2.18.3 River Gateway Neighbourhood Plan:
      - 14.4.2.1 Section 7.2.18.3.2 (3)(e);
    - 14.4.3 Part 8.2.18 Road Hierarchy Overlay Code:
      - 14.4.3.1 Section 8.2.18.2(2) (a), (c), (f);

- 14.4.3.2 Section 8.2.18.3, Table 8.2.18.3, PO3, PO3A(b);
- 14.4.4 Part 9.4.11 Transport, Access, Parking and Servicing Code:
  - 14.4.4.1 Section 9.4.11.2 (2) (c), (e), (l);
  - 14.4.4.2 Section 9.4.11.3, Table 9.4.11.3, PO1, AO1;
- 14.4.5 Part 4 Local Government Infrastructure Plan:
  - 14.4.5.1 Section 4.1(2) (a), (d);
  - 14.4.5.2 Section 4.2 (1), (2);
  - 14.4.5.3 Section 4.2.3 (1).
- 15 The development application relies on vehicle access arrangements that have been approved for low traffic generating industrial uses. The use of these access arrangements for the development application will have adverse impacts on the efficiency and safety of the transport network and other development and properties in the vicinity of the land. In this regard, the development application is inconsistent with the following assessment benchmarks:
  - 15.1 City Plan:
    - 15.1.1 Part 8.2.18 Road Hierarchy Overlay Code:
      - 15.1.1.1 Section 8.2.18.1 (2)(a);
      - 15.1.1.2 Section 8.2.18.3, Table 8.2.18.3, PO1, AO1.1;
    - 15.1.2 Part 9.3.3 Centre or Mixed Use Code:
      - 15.1.2.1 Section 9.3.3.2 (2)(b);
      - 15.1.2.2 Section 9.3.3.3, Table 9.3.3.3.A, PO13(a);
    - 15.1.3 Part 9.4.11 Transport, Access, Parking and Servicing Code:
      - 15.1.3.1 Section 9.4.11.2(2) (a), (c), (e), (f);
      - 15.1.3.2 Section 9.4.11.3, Table 9.4.11.3, PO1, AO1, PO3, AO3.1, PO9, AO9.1, AO9.2.
- 16 The traffic data and assumptions relied on to assess the impacts of the development application on the external road network have not been independently analysed or assessed in the context of the development application. The data and assumptions relied on are, instead, relevant to low traffic generating industrial and warehouse uses only and cannot reasonably be relied on for the purposes of considering and assessing the impacts of the development application. In this regard, the development application is inconsistent with the following assessment benchmarks:
  - 16.1 City Plan:
    - 16.1.1 Part 9.4.11 Transport, Access, Parking and Servicing Code:

16.1.1.1 Section 9.4.11.3, Table 9.4.11.3, PO1(a), AO1.

- 17 The cumulative traffic impacts of the development application have not been considered in the context of the wider development of 'The Depot' or 'Rivermakers' development of which the land and the development application forms a part. In this regard, the development application is inconsistent with the following assessment benchmarks:

17.1 City Plan:

17.1.1 Part 9.4.11 Transport, Access, Parking and Servicing Code:

17.1.1.1 Section 9.4.11.3, Table 9.4.11.3, PO1, AO1.

- 18 The development application:

18.1 Provides insufficient carparking to service the development application;

18.2 Does not adequately address the potential for peak parking demand overlaps between the development application and other industry and warehouse activities that are intended/approved for the balance of 'The Depot' or 'Rivermakers' development of which the land and the development application forms a part.

and in this regard, it is inconsistent with the following assessment benchmarks:

18.3 City Plan:

18.3.1 Part 9.3.3 Centre or Mixed Use Code

18.3.1.1 Section 9.3.3.2 (2)(m);

18.3.1.2 Section 9.3.3.3, Table 9.3.3.3.A, PO13(c);

18.3.2 Part 9.3.11 Indoor Sport and Recreation Code:

18.3.2.1 Section 9.3.11.2 (2)(e);

18.3.3 Part 9.4.11 Transport, Access, Parking and Servicing Code:

18.3.3.1 Section 9.4.11.2(2) (a), (j)(ii);

18.3.3.2 Section 9.4.11.3, Table 9.4.11.3, PO1, AO1, PO13, AO13, PO14, AO14.1.

- 19 The development application will result in adverse and unreasonable 'reverse amenity' constraints being placed upon the lawful operation of present and future industrial uses as intended/approved on the land and adjoining industry zoned/designated properties. Said issues:

19.1 Result in the development application being inconsistent with the following assessment benchmarks from City Plan:

19.1.1 Part 9.3.3 Centre or Mixed Use Code:

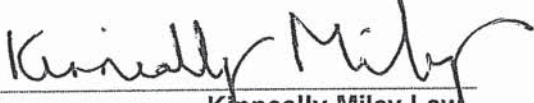
19.1.1.1 Section 9.3.3.2 (2) (a), (b), (c), (e)(i), (g)



19.1.1.2 Section 9.3.3.3, Table 9.3.3.3.A, PO14, A014;

19.2 Are a relevant matter, within the meaning of the *Planning Act 2016 (Planning Act)* that speaks against approval of the development application.

- 20 There is no planning, economic or community need for the development application.
- 21 The land has been developed in an incremental and piecemeal manner to establish a built form, access arrangements, carparking provision and use intent that is inconsistent with the intent of the Industry Zone and Major Industry Area designations as they apply to the land and its locality more generally. The impacts of these matters and the wider use implications and traffic impacts of the development of which the development application forms a part have not been appropriately assessed and, if they were, would speak against approval of the development application.
- 22 The imposition of a temporary use condition, as proposed in the Decision Notice and/or otherwise, does not overcome the extent of inconsistency with City Plan and *ShapingSEQ*.
- 23 The development application conflicts with the reasonable expectations for development in the locality.
- 24 There are no relevant matters that warrant approval of the development application.
- 25 In the premises, the appeal should be allowed and the development application should be refused.

  
Kinneally Miley Law  
Solicitors for the Appellant  
10/12/2020

- N.B** If you are named as a Respondent in this Notice of Appeal and wish to be heard in this appeal you must:
- (a) within 10 days after being served with a copy of this Notice of Appeal, file an Entry of Appearance in the Registry where this Notice of Appeal was filed or where the court file is kept; and
  - (b) serve a copy of the Entry of Appearance on each other party.

The Entry of Appearance should be in Form PEC-5 for the Planning and Environment Court.

If you are entitled to elect to be a party to this appeal and you wish to be heard in this appeal you must:

- (a) within 10 business days of receipt of this Notice of Appeal, file a Notice of Election in the Registry where this Notice of Appeal was filed or where the court file is kept; and
- (b) serve a copy of the Notice of Election on each other party.

The Notice of Election should be in Form PEC-6 for the Planning and Environment Court.



**Paul Beutel**

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**From:** [Refused under section 47(3)] accbeef.net.au>  
**Sent:** Tuesday, 10 November 2020 6:43 PM  
**To:** Treasurer; Ministerial Call In  
**Subject:** Australian Country Choice Group - Request for Ministerial Call In  
**Attachments:** Request for Ministerial Call In.pdf; ACC's Submission to BCC re Gym (with attachments).pdf

Dear Treasurer & Minister for Planning.

Please find attached our letter of request plus ACC's original objection to the development in support of our request.

Sincerely

[Refused under section 47(3)(b) of the RTI Act.]

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**Australian Country Choice Group of Companies**

[Refused under section 47(3)(b) of the RTI Act.]

117 Colmslie Road, Murarrie | PO Box 478, Morningside  
Queensland 4170, Australia



10<sup>th</sup> November 2020

The Hon. Cameron Dick, MP  
Minister for Infrastructure and Planning  
GPO Box 611  
BRISBANE QLD 4001

**Lodgement:** [treasurer@ministerial.qld.gov.au](mailto:treasurer@ministerial.qld.gov.au); [Ministerial.Callin@dsgmip.qld.gov.au](mailto:Ministerial.Callin@dsgmip.qld.gov.au)

Dear Minister,

**REQUEST FOR MINISTERIAL CALL IN OF THE DEVELOPMENT APPLICATION FOR  
INDOOR SPORT AND RECREATION AT 32 COLMSLIE ROAD, MORNINGSIDE  
APPLICATION NO. A005441005**

The purpose of this letter is to request that the Minister exercise his powers under the *Planning Act 2017*<sup>1</sup> and call in a development application<sup>2</sup> for Indoor Sport and Recreation made by Rivermakers Wellness and Research Centre Pty Ltd<sup>3</sup> over land<sup>4</sup> at 32 Colmslie Road, Morningside (the site). This development application was approved by Brisbane City Council on 9 November 2020.

As will be demonstrated in this letter, this application involves a State interest which warrants intervention by the Minister to protect. In particular, the application affects both an economic interest of the State and the interest of ensuring the Planning Act's purpose is achieved. These matters are addressed in detail below.

By way of background, the application, as originally lodged with Brisbane City Council on 27 April 2020, sought a Development Permit for a Material Change of Use for Indoor Sport and Recreation and Health Care Service within an area of the Rivermaker's development marketed as "The Depot". "The Depot", which consists of three large recently constructed buildings, vehicle access to both Lytton Road and Colmslie Road and a large expanse of carparking, was originally assessed and approved by Brisbane City Council on the basis that it would be used for Low Impact Industry, Medium Impact Industry and Warehouse purposes only. That approved land use is consistent with the land's industrial zoning. A stand-alone Service Station and McDonalds fronting Lytton Road has also been approved as part of "The Depot" development.

Incidentally, notwithstanding these approvals, "The Depot" development has been actively marketed towards and tenanted by land uses which do not appear to have approval on the site. These uses include retail sales and showroom type activities.<sup>5</sup> Those matters are beyond the scope of the subject application but are noted for context of the developer's apparent intentions for the surrounding areas of the site of which the proposed development is to form part.

In general terms, the current proposal (the subject of this call in request) is for a very large gym and health care centre, a bouldering gym and an 'ancillary' creche and café for members. The total gross floor area of the development is a staggering 5,577sqm. The application has undergone some modifications during the development assessment process. Most notably, the Health Care Service component was removed, as was the ancillary creche and café. The total gross floor area of the proposed development, however, remains as originally proposed with the Indoor Sport and Recreation use increased in size to absorb the removal of the Health Care Service and other ancillary activities.

<sup>1</sup> Chapter 3, Part 6, Division 3

<sup>2</sup> Brisbane City Council reference A005441005

<sup>3</sup> C/- LandPartners

<sup>4</sup> Lot 2 on SP303654 and Lot 0 on SP283395

<sup>5</sup> Current tenants include Stone3, RSEA Safety and World's Biggest Garage Sale

Australian Country Choice Group DF 10112020 - 1

The application is impact assessable development and ACC lodged a properly made submission objecting to the application on the 23 July 2020 during the public notification period. A copy of ACC's submission is included in **Attachment A**.

Put simply, the development is a very large, non-industrial use proposed within a long-established and strategic Major Industry Area that supports a number of significant industrial operations who are large employers. These industries are of economic significance to the State of Queensland. Moreover, their efficient function and ongoing protection is imperative to the economy now and into the future.

Against that background, we request that the application be called in by the Minister in order to protect the State interest that is set to be detrimentally impacted by the proposed development. To assist the Minister in this regard, we set out key reasons why the call in power should be exercised below.

#### **1. The matter affects an economic interest of the State**

- a. The development will have a serious detrimental impact on an economic interest of the State. In this regard, we alert the Minister to the following.
- b. ACC own and operate a beef abattoir and food processing facility directly opposite the site.
- c. The ACC facility is of economic interest to the State as:
  - i. It is one of the largest meat-processing facilities in Queensland.
  - ii. It is the head office for ACC's vertically integrated operations which are conducted throughout Queensland.
  - iii. It has been owned and operated by ACC since 2000 when ACC acquired the facility from the Queensland Government's Queensland Abattoir Corporation as part of the State's strategy to privatise the meat processing operations at Cannon Hill.
  - iv. In privatising the meat processing operations at Cannon Hill, the then Minister exercised his call in powers under the planning legislation in force at the time to ensure ACC's development application to re-develop the site was approved. In doing so, the Minister noted the following in his decision, which remain true to this day:
    - The Queensland meat processing industry is Queensland's largest rural industry and the backbone of many regional towns;
    - If ACC cannot proceed on this site, the Government runs a risk of the business being taken interstate resulting in a significant loss of jobs;
    - This project will realise the Government's goal to establish an alternative private sector abattoir on the Cannon Hill site. The site is strategically located in relation to the Brisbane Port and State road network;
    - The development is crucial for the livelihood and continued growth of the meat industry in Queensland.
  - v. ACC is a principal supplier of beef primals, value-added and retail ready products to Australia's major supermarket chains for their stores across a number of Australian States and Territories.
  - vi. The facility exports around 25% of production to key Asian markets.

- vii. The facility processes up to 350,000 head of cattle per year to produce over 100 million kilograms of beef products for domestic and export customers.
  - viii. ACC employees approximately 870 staff within this facility alone which equates to some \$93 million p.a. in wages and salaries.
  - ix. ACC employs a further 180 workers at associated cattle stations, feedlots and other rural properties throughout Queensland which provide cattle to the facility.
  - x. Lineage Logistics cold stores is located immediately adjacent to ACC's facility and is connected by engineered structures to the ACC facility to automatically receive for chilling/freezing a carton of meat every 2 production seconds. This facility employs a further approximately 80 workers to provide this class-leading and unique service, which has been in operation since 2002.
  - xi. ACC engages more than 30 engineering services staff from local companies each week to provide key maintenance services.
  - xii. ACC purchases approximately \$130 million of goods and services annually from Queensland businesses and local technical service providers supplied by approximately 330 heavy transport deliveries per week.
  - xiii. ACC also owns, leases or manages approximately 2.42 million hectares of pastoral and agricultural land in over 35 locations across Queensland.
  - xiv. The property portfolio has the capacity to run some 300,000 head of cattle to maintain supply to its three Queensland feedlots that have a standing capacity of 55,000 head.
  - xv. ACC's rural operations are supplied by a network of approximately 500 graziers and livestock agencies for the purpose of supplying cattle to ACC's feedlots to a current value of over \$430 million per annum.
  - xvi. ACC's feedlots purchase approximately \$80 million of animal feed, as well as other goods and services, each year from their local farmers and business communities.
  - xvii. ACC is engaged in the transport of approximately 560,000 head of cattle each year which equates to about 5,500 semi-trailer loads and 1,200 transport company jobs.
  - xviii. ACC has invested approximately \$150 million in the Cannon Hill operations since 2000 with additional capital improvements scheduled equating to additional investment of \$45 million over the next 3 years.
  - xix. ACC and Lineage Logistics are in negotiations to substantially upgrade the existing cold storage facility to accommodate ACC's anticipated future demand for its services.
- d. The development will have a significant detrimental impact on the efficient operation of the ACC facility and other industries in the Major Industry Area. Most notably:
- i. It will introduce a significant number of patrons to the industrial area who would not otherwise be in this industrial precinct. This will undoubtedly expose these patrons to industrial activities, industrial vehicles movements and industrial emissions. Such exposure will undermine ACC and other industry operations by creating opportunities for complaints about emissions (whether valid or not) and conflict between industrial and non-industrial vehicles and pedestrians. Introducing these patrons also heightens the risk of ideological objections to legitimate industrial operations. Such objections are often by people, due to



their lack of exposure to these businesses, who are likely to have limited understanding of the logistical significance, economic importance and employment generation of these business which are relied on by the wider community and the State of Queensland. It is also noted that the operator of the proposed development is currently advertising child minding services that will be provided at the site. This means patrons are expected to include children who will be exposed to the safety risks associated with heavy industrial traffic.

- ii. The development will introduce a significant amount of non-industrial traffic to the locality. ACC's facility relies heavily on 24 hour, seven day a week efficient operation of the freight routes servicing this locality for the delivery of live cattle and (critically) the timely distribution / transport of meat, by-products and other food. The business is well established and reliant on the existing, designated freight route network on Colmslie Road and Lytton Road. With the introduction of a non-industrial traffic from a use of this scale and intensity, those designated freight routes will be heavily compromised.
- iii. It will deter genuine industrial activities from locating within the precinct due to proximity to a highly patronised non-industrial use of such a significant scale. Co-location of industrial activities is fundamental to the efficient operation of these Major Industry Areas. Co-location does not only avoid conflicts between inconsistent land uses. It ensures efficient operation of the freight network. It creates confidence for investment. It facilitates the right environment for investment and economic growth of industrial businesses. It creates significant employment opportunities for the wider community. This development will effectively sterilise this strategic, major industrial precinct from future industrial development. More imminently, it will compromise existing major industry operations. The significance of industrial land of this nature is undisputed as reflected in both the local and State government planning framework. The protection of such land is prioritised within City Plan 2014 and the South East Queensland Regional Plan. These planning instruments are discussed further below.

## **2. The matter affects the interest of ensuring the Planning Act's purpose is achieved**

- a. The development will affect the interest of ensuring the purpose of the *Planning Act 2017* is achieved. In this regard, we alert the Minister to the following.
- b. The proposed development will undermine the integrity of the Local Government planning scheme, City Plan 2014, as the development is clearly inconsistent with the assessment benchmarks of the planning scheme. The planning scheme embodies and is the strongest expression of public interest, in terms of land use and development expectations. Its consistent implementation is important to the community and its confidence in Queensland's planning system. The proposal's inconsistencies are set out in detail in ACC's submission against the application (attached). In summary:
  - i. The non-industrial nature of the proposed development is at complete odds with the industrial land use intent expressed in the planning scheme. The development does not protect and retain industrial land for industrial purposes to ensure these Major Industry Areas are not compromised by incompatible land uses.
  - ii. The proposed development fails to acknowledge the significance of the industrial land in this locality, which is recognised by its inclusion in the Major Industry Area of the Strategic Framework and its inclusion in the Industry Zone.
  - iii. The proposed development relies on inaccurate assumptions regarding the operational characteristics of industries nearby (i.e. operational hours, heavy vehicle movements, emissions).

- iv. The proposed development has no direct nexus to industry and is of a scale that it cannot be reasonably concluded that it will provide a direct support service or convenience to industry. The scale and nature of the facility is such that it will rely heavily on patronage from far beyond the Industry Zone to include residents from surrounding suburbs and potentially further afield. It is a sub-regional facility that is better placed on sport and recreation or centre designated land.
  - v. The facility will compromise the use of the balance of the “The Depot” development, the wider Rivermakers development and the surrounding industry zoned land for existing and future industrial uses. This is because it will discourage other genuine industrial uses from locating in the precinct due to proximity to such a large non-industrial use and encourage retail related uses to establish.
  - vi. The proposed development (in its operation and associated vehicle and pedestrian movements) has the potential to impose a reverse amenity constraint upon the lawful operation of future industrial uses in the precinct.
  - vii. The proposed development is of a form that is not consistent with the industrial character, community expectations or infrastructure (namely the road network) assumptions for this site and wider area.
  - viii. The proposed development is a non-industrial use that can be otherwise adequately provided for elsewhere in the City, such as within Sport and Recreation Zone as intended by City Plan 2014.
  - ix. The proposed development will create significant implications for traffic movement to and from the industry area and it will create conflict between industrial and non-industrial vehicles.
  - x. The proposed development has relied on insufficient traffic impact assessment to justify the use and relies on major upgrades to the road network that have no funding or delivery commitment.
  - xi. There is a significant shortfall in carparking spaces provided on site for the use.
- c. The proposed development will undermine the integrity of the South East Queensland Regional Plan 2017 ‘Shaping SEQ’ as the development is inconsistent with the themes, goals, elements and strategies, and sub-regional directions therein. Most notably:
- i. It will severely compromise the Australia TradeCoast Regional Economic Cluster and more specifically the Murarrie / Colmslie Major Enterprise and Industrial Area through encroachment by incompatible land uses;
  - ii. It will deter investment and planned intensification / expansion of the Major Enterprise and Industrial Area which is intended to be a major driver of economic growth;
  - iii. It will introduce commercial uses in a Major Enterprise and Industrial area that will compromise its role and function; and
  - iv. It will undermine the efficient operation of the infrastructure network, namely the freight routes, servicing the Major Enterprise and Industrial Area.
- d. There are no other relevant matters to support the proposed development. There is no planning, community or economic need to justify establishing the proposed development on the site.

- e. The proposed development relies on an underlying approved built form, vehicle access and car parking arrangement that has been achieved through a highly incremental, often confusing and misleading development application and approval process. An overarching assessment of the true and cumulative impacts of these changes over time appears to have never been appropriately assessed.
- f. For the above reasons, the proposed development will undermine the community confidence in an efficient, effective and accountable planning framework and development assessment processes. Further in this regard, it is of note that Brisbane City Council issued an information request on the 3 June 2020 that acknowledged the significant inconsistency with the Brisbane City Plan 2014 as well as the detrimental impact the proposed development could have on the industrial area. The information request likened the scale and form of the development to that of a District Centre servicing a district catchment. Subsequent changes made to the proposed development following that information request, namely the removal of the Health Care Service component (albeit with no corresponding reduction in the gross floor area of the overall development, but rather an increase in the size of the gym) neither overcome the inconsistencies with City Plan 2014 nor the issues raised in Council's information request. Any support for the proposed development would be at complete odds with the information request issued in June.

On the basis of the above, the proposed development clearly affects a State interest which warrants the intervention of the Minister to call in the application to protect that interest. That interest includes both an economic interest and the interest in ensuring the purpose of the Planning Act is achieved, for all of the reasons set out above in this letter.

In doing so, we expect the Minister would undertake a full merit-based planning assessment against the relevant planning instruments. ACC is confident that the Minister will likewise identify significant shortfalls in the assessment against the relevant assessment benchmarks of City Plan 2014, as well as the consultant reports submitted with the application material.<sup>6</sup>

ACC trusts that this letter is of assistance to the Minister in reaching the view that the application be called in. If any aspect of the above requires clarification, please do not hesitate to contact the undersigned.

Sincerely,

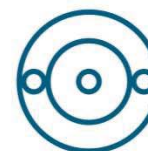
Refused under section 47(3)(b) of the RTI Act.

**Australian Country Choice Group of Companies**

Australian Country Choice  
117 Colmslie Road, Murarrie, Qld 4170  
Telephone 39024141; Facsimile 39024142, Email [dfoote@accbeef.net.au](mailto:dfoote@accbeef.net.au)

<sup>6</sup> Namely the Market Potential and Impact Assessment Report, the Traffic Impact Assessment, the Noise Impact Assessment and Odour Impact Assessment  
Australian Country Choice Group DF 10112020 - 6

23 July 2020



The Chief Executive Officer  
Brisbane City Council  
GPO Box 1434  
BRISBANE QLD 4001

**REEL PLANNING**  
URBAN AND RURAL STRATEGIES

**Attention:** Katrina Allan (Assessment Manager)  
**Lodgement:** Via Brisbane Planning and Development Online

Dear Ms Allan,

**SUBMISSION OBJECTING TO THE DEVELOPMENT APPLICATION FOR  
INDOOR SPORT AND RECREATION AT 32 COLMSLIE ROAD, MORNINGSID  
APPLICATION NO. A005441005**

This submission is made by:

**Name:** Cannon Hill Investments Pty Ltd and Australian Country Choice Production Pty Ltd  
Trading as Australian Country Choice Group (ACC)  
**Address:** 117 Colmslie Road, Murarrie  
**Email:** [dfoote@accbeef.net.au](mailto:dfoote@accbeef.net.au)

This submission relates to a development application (Application No. A005441005) submitted to Brisbane City Council (Council) for Indoor Sport and Recreation at 32 Colmslie Road, Morningside, formally described as Lot 2 on SP303654 and Lot 0 on SP283395 (the site).

## **1.0 AUSTRALIAN COUNTRY CHOICE GROUP**

ACC own and operate a beef abattoir and meat processing facility at 117 Colmslie Road, Murarrie.<sup>1</sup> The facility is directly opposite the development application site to the east and across Colmslie Road.

ACC has been successfully operating at the facility since 1994. In 1999, ACC purchased the site from the State government's Metropolitan Abattoir Corporation, who had prior to ACC operated the abattoir and facility since the 1930s. The site was further developed by ACC under a Ministerial call-in in February 2000 and today it is one of the largest meat-processing facilities in Queensland.

ACC is one of the largest family owned employers in Queensland and operates one of the largest stand-alone industrial sites in Brisbane. The site is also the head office for ACC's vertically integrated operations and approximately 870 staff work within this facility, which operates 7 days per week. ACC also employs a further approximately 180 workers who work at its cattle stations, feedlots and other rural properties throughout Queensland and who are responsible for providing cattle to the facility.

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<sup>1</sup> The ACC site is owned by Cannon Hill Investments Pty Ltd and the facility is operated by Australian Country Choice Production Pty Ltd.



The ACC facility and its operations, which includes significant volumes of heavy vehicle movements<sup>2</sup>, is accessed via Colmslie Road, being a highly industrialised road servicing ACC, Queensland Bulk Terminal, Raptis Seafoods and Lineage Cold Storage.

ACC is connected by engineered structures to a neighbouring cold store and distribution business on Colmslie Road operated by Lineage Logistics, who themselves employ approximately 80 workers, and who provide these services to ACC 7 days per week.

ACC also owns, leases or manages approximately 2.42 million acres of pastoral and agricultural land in over 35 locations across Queensland and has a network of some 350 graziers who supply cattle to ACC and some 120 feedstock suppliers who provide feed to ACC's feedlots.

ACC therefore has a significant vested interest in the abovementioned application and its amenity impacts as the largest industrial land owner in the immediate vicinity of the site proposed for the development.

## 2.0 EARLY REPRESENTATIONS TO COUNCIL

On behalf of ACC, Kinneally Miley Law and Reel Planning submitted early representations to Council on 18 May 2020 regarding the abovementioned development application. Those representations were made shortly after the development application was lodged in late April and prior to Council issuing an information request in early June.

The purpose of those early representations was to bring to Council's attention, early in the assessment process, the fundamental inconsistencies between the proposal and the planning scheme intent for the site, as expressed in City Plan 2014, as well as the inconsistencies with the industrial context of the locality.

The early representations focussed on three specific matters: (1) overall land use intent; (2) traffic impacts associated with the proposal; and (3) the potential adverse impacts on the operation of legitimate industrial businesses, particularly with respect to odour and acoustic emissions, as a result of non-industrial uses establishing in the Industry Zone. These three themes now form the structure and focus of this formal submission.

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<sup>2</sup> In the order of 330 trucks service the site each week, including circa 80 B-Doubles delivering live cattle to the facility.

### 3.0 THE HISTORY OF “THE DEPOT” DEVELOPMENT

The development application is proposed in an existing building within the Rivermaker’s ‘The Depot’ development (**Figure 1**).

**Figure 1: “The Depot” Development**



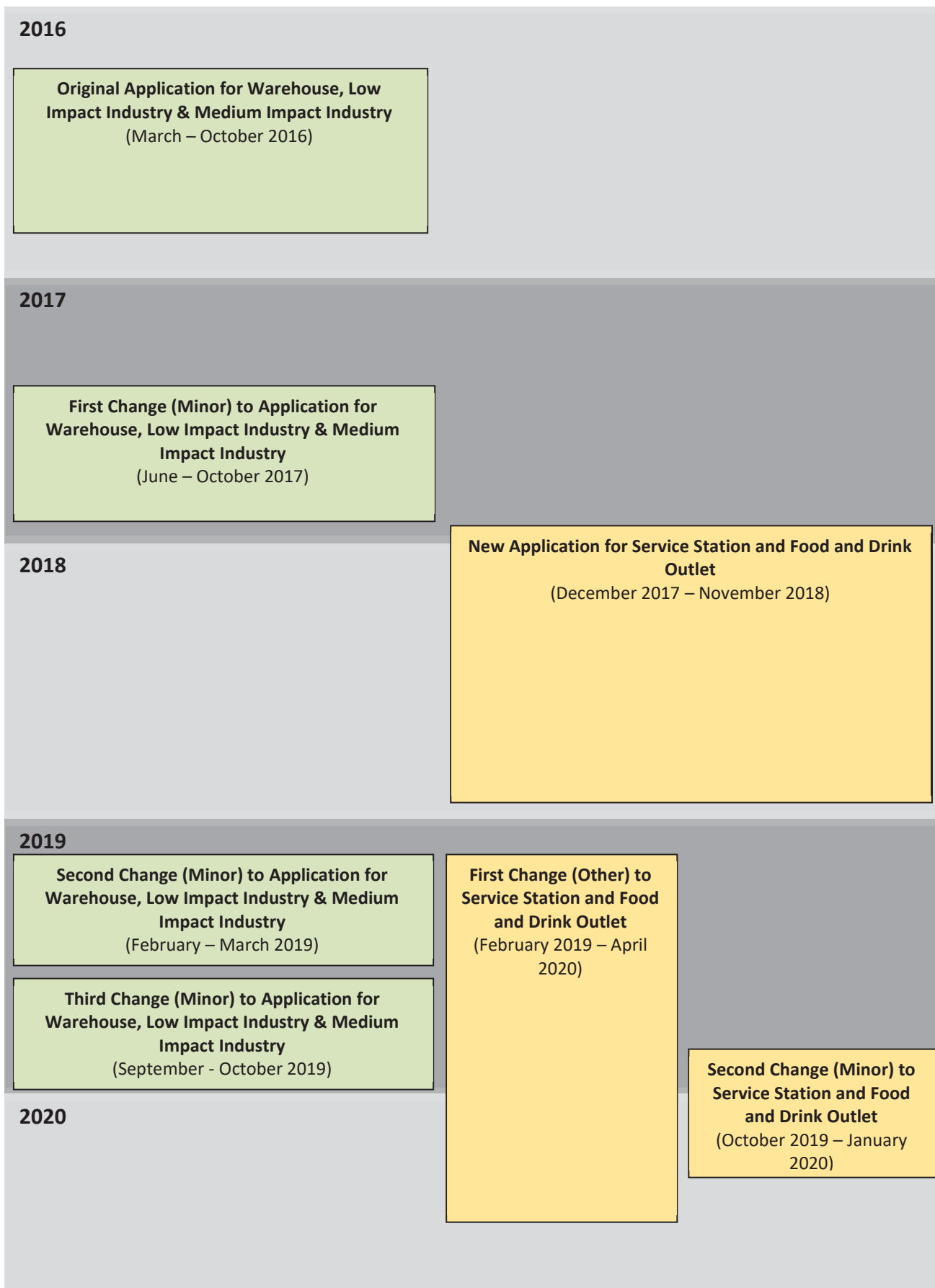
Note: Former approved Building 2

“The Depot” is described by the developers, BMI Group, as a *“lively homemaker and trade centre...”* and *“Open seven days a week, The Depot will be a dynamic social hub for trade. It will supply quality goods and services to local businesses and builders, plus thousands of nearby residents planning their next home refresh.”*<sup>3</sup> (emphasis added).

For the purpose of this submission it is important to understand the history of “The Depot” development. More particularly, the statutory town planning process followed to achieve the ultimate built form and land use outcome. A timeline of these events is provided in **Figure 2** on the following page and in more detail in **Attachment A**.

<sup>3</sup> rivermakers.com.au

**Figure 2: Timeline of Change of Use Development Applications and Change Applications for “The Depot” Development**



As evident from this timeline, the approved built form, access and land use of “The Depot” development was not delivered through a single development application but rather through a series of development applications and minor change applications.

The approved land use remains for Warehouse, Low Impact Industry and Medium Impact Industry only, plus a separate Service Station and Fast Food Outlet. The approved built form consists of:

- three large buildings (Buildings 1, 3 and 4) with a total GFA of 11,454sqm;
- a large expanse of 338 carparking spaces which equates to a rate of 2.95 spaces per 100sqm of GFA (excluding the service station and food and drink outlet);
- vehicle access to both Lytton Road (all movements in and left out egress only) and Colmslie Road (all movements); and
- Separate service station (220sqm) and fast food outlet (350sqm) (within area of former approved Building 2 and outdoor warehouse storage) with associated 56 carparking spaces.

We note the following significant changes to the built form and access that occurred since the first application was made in March 2016:

- **The original application** approved in October 2016 was for four large warehouse style buildings with limited façade treatments and small ancillary offices. Carparking was provided at a relatively low rate of 2.05 spaces per 100sqm of GFA (noting the rate required under the planning scheme for low and medium impact industry and warehouse is 2 spaces per tenancy or lot plus 1 space per 100sqm of GFA). Each building had individual carparking areas. Access was limited to Lytton Road (all movements entry and left turn egress).
- **The first (minor) change application to the original application** approved in October 2017 changed the building configuration to walk up, showroom style configuration with more building façade treatments facing towards the carparking area and centralised carparking area. Carparking rate increased to 2.4 spaces per 100sqm of GFA. Service vehicle manoeuvring areas significantly reduced, particularly for Building 1. Access remained limited to Lytton Road.
- **New code assessable application for Service Station and Food and Drink Outlet** approved in November 2018 changed the character of the precinct considerably by addition of new uses and removal of one of the industry / warehouse buildings (Building 2) and associated outdoor storage area. This approval created a commercialised frontage to Lytton Road. This approval also introduced the additional access to Colmslie Road.
- **The second (minor) change application to the original application** approved in March 2019 made further modifications to the built form to increase the size of building 4, reflect the addition of the Service Station and Food and Drink Outlet approval, further consolidate carparking area and provide additional parking to increase the rate to 3.27 spaces per 100sqm of GFA and make provision for the development to utilise the approved service station and food and drink outlet access to Colmslie Road.
- **The first (other) change impact assessable application to the Service Station and Food and Drink Outlet** approved in April 2020 increased the size of the food and drink outlet.
- **The third (minor) change application to the original application** approved in October 2019 increased the size of Building 1 substantially. As a result, the carparking rate reduced slightly to 2.95 spaces per 100sqm of GFA.
- **The second (minor) change application to the Service Station and Food and Drink Outlet** approved in January 2020 revised the layout of the service station.

In summary the incremental changes, when considered together, fundamentally changed the approved built form, land use, car parking provision and access arrangements of the development from the original approval issued in 2016 to the ultimate development outcome that has been achieved on site today. Whilst it is not unusual for a development to undergo various changes from original design through to completion, the cumulative impacts of these changes should be assessed including, in this particular instance, the wider land use implications and traffic impacts of the development as a whole. This overarching assessment appears to



have not been undertaken to date, due to the highly incremental, often confusing and misleading, and significant changes that have occurred to the development over time.

#### 4.0 APPLICATION DETAILS

The development application the subject of this submission was made by LandPartners on behalf of Rivermakers Wellness and Research Centre Pty Ltd (the Applicant) and submitted to Council on 27 April 2020. It is subject to Impact Assessment and according to PD Online was properly made on 29 April 2020. A confirmation notice in respect of the application was issued by Council on 14 May 2020.

In the original form, as lodged in April, the application sought approval for Indoor Sport and Recreation and Health Care Service in two tenancies of Building 1 of "The Depot" development, as previously described. The proposed development included an 'ancillary' creche (Child Care Centre) and Café (Food and Drink Outlet). The original proposed development included 5,577sqm of GFA: 805sqm bouldering gym; 4,270sqm gym and 502sqm wellness centre. This represented approximately 81.5% of the total GFA of Building 1 and 48.7% of the GFA of "The Depot" overall development (excluding the adjacent Service Station and McDonalds).

The application was supported by a Market Potential and Impact Assessment prepared by Location IQ and a Traffic Report prepared by Holland Traffic Consulting.

Council issued an information request to the Applicant on 3 June 2020. That information request identified a number of significant issues with the proposed development and concluded that insufficient information had been provided to justify approval of the proposed development.

A response to the information request was received by Council on 30 June 2020. Various changes were made to the proposed development as part of that response. Of note the Health Care Service component of the proposed use was removed and the ancillary creche and café were also removed. It is noted that the total GFA of the proposal remained as originally proposed; the Health Care Service component was incorporated into the Indoor Sport and Recreation use area. This results in a total GFA of 5,577sqm: 4,772sqm for the gym component plus 805sqm for the bouldering gym. A supporting Odour Assessment and Noise Impact Assessment report were provided. No further specialist reporting was provided, although further commentary from Location IQ was provided within the Applicant response letter.

**5.0 INCONSISTENCY WITH THE ASSESSMENT BENCHMARKS OF CITY PLAN 2014**

The proposed development is inconsistent with the assessment benchmarks of the relevant categorising instrument, being City Plan 2014. The inconsistency with the assessment benchmarks fall within three themes:

- The land use intent;
- Traffic, Access and Carparking Matters; and
- Risk of Reverse Amenity Constraint.

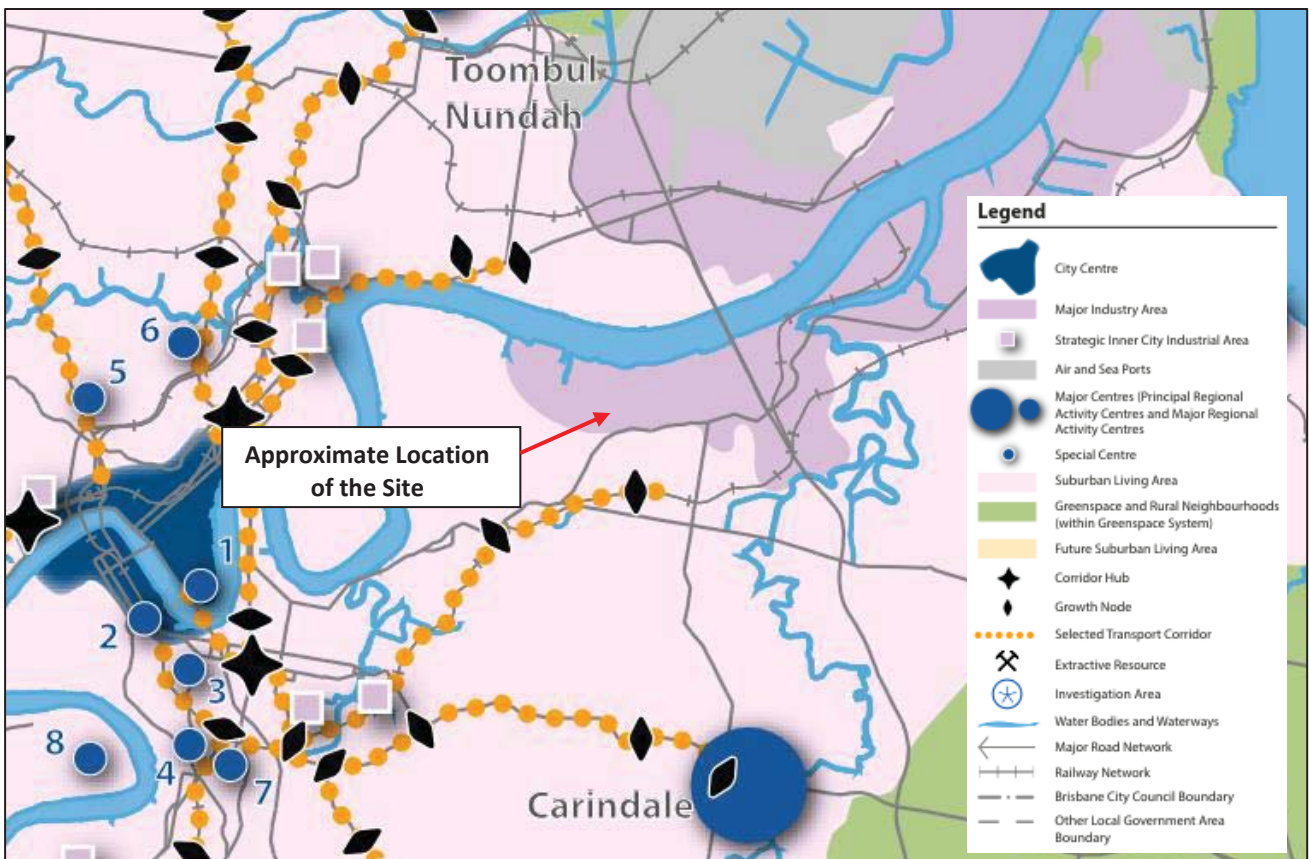
Each theme and the relevant assessment benchmarks are discussed below.

**1. LAND USE INTENT**

The land use intent for the site is expressed in the Strategic Framework, the Industry Zone Code and the Rivergateway Neighbourhood Plan Code of City Plan 2014.

The site and surrounding locality is in the Major Industry Area of the Strategic Framework of City Plan 2014 (Figure 3).

**Figure 3: Extract from SFM-002 Brisbane CityShape 2031 Land Use Strategic Framework Map of City Plan 2014**



The intent of the Strategic Framework for the Major Industry Area and industrial uses in general is clear: the protection and retention of industrial land for industrial purposes which are significant employment generators and provide economic growth for the City. The primary mechanism for this protection is the exclusion of non-industrial and sensitive land uses, with the exception of uses with a direct nexus to industry or that provide a direct support service to industry. The intent is to ensure that industry can continue to operate as intended and is not compromised by incompatible land uses. This is demonstrated by the provisions of the Strategic Framework reproduced in Figure 4.

**Figure 4: Strategic Framework Provisions****Strategic Framework - 3.3 Theme 1: Brisbane's globally competitive economy****3.3.1 Strategic Outcomes:**

*(1) (h) Brisbane's Major Industry Areas do not expand significantly during the life of the planning scheme, **however they are preserved and will intensify**. The importance of Major Industry Areas in generating economic value and employment for Brisbane requires their maximum opportunity to be realised. **The Major Industry Areas are used solely for their intended purpose to enable their ongoing operation and to protect them from incompatible land uses.***

**3.3.3 Element 1.2 – Brisbane's industrial economy**

*SO1 Brisbane's Major Industry Areas and Strategic Inner City Industrial Areas are protected to ensure their integrity and effective operation.*

AND

L1.1

*Brisbane's remaining zoned land suitable for high-impact industries is **reserved for these purposes**.*

AND

L1.4

***Existing lawful industries continue to operate with certainty and are protected from encroachment by sensitive land uses.** Proposed expansions of these industries meet relevant health, safety and environmental standards.*

SO2

*Brisbane's Major Industry Areas and Strategic Inner City Industrial Areas are optimised to provide the widest range of industrial uses in order to maximise the economic opportunity for the city.*

AND

L2.1

*Development **for industrial uses is prioritised in the Major Industry Areas** and Strategic Inner City Industrial Areas which are zoned to maximise the industrial land use potential of these areas.*

SO4

*Brisbane's Major Industry Areas include clusters of supporting business services and a range of services and facilities for the convenience of workers.*

AND

L4

*Major Industry Areas provide opportunities for clusters of supporting services for business and the **convenience of workers of these areas**. They are in accessible locations, serviced by public transport where possible and **do not compromise the ongoing operation of industrial activities in these areas**.*

SO8

*Brisbane's industrial lands are protected from encroachment by office **or other non-industrial-based uses**.*

AND

L8.1

*Major Industry Areas and Strategic Inner City Industrial Areas are protected from encroachment of office parks and large-format retailing; these uses are adequately provided for elsewhere in the plan.*

AND

L8.2

*Land uses other than industrial **do not compromise the existing or potential industrial uses** that occupy land in the Special industry zone, General industry C zone precinct or General industry B zone precinct of the Industry zone.*



### 3.3.4 Element 1.3 – Brisbane’s population – serving economy

SO7

*Brisbane preserves opportunities for low impact industry throughout the city in support of a strong population and economic growth.*

AND

L7

*Industrial premises in the Low impact industry zone or General industry A zone precinct of the Industry zone are **protected from encroachment and incompatible uses***

### Strategic Framework - 3.7 Theme 5: Brisbane’s CityShape

#### 3.7.1 Strategic Outcomes:

*(1) The strategic outcomes for the CityShape theme are:*

*(c) Brisbane’s Major Industry Areas are significant employment generators for the city and Queensland which:*

*(i) accommodate a significant amount of economic activity generating employment;*

*(ii) comprise low, medium and high impact industrial-based economic development that is always evolving with Brisbane’s changing economy;*

***(iii) are protected** and are able to evolve to support Brisbane’s industrial economy, global business and innovative start-ups;*

*(iv) are serviced by small-scale commercial uses that support workers and provide business services;*

***(v) do not provide opportunities for non-industrial based land uses that are otherwise adequately provided for elsewhere in the city or other parts of the region other than critical infrastructure;***

*(vi) are serviced by major transport infrastructure which provides for:*

*(A) more sustainable travel modes such as public transport, walking and cycling;*

*(B) efficient freight, air and sea transport within the city and to key freight access points and routes to and from the city (shown below in Figure C).*

The site is also in the Industry Zone of City Plan 2014 and falls within the General Industry A Precinct and General Industry B Precinct (**Figure 5**).

More specifically, the land use intent for the Industry Zone - General Industry A Precinct provides for Low Impact Industry, Service Industry and Warehouse and Medium Impact Industry where appropriately separated from sensitive uses. The Industry Zone – General Industry B Precinct provides for Low and Medium Impact Industry and High Impact Industry where appropriately separated from sensitive uses. The majority of “The Depot”, excluding the north-western corner of the development, is in the General Industry A Precinct. The provisions of the Industry Zone Code of relevance to this submission are reproduced in **Figure 6**.

Like the Strategic Framework provisions, in the Industry Zone Code seeks to protect the industry zone for a range of industrial uses and only contemplates other non-industrial uses where they support and are ancillary to industry activities and they do not compromise the future use of premises for industry activities.

Figure 5: Extract from the Zone Map from City Plan 2014

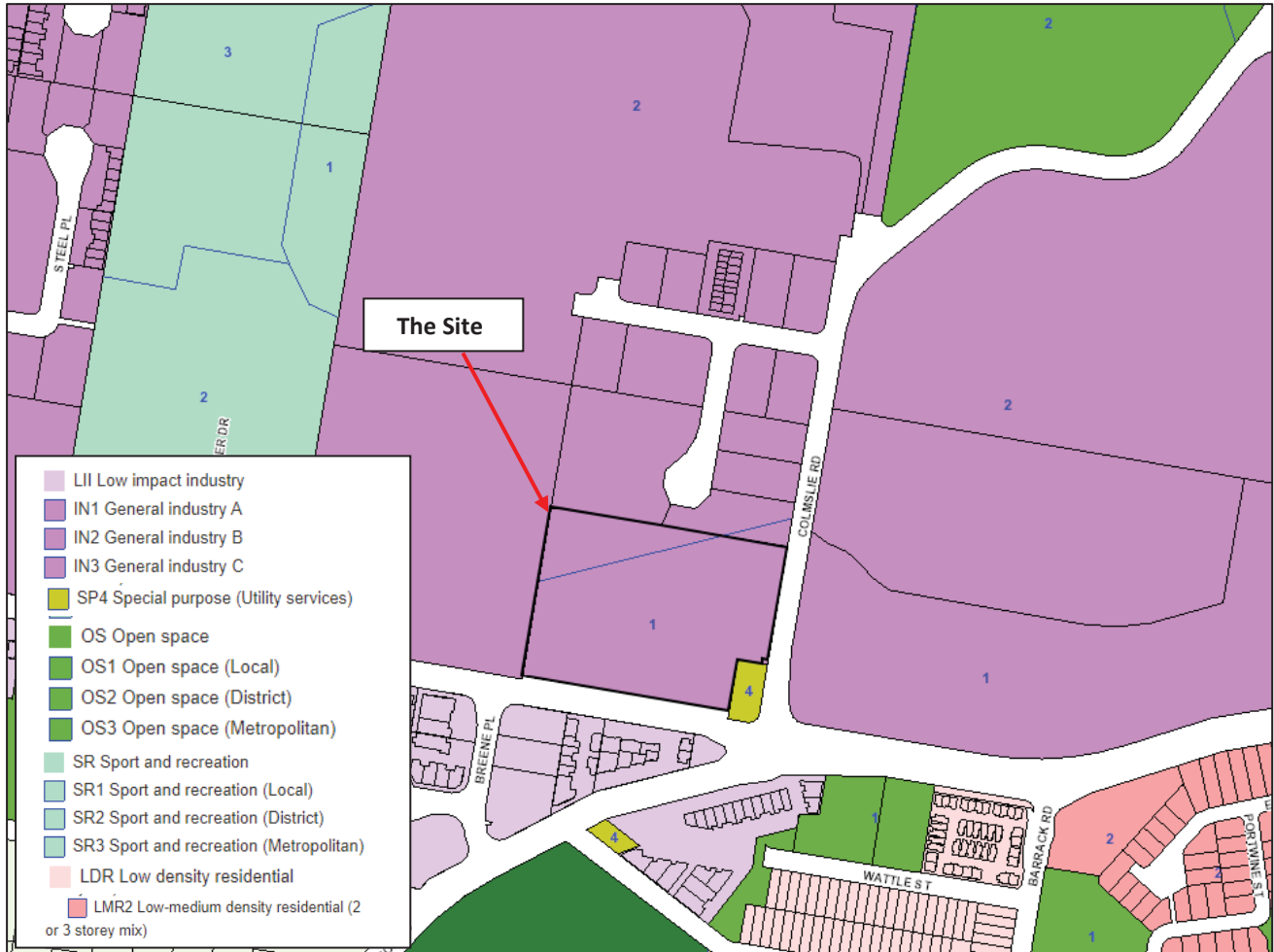


Figure 6: Industry Zone Code Provisions

**6.2.5.2 Industry zone code**

**(1) The purpose of the industry zone is to provide for:**

- (a) a variety of industry activities; and
- (b) other uses and activities that:
  - (i) support industry activities; and
  - (ii) do not compromise the future use of premises for industry activities.

**(4) Development location and uses overall outcomes:**

- (a) Development **facilitates and maintains the long-term viability of industrial uses** by encouraging a broad range of industry that is compatible with adjacent residential areas.
- (b) Development **provides for industrial uses appropriate to the zone precinct.**

...

(e) Development **protects the viability of existing and future industry by excluding incompatible development.**

...

(g) Development for a use that is **ancillary to an industrial use on the same site**, such as an office function, or small-scale shop or food and drink outlet **that directly supports the industry and workers may be accommodated.**

**(6) General industry A zone precinct overall outcomes are:**

- (a) Development provides for **low impact industry, service industry and warehouse uses** throughout the General industry A zone precinct.
- (b) Development includes a broad range of industry that is compatible with adjacent residential areas.
- (c) Development for a medium impact industry use:
  - (i) is located at an appropriate distance from sensitive uses;
  - (ii) avoids or minimises noise and air emissions to meet noise and air quality criteria at sensitive zones and zone precincts.

**(7) General industry B zone precinct overall outcomes are:**

- (a) Development provides for **low impact industry and medium impact industry** throughout the General industry B zone precinct.
- (b) Development for a high impact industry use:
  - (i) is located at an appropriate distance from sensitive uses;
  - (ii) avoids or minimises noise and air emissions to meet noise and air-quality criteria at sensitive zones.
- (c) Development avoids or minimises noise and air emissions to meet noise and air-quality criteria at the minimum separation distances to sensitive zones.

...

The site is also in the River Gateway Neighbourhood Plan Area and more specifically in the Industry Precinct (NPP-005). The River Gateway Neighbourhood Plan Code also includes additional provisions to ensure land is developed and operated as intended, in this case for industrial purposes.

**Figure 7: River Gateway Neighbourhood Plan Provisions****7.2.18.3 River Gateway Neighbourhood Plan Code****(3) The overall outcomes for the neighbourhood plan area are:**

...

- (c) **Development does not constraint the ability of existing development to operate as intended**

...

- (e) **Development is of a height, scale and form which is consistent with the amenity and character, community expectations and infrastructure assumptions intended for the relevant precinct, sub-precinct or site and is only developed at a greater height, scale and form where there is both a community need and an economic need for the development**

**(8) Industry precinct (River gateway neighbourhood plan/NPP-005) overall outcomes are:**

- (a) Development comprising the consolidation of existing uses is consistent with the outcomes sought in established industrial areas where impacts on existing sensitive zones are managed through separation distances. Separation distances between industry and sensitive zones are a minimum of 250m for medium impact industry and 500m for high impact industry, unless it can be demonstrated that emissions and risks can be quantified and effectively managed to achieve appropriate environmental outcomes.

The proposed development is inconsistent with the assessment benchmarks of City Plan 2014, being the provisions of the Strategic Framework, Industry Zone Code and River Gateway Neighbourhood Plan Code noted above for the following reasons:

- a) The non-industrial nature of the proposal is at complete odds with the industrial land use intent. It introduces a land use that is explicitly not intended on this land, with no support provided for a facility of this type or scale throughout City Plan;
- b) The proposed development fails to recognise the significance of the industrial land in this locality, which is recognised by its inclusion in the Major Industry Area of the Strategic Framework. The application material also fails to appropriately consider the operational characteristics of existing industries nearby (i.e. 24 hours a day, heavy vehicle movements, emissions). The application material suggests that the area does not support a successful and fully operational industrial network. The reality is quite the contrary - there are established high and medium impact industries operating successfully in immediate proximity to the site. These industries provide a significant economic benefit to the region and the State and they do so by relying on their co-location with other industrial uses of a similar nature to operate successfully and without encroachment of other non-industrial uses;
- c) The proposal is a very large facility that cannot be reasonably concluded to provide a direct nexus or support to industrial activities or be considered for the convenience of industrial workers. The facility is also not ancillary to an industrial use on the premises; it is two stand-alone gyms. The scale and nature of the facility is such that it will quite obviously rely heavily on patronage from far beyond the Industry Zone to include residents from surrounding suburbs and potentially further given the significant size of the facility. As noted in the Economic Input letter prepared by Norling Consulting and attached to this submission in **Attachment B** '*industrial workers typically do not provide a significant source of patronage to gymnasiums*';
- d) The facility will compromise the use of the balance of "The Depot" development, the wider Rivermakers Development and the surrounding industry zoned land for existing and future industrial uses, as intended by City Plan 2014, as:
  - o it will introduce a significant number of patrons who would not normally be expected in the Industry Zone;
  - o it will introduce a significant amount of non-industrial traffic on road networks, including significant Primary Freight Routes and Freight Access Routes, which will compromise the efficient movement of industrial vehicles and create safety issues for non-industrial vehicles. This matter is addressed further in the Traffic Assessment prepared by Lambert and Rehbein and attached to this submission in **Attachment C** and expanded on in Section 5.0 of this submission;
  - o it will expose patrons of the facility to emissions from industrial uses;
  - o it will expose patrons of the facility to industrial businesses they would not otherwise be exposed to in their day to day lives. Such patrons, given their lack of normal exposure to such businesses, will be potentially ideologically motivated to complain/ protest about legitimate industrial businesses of which they may have limited understanding of their logistical operations, economic importance and employment generation. It is these industrial businesses that the broader community relies on;
  - o it will discourage other genuine industrial uses the planning scheme intends within the zone, from locating within "The Depot" development, the wider Rivermakers development and the surrounding industrial area due to proximity to a use of this nature. Whilst the broader defined term of Indoor Sport and Recreation is not specifically defined in City Plan as a "sensitive use", this particular facility has many characteristics of a sensitive use as:
    - due to the scale it will attract a significant number of people who will congregate on site on a daily basis;
    - people are attending the facility for the specific purpose of improving their personal health and this aligns with many characteristics of a Health Care Service; and



- the intended facility includes a number of classes and courses that are designed to impart knowledge and develop skills which is consistent with an Educational Establishment.

Prospective industrial and warehouse users would be fully aware of these characteristics of these types of facilities and would consider them incompatible with industrial and warehousing operations which typically generate emissions and involve heavy vehicle movements.

- e) The proposed development is of a form that is not consistent with the industrial character, community expectations or infrastructure (namely the road network) assumptions for this site and wider area. There is no planning, community or economic need to justify establishing this proposal on the site. This matter is addressed further in the Economic Input letter prepared by Norling Consulting and attached to this submission in **Attachment B** and expanded on in Section 6.0 of this submission;
- f) The proposed development is a non-industrial use that can be otherwise adequately provided for elsewhere in the City, such as within Sport and Recreation Zone as intended by City Plan 2014. This matter is addressed further in the Economic Input letter prepared by Norling Consulting and attached to this submission in **Attachment B** and expanded on in Section 6.0 of this submission;

## 2. TRAFFIC IMPACTS

A traffic engineering review of the proposed development has been prepared by Lambert & Rehbein and is included in **Attachment C**.

With respect to traffic engineering matters, the proposed development is inconsistent with the assessment benchmarks of City Plan 2014, being the provisions of the Strategic Framework (**Figure 8**), Industry Zone Code (**Figure 9**), River Gateway Neighbourhood Plan Code (**Figure 10**), Indoor Sport and Recreation Code (**Figure 11**), Road Hierarchy Overlay Code (**Figure 12**) and Transport, Access, Parking and Servicing Code (**Figure 13**).

The inconsistency arises due to the following issues:

### A. Increased Traffic Movements

The proposed development will create significant implications for traffic movements to and from the industry area. It will introduce traffic movements far beyond those reasonably expected or typically generated by industry uses.

The provisions of City Plan 2014 identified in **Figures 8 - 13** specifically require the protection of the road network, including freight access routes. Colmslie Road and Lytton Road, both of which are relied on to service the development and the surrounding industrial precincts are identified as Freight Access Routes (including being designated B-Double routes) and connect directly to the wider Freight Routes, as shown in **Figure 14**. ACC relies on Colmslie Road and Lytton Road for its operations including delivery of live cattle and timely distribution / transport of meat and associated meat processing products seven days a week. If this road network is further compromised, ACC's operations will suffer significantly. This applies equally to other industrial land uses that rely on Colmslie Road and Lytton Road and the wider freight network. The traffic report prepared by HTC and submitted with the application does not demonstrate how the proposal will ensure these crucial road networks are not compromised by the introduction of non-industrial uses of such a significant scale.

As noted in the traffic engineering review prepared by Lambert & Rehbein and included in **Attachment C**, of particular concern regarding the traffic reporting carried out to date to support "The Depot" and wider Rivermakers development are the following issues:

- The HTC traffic assessment undertaken as part of this application is based on historic traffic data that is significantly out of date and does not necessarily reflect recent traffic volumes and movement patterns;
- There has been no assessment of the impacts of the current proposal on the operation of the Colmslie Road / Lytton Road / Junction Road roundabout beyond opening year;
- The analysis of the 10 year design horizon within the HTC traffic assessment has adopted a signalised intersection layout with no indication of how and when this will be delivered and by whom;
- The HTC traffic assessment undertaken as part of this application draws from some of the previous work undertaken as part of the earlier development applications for “The Depot” development, however identifies some uncertainties in that work and has made further adjustments to traffic movements;
- The HTC traffic assessment undertaken as part of this application has not attempted to independently assess the proposal in association with the balance of “The Depot” development to ensure that there are not underlying flaws in previous assumptions made, which is relevant to the assessment of the true traffic impacts of the subject development; and
- The HTC traffic assessment undertaken as part of this application has not contemplated other approved and constructed development precincts within the Rivermakers development beyond “The Depot” and as such significantly under-represents traffic through the roundabout.

#### **B. Conflicts between Industrial and Non-Industrial Traffic**

The proposed development will create conflict between industrial and non-industrial vehicles. The current operation of ACC and other adjacent developments including the Emergent Cold Storage and adjacent Qld Bulk Terminals rely on Colmslie Road for access and these approved industrial enterprises have significant freight tasks. Relevantly, Colmslie Road and Lytton Road between Colmslie Road and the Gateway Motorway are designated PBS2A routes, facilitating access for 25m B-Doubles and are also Higher Mass Limit declared roads. These existing lawful users of the road network generate significant freight activities including haulage of live cattle on twin deck B-Double vehicles.

Allowing land uses of a non-industrial nature will result in significant non-industrial traffic volumes entering the precinct and, in particular, utilising the access to/from Colmslie Road. From a traffic engineering safety perspective, it is sound practice to avoid where possible the potential to mix heavy freight vehicles with traffic associated with non-industrial uses where driver confidence and behaviours may differ substantially.

While this is typically seen where there is a desire to avoid the infiltration of commercial/industrial uses into traditional residential precincts, the current proposal will result in significant turning movements to/from the access driveways and through the Colmslie Road roundabout by vehicles and drivers potentially unaccustomed to mixing with significant heavy freight vehicles as a result of the introduction of a significant volume of non-industrial traffic.

#### **C. Reliance on Insufficient Reporting**

Council should give significant consideration to the basis upon which the underlying development application for Low and Medium Impact Industry and Warehouse, and more specifically the vehicular access arrangements, were approved. The development history regarding the establishment of vehicular access to and from “The Depot” development to Colmslie Road and the impact of that development on the wider road network, including the Colmslie Road / Lytton Road intersection, is complicated and the ultimate arrangement in place today was achieved through various incremental

Change Applications and modifications to the original development approval for “The Depot” as discussed in Section 3.0 of this report. It is considered that a proper and thorough assessment of the cumulative traffic impacts of “The Depot” and wider Rivermakers development has not been carried out. Of particular note the following issues are identified from HTC traffic assessment:

- **Access Arrangements:**
  - The current assessment has not included revised estimates of turning traffic volumes at the access intersections;
  - The operational performance of the access intersections has not been assessed in detail including with the new traffic volumes noting the current proposal will result in an increase in total site traffic generation of in excess of 200 vehicles per hour; and
  - The safety of the access intersections has not been considered as part of this assessment.
- **Colmslie Road / Lytton Road / Junction Road**
  - The analysis of this intersection for the 10 year design horizon has adopted a signalised intersection layout. There is no commentary about when this is required, how it will be delivered and by whom;
  - The assessment has failed to consider the operational performance of the intersection even partially into the future absent the upgrade;
  - The assessment of this intersection has been based on historic traffic data and a range of assumptions made previously without independent verification of the reasonableness of the assumptions, noting that the current assessment has itself highlighted some irregularities in the previous report it has referred to in formulating the traffic volumes utilised in the analysis; and
  - No attempt has been made to calibrate/validate the performance of the roundabout to current observed operational measures to ensure that the traffic modelling is accurately representing observed operational conditions.
- **Network Based Assessment**
  - The assessment undertaken has not considered the interaction of the Colmslie Road / Lytton Road / Junction Road roundabout with the adjacent intersections to the east and west nor has it contemplated the interaction of the site access driveways with this intersection; and
  - Given that the analysis identified significant queues, particularly in the signalised form, it would be reasonable that some form of network based assessment be undertaken, or at very least, some commentary about the potential impacts of this interaction between intersections.

It is noted that this most recent traffic report by HTC concedes that the various plans and traffic data relied on to justify the current arrangement have not been viewed in the preparation of this report and in circumstances where errors are claimed to have been identified in certain of those previous reports.<sup>4</sup> Consequently, the HTC traffic report is based a number of unproven assumptions to justify the use. It is important to note, the underlying Low and Medium Impact Industry and Warehouse use was made and approved on the basis that the proposal was for a relatively low traffic generating uses and as such would not have substantial impacts on functioning or efficiency of Colmslie Road and the wider road network. This new proposal for Indoor Sport and Recreation cannot reasonably rely on this same basis for approval, as the traffic generation for such uses are significantly different to the industrial purposes for which the land has been approved.

#### **D. Reliance on major upgrades to the road network**

The proposed development relies on planned upgrades to the Lytton Road / Colmslie Road intersection, which Brisbane City Council has indicated no intention to deliver in the near future and

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<sup>4</sup> See pages 4-5, para (i) – (iv). See also page 6, para (v) for an error claimed to exist in a previous report.

from our understanding, is arguably considerably underfunded in the current Local Government Infrastructure Plan. The development application has not demonstrated that the proposed development does not compromise the existing road network and is consistent with the relevant provisions of City Plan 2014 as noted in **Figures 8-13**.

#### **E. Insufficient Carparking**

The application has also failed to demonstrate how the site can adequately accommodate the proposal in terms of carparking demand and requirements of the Transport, Access, Parking and Servicing Code. It is estimated, based on the scale of the proposal, a total of 506 carparking spaces should be provided. This is based on the following:

- Gym:
  - Carparking rate for Indoor Sport and Recreation, if a gymnasium - 10 spaces per 100sqm of GFA
  - Proposed 4,772sqm of GFA
  - 478 spaces
- Bouldering Gym:
  - Carparking rate for Indoor Sport and Recreation, in all other cases – 5 spaces per 100sqm of GFA
  - Proposed 805sqm of GFA
  - 41 spaces
- Total = 519 spaces

The underlying development approval (of which this proposal utilises approximately 48.7% of GFA) provides for 338 spaces, which represents a significant shortfall in carparking spaces. It is difficult to see how the carparking demand could be accommodated on this site whilst also allowing for the balance of “The Depot” development to be developed for those uses intended by the underlying development approval.

Of note in regard to the assessment of the carparking demand, the HTC traffic report makes the assumption that members of the gym arrive 15 minutes prior to class and depart 15 minutes after class has finished. Given the nature and scale of the proposed facility, it is difficult to see how this is a reasonable assumption, particularly as the facility provides a multitude of activities and classes for members to utilise. As a result, members are far more likely to attend the site for far longer periods than would be expected of a stand-alone gym of a smaller scale.

The HTC traffic report also states that the Newstead Total Fusion gym generates a parking demand in excess of the rate required by City Plan 2014, however adopts a far lower rate on the basis of the two other centre based facilities. The report does not justify how the Newstead facility differs so significantly from the facility proposed that the carparking rate can be disregarded or how this development shares any characteristics with the other centre based facilities that no doubt rely on a much larger pool of carparking.

A final further point, the HTC traffic report does not adequately address the potential for peak parking demand overlaps between the proposed development and other industry and associated activities that are intended to develop on this land. It appears to assume that there is no overlap, which has the potential to limit the scope of uses that may establish in this development due to insufficient parking.



**Figure 8: Strategic Framework Provisions Relevant to Traffic Engineering Matters****Strategic Framework – 3.3 Theme 1: Brisbane’s globally competitive economy****3.3.1 Strategic outcomes**

...

*(f) Brisbane's highly effective infrastructure including airports and seaports, freight and advanced communications infrastructure fosters the efficient operation of the city's economic activity including the Major Industry Areas, Strategic Inner City Industrial Areas, Major centres, Special centres and other economic areas.*

**3.3.3 Element 1.2 – Brisbane’s industrial economy**

SO5

*Brisbane's industrial areas have a high degree of connectivity which is protected and enhanced.*

AND

L5.1

*Development optimises the use and efficiency of freight routes and they are protected from encroachment by sensitive land uses.*

**3.6 – Theme 4: Brisbane’s highly effective transport and infrastructure****3.6.1 Strategic outcomes**

*(1) Brisbane is served by appropriate infrastructure—the land, facilities and services that support economic growth and meet environmental and social needs.*

**Transport Infrastructure network**

*Transport networks provide efficient and reliable travel options for:*

*(a) workers to access jobs;*

*(b) residents and visitors to access services;*

*(c) business and industry to operate effectively and productively.*

*Freight moves easily between industrial areas, major interstate routes and the seaport and airport.*

**3.6.2 Element 4.1 – Brisbane’s transport infrastructure networks**

SO1

*People and goods can move safely on the road network by the most efficient modes and routes, and the impact of traffic on neighbourhoods and the environment is minimised.*

AND

L1.1

*Development contributes to the safety and efficiency of the road network and seeks to minimise impacts of traffic on surrounding areas.*

SO2

*Brisbane's road network is protected and enhanced.*

AND

L2.1

*Development protects and enhances the existing and future road corridors, as identified in the Road hierarchy overlay.*

SO3

*Brisbane's road network has improved connectivity and enhanced network design.*

AND

L3

*Development provides roads or upgrades to:*

...

*(c) provide adequate connections to the Major Industry Areas*

SO4

***Brisbane's road network supports the city's network of centres and Major Industry Areas.***

AND

L4

***Road network functions do not compromise the viability of centres and Major Industry Areas.***

SO11

***Brisbane's freight network ensures the efficient movement of freight to Major Industry Areas.***

AND

L11

***Development protects and enhances the primary freight route that supports the Major Industry Areas, including Brisbane Airport and Port of Brisbane, as identified in the Road hierarchy overlay.***

SO12

***Brisbane's freight routes are protected in terms of their role and efficiency.***

AND

L12

***Development supports the safety and efficiency of the primary freight routes and the primary freight access.***

SO15

*Brisbane business efficiency and urban amenity is enhanced by reducing the number and length of road freight movements.*

AND

L15.1

***Industrial land is allocated in concentrated rather than dispersed locations to support the co-location of suitable industries and enable ready access to the Australia TradeCoast and airports and seaports at Brisbane Airport and Port of Brisbane.***

AND

L15.2

***Land is zoned to enable industries intending to export long distances to locate close to or along major freight routes and intermodal terminals.***

### 3.7 Theme 5: Brisbane's CityShape

#### 3.7.1 Strategic Outcomes

*(1) The strategic outcomes for the CityShape theme are:*

***(c) Brisbane's Major Industry Areas are significant employment generators for the city and Queensland which:***

...

***(vi) are serviced by major transport infrastructure which provides for:***

***(A) more sustainable travel modes such as public transport, walking and cycling;***

***(B) efficient freight, air and sea transport within the city and to key freight access points and routes to and from the city (shown below in Figure C).***

#### 3.7.3 Element 5.2 – Brisbane's Major Industry Areas

SO1

*The Australia TradeCoast is serviced by improved road and freight transport networks which are supported by development.*

AND

L1.2

*Development supports improved connections between the Australia TradeCoast and the south-west industrial gateway to facilitate movement of freight and workers.*

**Figure 9: Industry Zone Code Provisions Relevant to Traffic Engineering Matters**

#### 6.2.5.2 Industry Zone Code

***(5) Development form overall outcomes are:***

...

***(b) Development responds to land constraints, mitigates any adverse impacts on environmental values and addresses other specific characteristics, as identified by overlays affecting the site or in codes applicable to the development.***

**Figure 10: River Gateway Neighbourhood Plan Code Provisions Relevant to Traffic Engineering Matters**

#### 7.2.18.3 River Gateway Neighborhood Plan

##### 7.2.18.3.2 Purpose

***(3) The overall outcomes for the neighbourhood plan area are:***

...

***(c) Development does not constraint the ability of existing development to operate as intended.***

**Figure 11: Indoor Sport and Recreation Code Provisions Relevant to Traffic Engineering Matters**

#### 9.3.11 Indoor Sport and Recreation Code

##### 9.3.11.2 Purpose

***(2) The purpose of the code will be achieved through the following overall outcomes:***

...

***(e) Development provides sufficient on-site provisions for parking and manoeuvring***

**Figure 12: Road Hierarchy Overlay Code Provisions Relevant to Traffic Engineering Matters****8.2.18 Road Hierarchy Overlay Code****8.2.18.2 Purpose**

(2) *The purpose of the code will be achieved through the following overall outcomes:*

(a) *Development contributes to the **safe and efficient operation of the existing and planned road hierarchy and to the function of the road** as part of Brisbane's public domain.*

...

(c) *Development that changes the function of a road by generating traffic does so such that the new function of the road in the hierarchy is compatible with the surrounding road hierarchy **and where necessary is reconstructed to meet its new design parameters.***

...

(f) *Development ensures that land uses are located to support and implement a **safe and efficient road hierarchy facilitating the efficient movement of people and goods.***

**8.2.18.3 Performance outcomes and acceptable outcomes****Table 8.2.18.3****PO2**

*Development does not **compromise the safety, efficiency and function of the road hierarchy** and addresses all the impacts to the road network.*

**AND****AO2.1**

*Development ensures that the **traffic generated by the development is consistent with the road hierarchy classification, function and expected traffic flows for the area.***

**PO3**

*Development makes provision for the extension, expansion and widening of the existing and future road network where required.*

**PO3A**

*Development provides for the payment of extra trunk infrastructure costs for the following:*

...

(b) *for development completely inside the priority infrastructure area in the Local government infrastructure plan involving:*

**(i) trunk infrastructure that is to be provided earlier than planned in the Local government infrastructure plan;**

**(ii) long term infrastructure for the road network which is made necessary by development that is not assumed future urban development;**

**(iii) other infrastructure for the road network associated with development that is not assumed future urban development which is made necessary by the development.**



**Figure 13: Transport, Access, Parking and Servicing Code Provision Relevant to Traffic Engineering Matters****9.4.11 Transport, access, parking and servicing code****9.4.11.2 Purpose**

*(a) Development provides for access, circulation, parking and vehicle-based services for all relevant transport modes, including walking, cycling and public transport relevant to the nature of the proposed development and its location in relation to the transport network and surrounding existing and future land uses.*

...

*(c) Development provides safe access for all transport modes that does not impact adversely on the efficiency and safety of the transport network or diminish the amenity of nearby land uses.*

...

*(e) Development provides site access arrangements to ensure that any adverse impacts on other development, the transport network and those who use it, are minimised to maintain amenity of the area and the safety and efficiency of the transport system.*

..

*(j) Development provides for on-site parking and manoeuvring areas for cars, motorcycles, bicycles and service vehicles which:*

*(i) are safe and convenient to use;*

*(ii) if outside the City core and the City frame identified in Figure a are adequate to meet the design peak-parking demands without significant overflow to adjacent premises or the generation of excessive on-street car parking demand, taking into account the requirements of other road users.*

**9.4.11.3 Performance outcomes and acceptable outcomes****Table 9.4.11.3****PO1**

*Development is designed:*

*(a) to include a technically competent and accurate response to the transport and traffic elements of the development;*

*(b) in accordance with the standards in the Transport, access, parking and servicing planning scheme policy;*

*(c) to ensure the efficient operation and safety of the development and its surrounds.*

**AND**

**AO1**

*Development complies with the standards in the Transport, access, parking and servicing planning scheme policy.*

**PO3**

*Development provides vehicle access that is located and designed so as to have no significant impact on the safety, efficiency, function, convenience of use or capacity of the road network.*

**AND**

**AO3.1**

*Development provides site access that is located and designed in compliance with the standards in the Transport, access, parking and servicing planning scheme policy.*

**PO13**

Development outside of the City core and City frame as identified in Figure a provides on-site car parking spaces to accommodate the design peak parking demand without any overflow of car parking to an adjacent premises or adjacent street.

AND

**AO13**

Development outside of the City core and City frame as identified in Figure a:

(a) provides on-site car parking spaces in compliance with the standards in the Transport, access, parking and servicing planning scheme policy; or

...

**PO14**

Development ensures that the number of car parking spaces and design of the car parking area:

(a) meet the combined design peak parking demand for residential, visitor and business parking;

(b) allow for the temporal sharing of car-parking spaces for uses with different peak parking demands.

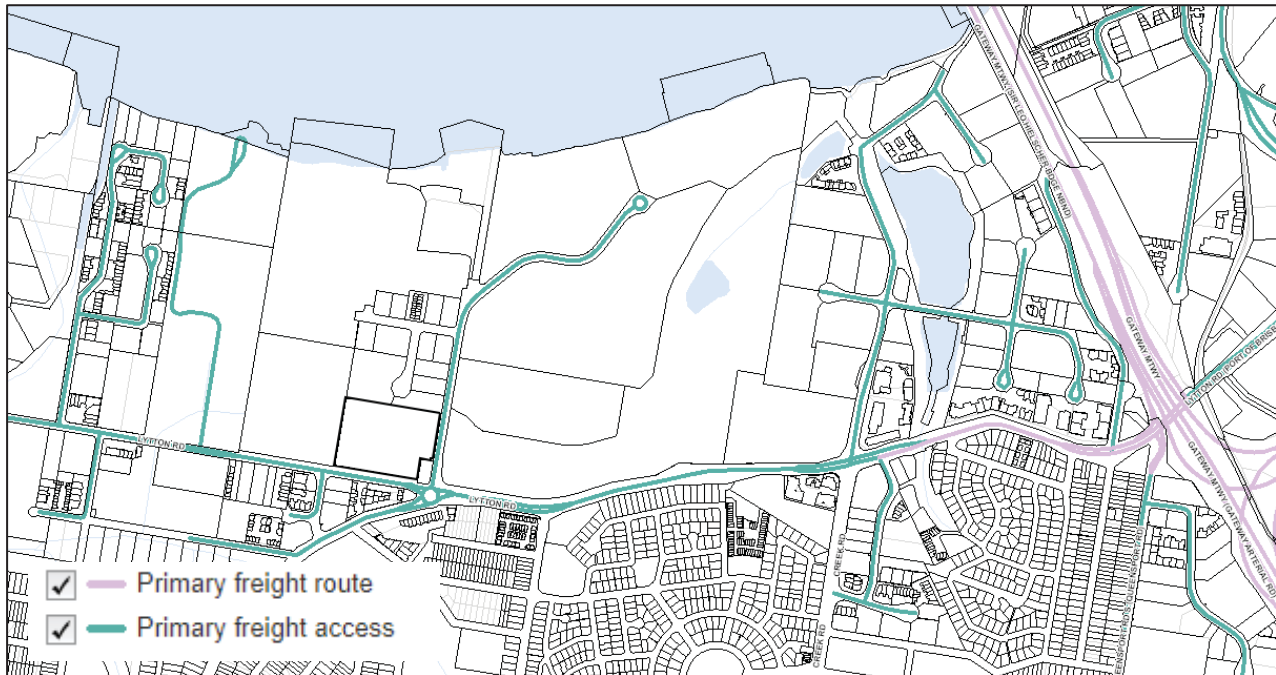
Note—In order to demonstrate that adequate car parking is provided, a traffic impact assessment prepared in compliance with the Transport, access, parking and servicing planning scheme policy is to identify the appropriate number of car parking spaces to be provided.

AND

**AO14.1**

Development provides a number of car parking spaces on site equalling the sum of the maximum design peak parking demand for the individual uses at any point in time.

**Figure 14: Extract of the Road Hierarchy Overlay Map**



### 3. RISK OF REVERSE AMENITY CONSTRAINT

In response to the Council's information request the Applicant provided supporting odour and noise assessments. The odour assessment relies heavily on the point that Indoor Sport and Recreation is not a sensitive land use and the site is not in a mapped industrial amenity overlay area. The assessment of odour impacts is limited to those emissions from the nearby ACC abattoir and the approved service station only. The noise assessment is largely limited to an assessment of the noise impacts from the proposed facility on sensitive receptors.

Both reports fail to appropriately consider the risk of reverse amenity constraint the proposed development will have on the site and surrounding industry zoned land to be able to accommodate and operate as intended for industry and associated purposes. As previously discussed, the site sits within a Major Industry Area which is intended to accommodate a wide range of industrial activities. There are various provisions throughout City Plan 2014 as noted previously in this submission which require the protection of the Major Industry Area so that existing and future industrial uses can operate as intended and are protected from the encroachment of incompatible land uses. The introduction of non-industrial uses, particularly of a scale proposed for indoor sport and recreation as a health based gymnasium use, has the potential to impose a reverse amenity constraint upon the lawful establishment and operation of other industrial uses which may generate noise or air pollutant emissions which are regarded by users of the facility as objectionable. There is a particular risk of this occurring when such a large non-industrial use is one of the first uses to establish in a newly developed "industrial" precinct. The reverse amenity constraint imposed by the use may in effect sterilise lawful development of industrial uses which generate noise and air pollutant emissions and will deter genuine industry uses from locating in the precinct due to:

- Proximity to a use that has many characteristics of a sensitive land use (as discussed previously – a very large health based gymnasium use), including the significant number of people attending the site daily, the motivation of those patrons to improving their health and learning new skills and practices which is completely at odds with the operation of most industrial and associated activities, including warehousing and low impact industry which typically includes heavy vehicle access and noise generating activities;
- Potential concerns regarding exposure of patrons to air pollutant emissions/odours from their operations;
- The perception that there is the risk of complaints from patrons of the facility, whether these complaints are technically valid or not;
- Concerns that patrons will perceive their industrial operations as non-conducive to the established facility, particularly where such a facility is the first to commence operation.

In summary, the establishment of a large health based use (gymnasium) within a developing industrial area has the potential to impose reverse amenity constraint upon the lawful operation of future industrial uses in the precinct which generate noise and air pollutant emissions that may be deemed objectionable by users of the proposed facility.

The assessment benchmarks in **Figure 15**, extracted from the Centre of Mixed Use Code, deal with reverse amenity considerations and incompatibility with potential industrial uses.

Further, the introduction of a facility such as this will only encourage other non-industrial uses to locate within this precinct in an effort to 'co-locate' with a facility of this scale and nature. Whilst it is acknowledged that these uses will require a development application in their own right, if this facility is approved such applications will rely heavily on that approval to justify other non-industrial land uses. This will only further erode the prospects of other genuine industries and associated activities from locating within the precinct.

**Figure 15: Centre or Mixed Use Code Provisions Relevant to Reverse Amenity Matters****9.3.3 Centre or Mixed Use Code****9.3.3.2 Purpose**

*(b) Development is tailored to the location of the site considering its intensity of activity, range of use and proximity to higher capacity public transport services, government services, community facilities and other infrastructure and presents a coordinated and integrated building, open space and innovative landscaping response to the street and adjoining public spaces.*

*(c) Development involving new premises contributes to the economic activity and vitality of the location and is appropriate to its relative catchment and expected hours of operation.*

...

*(e) Development contributes to the overall structure and integration of the site with the local area and:  
(i) does not isolate or negatively impact on the development potential of adjoining sites.*

**9.3.3.3 Performance outcomes and acceptable outcomes****Table 9.3.3.3.A****PO14**

*Development does not isolate or negatively impact on the development or potential or future amenity of an adjoining site.*

**AO14**

*Development ensures that:*

...

*(b) a concept plan for the development can be physically achieved on and adjoining site at a later stage, commensurate the intent of the zone and zone precinct or neighbourhood plan requirements.*



## 6.0 OTHER PLANNING GROUNDS

Further to the inconsistency with the assessment benchmarks of City Plan 2014, this section of the submission considers other relevant matters and matters that impact assessment must have regard to generally under the *Planning Regulation 2017*.

### 1. PLANNING, ECONOMIC AND COMMUNITY NEED

An Economic Input advice has been prepared by Norling Consulting and is included in **Attachment C**. That advice provided a review of the Market Potential and Impact Assessment prepared by Location IQ and submitted with the development application.

The primary findings of that advice are that the Location IQ assessment is seriously flawed should not be relied on as it:

- Has failed to properly consider the zones where Indoor Sport and Recreation is a preferred use such as the Mixed Use Zone and Specialised Centre Zone;
- Falsely claims the site is not suitable for industrial users;
- Does not provide any justification for why the proposed development would not compromise the future use of the surrounding industry areas;
- Incorrectly describes the potential loss of land for industrial purposes as not being of significance;
- Unnecessarily claims the proposed development would provide an ideal buffer between industrial and sensitive residential uses when such buffers already exist;
- Does not provide a proper assessment of the oversupply of Sport and Recreation zoned land within the Main Trade Area;
- Overstates the demand for gymnasiums for industrial workers in the Australia TradeCoast;
- Does not adequately identify a demand for Indoor Sport and Recreation facilities within the Main Trade Area.

Mr Norling concludes the application should not be supported. He states: *“the proposed Application has the real potential to adversely impact the economic operation of existing General Industry activities on General Industry zoned lands”* and *“...a community, economic and planning need has not been established by the Applicant.”* Further he finds that there are many potential locations where an Indoor Sport and Recreation Facility could be developed as Code Assessable development.

### 2. EXISTING DEVELOPMENT APPROVAL

Impact Assessment must be carried out having regard to any development approval for the premises<sup>5</sup>. A significant aspect of the Applicant’s argument, as presented in the Market Potential and Impact Assessment prepared by Location IQ and submitted with the application, is made on the basis that the previous development approval (as discussed in Section 3.0 of this submission) and which establishes the built form for the site, does not in fact allow for the site to be used for the purposes for which it has been approved (i.e. typical or modern industrial uses) based on the size of the site, limited heavy vehicle access and proximity to sensitive uses. The conclusion reached - the site would not be used for traditional industrial facilities but rather showroom / services.

The previous approvals (being the original application and first, second and third change applications) were for Low and Medium Impact Industry and Warehouse. No Showroom component or retailing aspects have been approved. The application material for the original approval specifically stated: *“The new building will encompass a multitude of tenancies that have been designed to cater for a range of industrial and warehouse purposes.”* The supporting specialist reports that accompanied that original application and the subsequent change applications, including most notably the various traffic assessments by various consultants, were all

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<sup>5</sup> *Planning Regulation 2017* (section 31(1))

prepared, assessed and approved on the basis of the land being used for Low and Medium Impact Industry and Warehouse.

If it is now claimed by the Applicant that the site is incapable of accommodating such uses, then this brings into serious question the validity and basis upon which those earlier applications were made and approved. This also suggests very strongly that the incremental nature of this development, as expressed previously in Section 3.0 of this report, was a deliberate and strategic process to achieve a development outcome on the site that is inconsistent with the land use intent and infrastructure assumptions (i.e. road network) for the site and surrounding locality.

### 3. OTHER MATTERS

Other matters that Council may wish to have regard to in its assessment of the application:

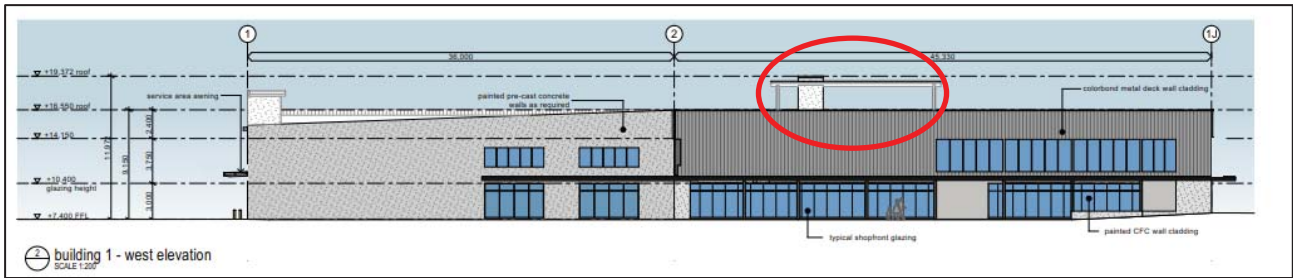
- **Enclosure of the approved roof space**

As shown in **Figure 16** the roof space on Building 1 has been enclosed by the Applicant. The most recent generally in accordance approval from February 2020 for this space clearly shows this area as unenclosed (**Figure 17**). The enclosure of this space provides additional gross floor area beyond that approved.

**Figure 16: Enclosed Roof Space on Building 1**



Figure 17: Approved GIA Western Elevation of Building 1



- **Internal fit out of Building 1 for gym has commenced**

The Applicant has clearly pre-empted a development approval from Council, with the tenancy currently being fitted with gym equipment. The intended tenant is also actively marketing the facility on social media and its website.<sup>6</sup> This can affect community expectations ahead of Council’s proper assessment of the application. The fit out should not be allowed to continue until a decision is made on the application.

We trust this submission will be of assistance to Council in their assessment of the application. If any aspect of the above requires clarification, please do not hesitate to contact the undersigned.

Yours faithfully

Refused under section 47(3)(b) of the RTI A

**REEL PLANNING PTY LTD**

<sup>6</sup> See for example [totalfusion.com.au/morningside](http://totalfusion.com.au/morningside)



**REEL PLANNING**  
URBAN AND RURAL STRATEGIES

## **ATTACHMENT A – DEVELOPMENT HISTORY SUMMARY**



ATTACHMENT A1 – DEVELOPMENT HISTORY OVERVIEW

APPLICATION DETAILS

**Original Application**  
(A004351560)

Lodged: 24 March 2016

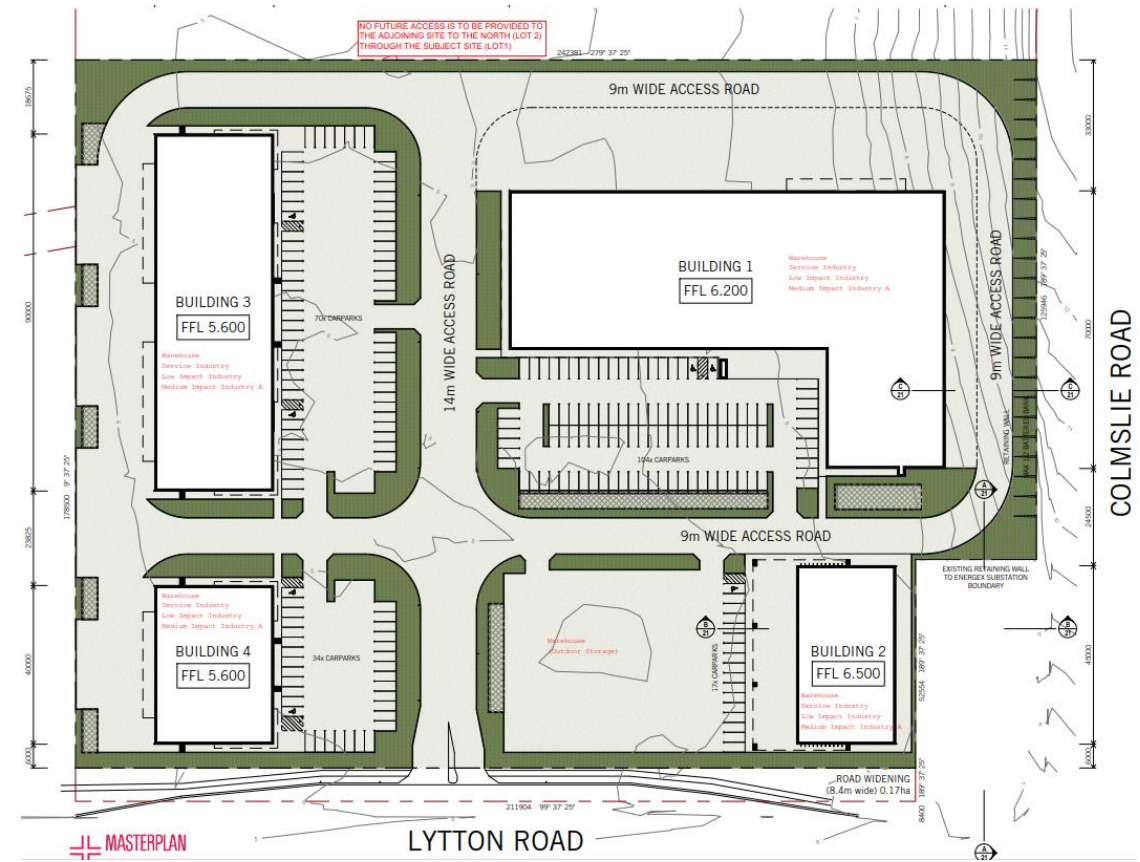
Approved: 28 October 2016

DESCRIPTION OF USE AND BUILT FORM CHANGES OF NOTE

- **Uses:** Warehouse; Low Impact Industry and Medium Impact Industry\*
- **Built Form:** Four large warehouse style buildings (large format, limited building openings / façade treatments, concrete tilt up panels). Two buildings with small ancillary offices. Building 1 (5,300sqm); Building 2 (1,125sqm); Building 3 (3,090sqm); and Building 4 (1,380sqm). Building well-spaced across the site with ample service vehicle / delivery manoeuvring areas and individual carparking areas. Service vehicle access at the rear of each building.
- **Gross Floor Area:** 10,895sqm
- **Carparks:** 224 spaces (2.05 spaces per 100sqm of GFA)
- **Vehicle Access:** Limited to Lytton Road (all movements entry, left turn egress)

\* Approved Plans reference Service Industry however this use was not approved.

APPROVED SITE PLAN



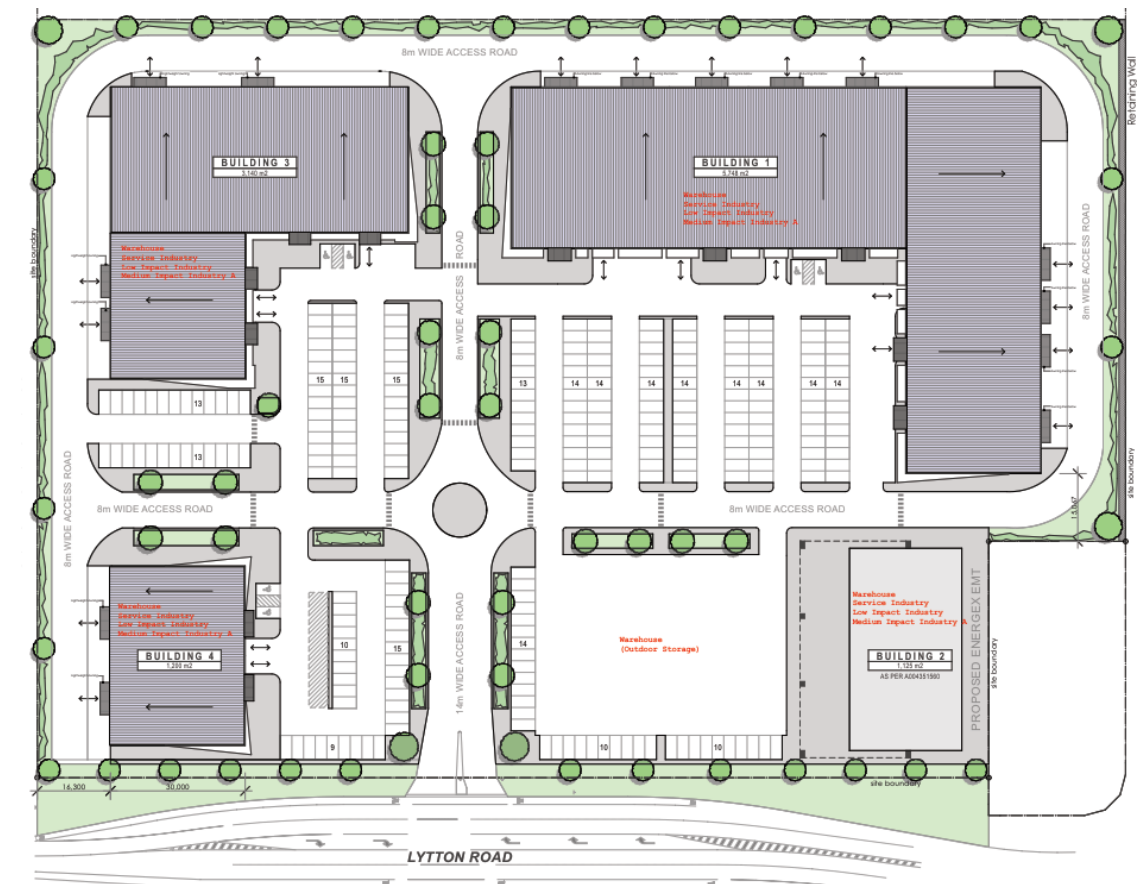
**First Change (Minor) to Original Application**  
(A004685291)

Lodged: 27 June 2017

Approved: 27 October 2017

- **Uses:** Warehouse; Low Impact Industry and Medium Impact Industry\*
- **Built Form:** Four buildings: Building 1 (5,748sqm – increase of 448sqm); Building 2 (1,125sqm – no change); Building 3 (3,140sqm – increase of 50sqm); and Building 4 (1,200sqm – reduction of 180sqm). Configuration of buildings changed to showroom style complex with buildings pushed to the edge of the site and centralised parking area. Service vehicle access and manoeuvring areas compressed, particularly for Building 1.
- **Gross Floor Area:** 11,213sqm (increase of 318sqm)
- **Carparks:** 270 spaces (increase of 46 spaces) (2.4 spaces per 100sqm of GFA)
- **Vehicle Access:** No change - limited to Lytton Road

\* Approved Plans reference Service Industry however this use was not approved



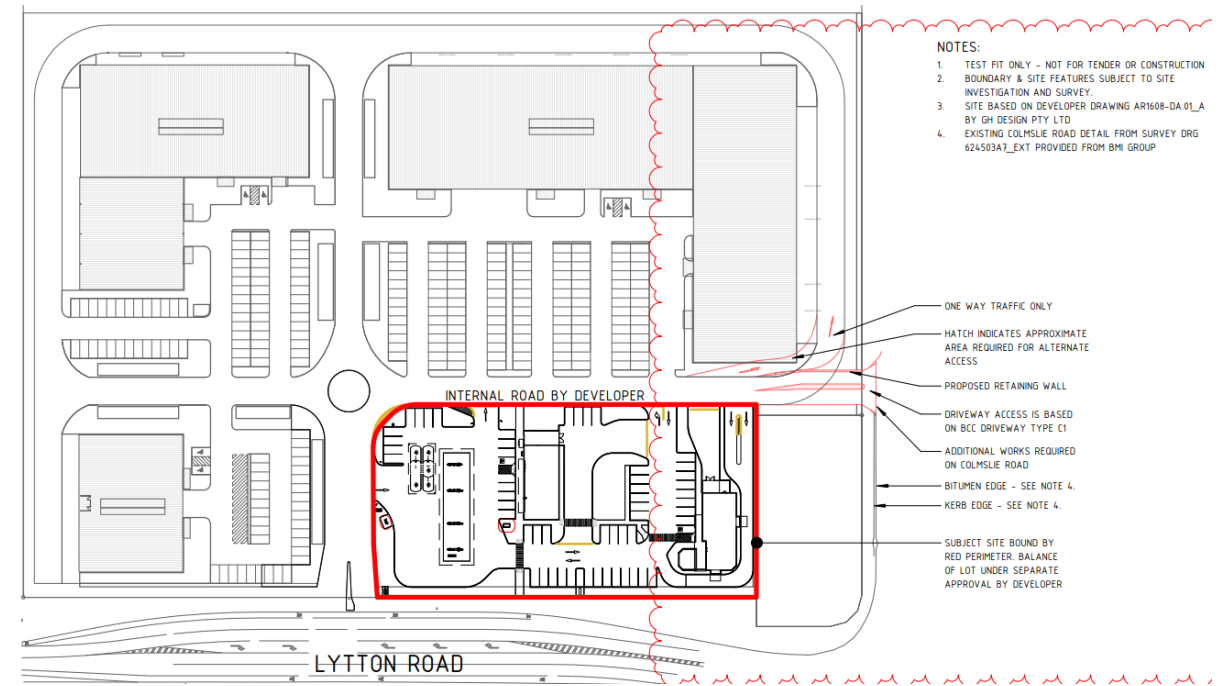
**New Application for Service Station and Food and Drink Outlet**  
(A004807894 and Appeal No. 1754 of 2018)

Lodged: 5 December 2017

Initial Council Decision (Refused): 18 April 2018

Approved: 22 November 2018 (by Consent Order of the Court)

- **Uses:** Addition of Service Station and Food and Drink Outlet
- **Built Form:** Addition of new uses commercialises Lytton Road frontage of the site
- **Gross Floor Area:** 220sqm Service Station plus 248sqm Food and Drink outlet = 468sqm
- **Carparks:** 56 spaces for Service Station and Food and Drink Outlet only
- **Vehicle Access:** Addition of access to Colmslie Road (all vehicle movements) (this access was achieved through a Minor Change to application during the appeal)



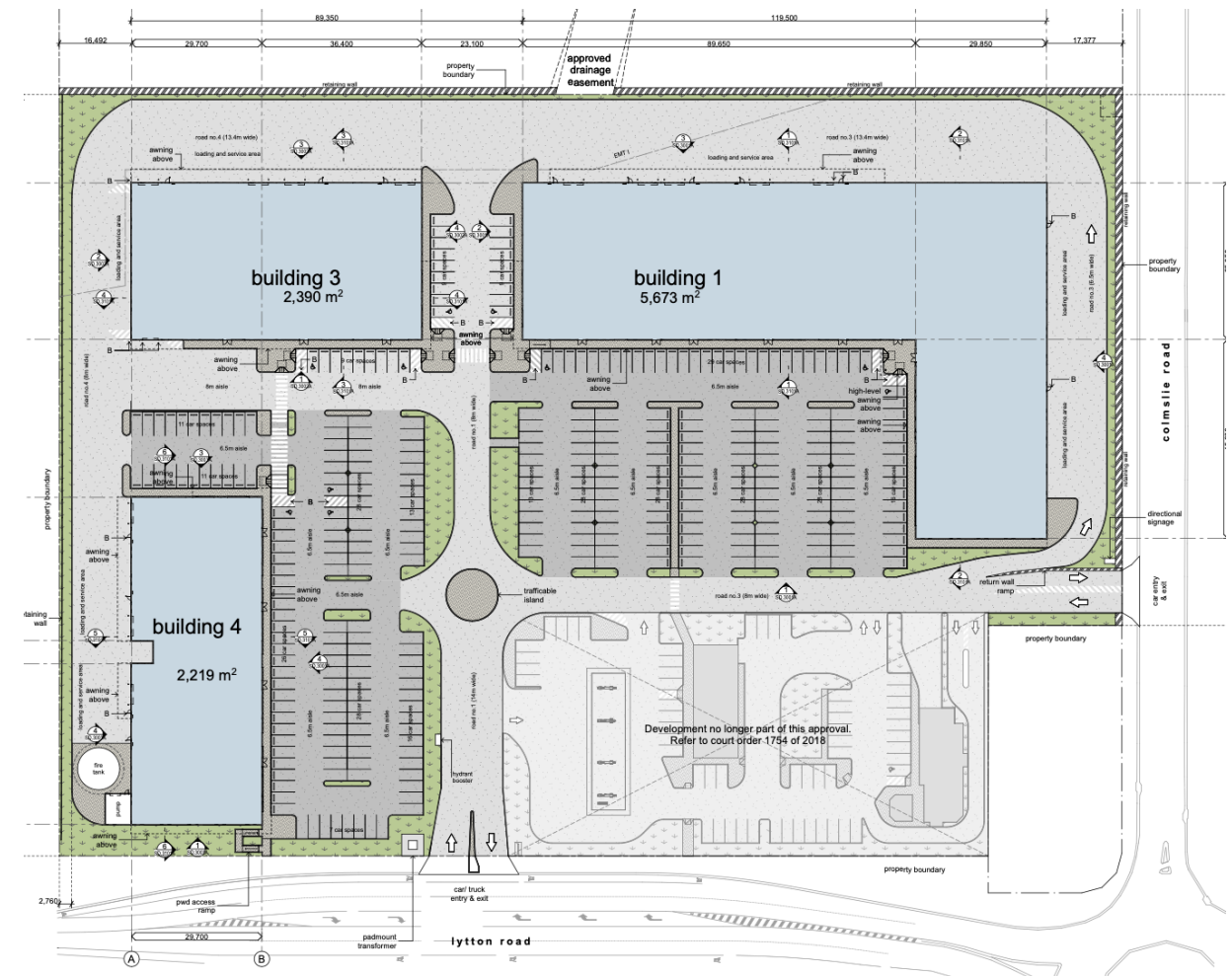
**Second Change (Minor) to Original Application**  
(A005120730)

Lodged: 1 February 2019

Approved: 15 March 2019

- **Uses:** Warehouse; Low Impact Industry and Medium Impact Industry
- **Built Form:** Three buildings: Building 1 (5,673sqm – reduction of 75sqm); Building 3 (2,390sqm – reduction of 750sqm); and Building 4 (2,219sqm – increase of 1,019sqm). Removal of Building 2 and outdoor storage area to allow for Service Station and Food and Drink Outlet approved through Appeal No. 1754 of 2018. Configuration of buildings change again to increase the size of Building 4 and further consolidate parking areas and provide additional parking.
- **Gross Floor Area:** 10,283sqm (reduction of 930sqm due to removal of Building 2 and change to floor areas of Buildings 1, 3 and 4 as noted above)
- **Carparks:** 337 spaces (addition of 67 spaces)\*
- **Vehicle Access:** Changed to utilise additional access to Colmslie Road (all vehicle movements) obtained through Appeal No. 1754 of 2018 for Service Station and Food and Drink Outlet

\*Applicant's Letter prepared by LandPartners dated 1 February 2019 states there is no change to proposed carparking numbers, however the proposal plans show an additional 67 spaces to that approved by the First Change Application A004685291.





**First Change (Other) to Service Station and Food and Drink Outlet Application**  
(A005124689 and Appeal 2127 of 2019)

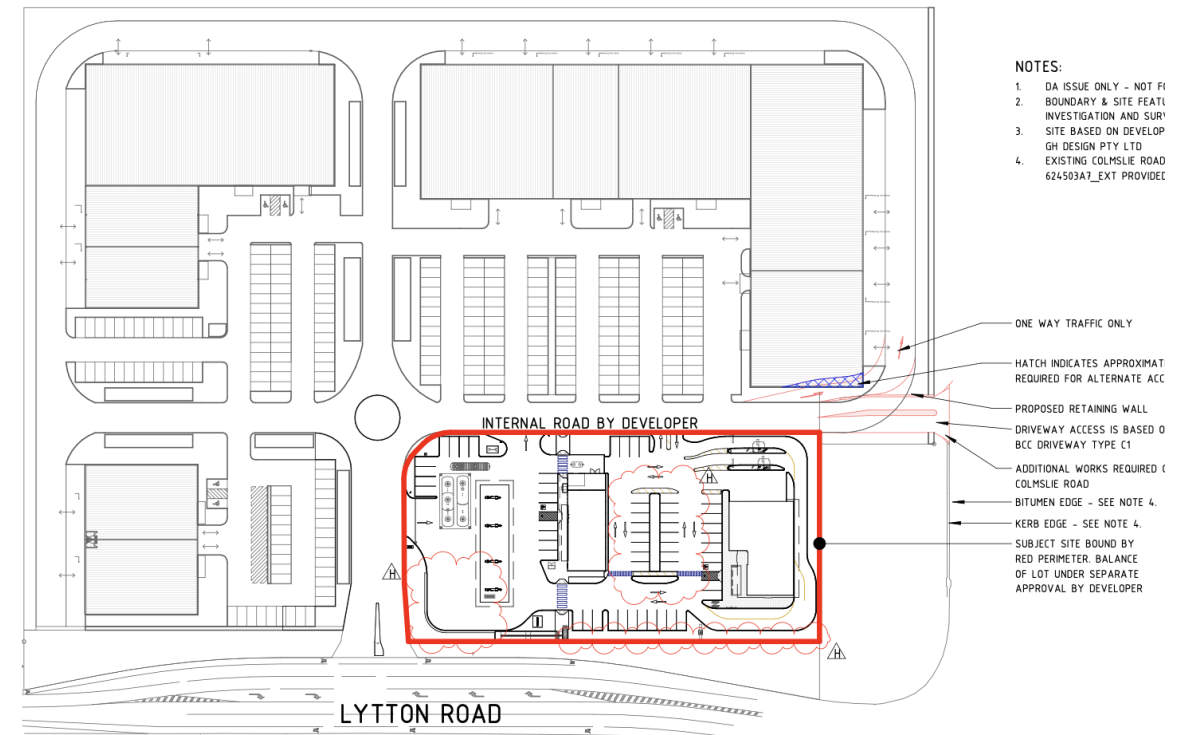
Lodged: 6 February 2019

Initial Council Decision (Refusal): 30 May 2019

Approved: 15 April 2020 (by Consent Order of the Court)

- **Uses:** Service Station and Food and Drink Outlet
- **Built Form:** Increase in size of Food and Drink Outlet and changes to manoeuvring and parking arrangements
- **Gross Floor Area:** 220sqm Service Station plus 350sqm Food and Drink outlet (increase of 102sqm)= 570sqm
- **Carparks:** 57 spaces for Service Station and Food and Drink Outlet only (one additional space)
- **Vehicle Access:** No changes

Note: A further GIA was approved 9 July 2020



**Third Change (Minor) to Original Application**  
(A005277201)

Lodged: 4 September 2019

Approved: 11 October 2019

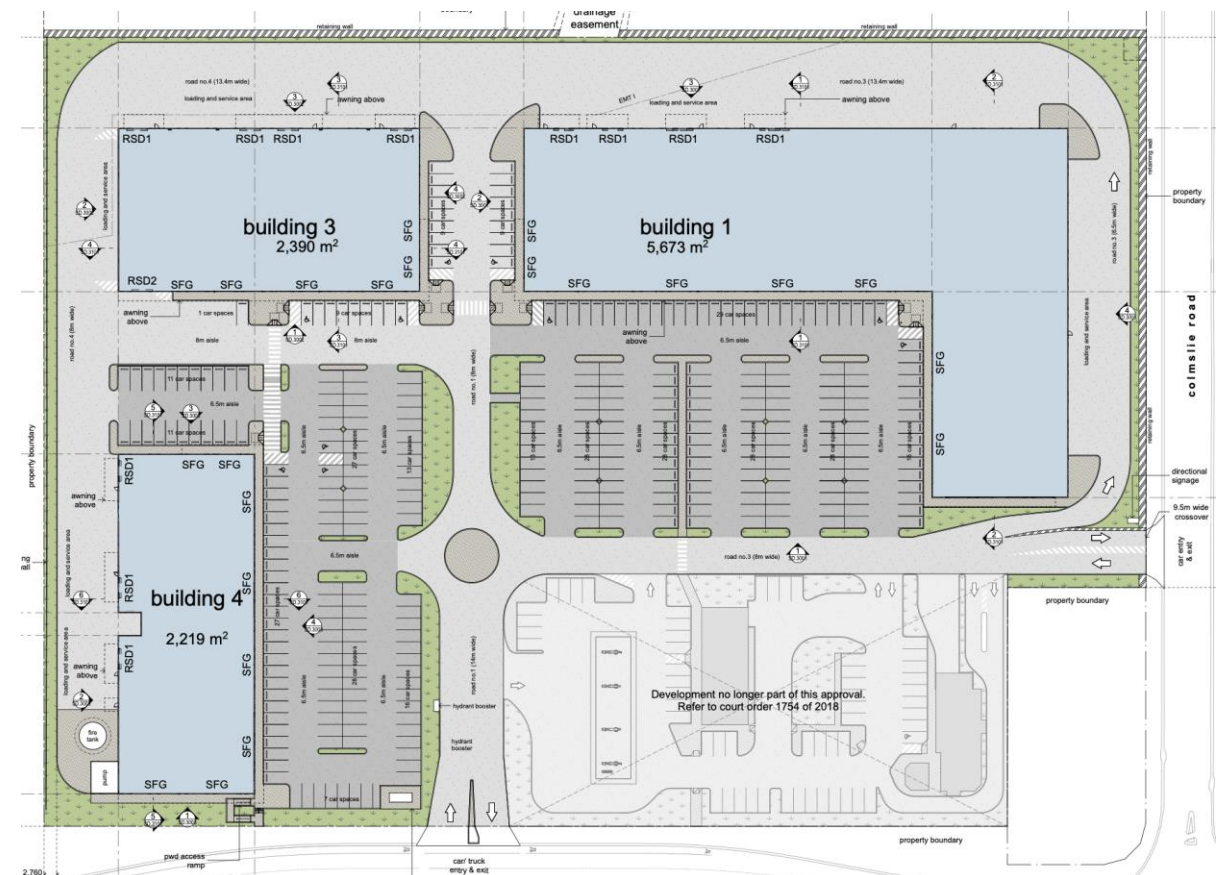
- **Uses:** Warehouse; Low Impact Industry and Medium Impact Industry
- **Built Form:** Three buildings: Building 1 (6,845sqm – increase of 1,172sqm mezzanine); Building 3 (2,390sqm – no change); and Building 4 (2,219sqm – no change)\*.
- **Gross Floor Area:** 11,454sqm\*\* (increase of 1,172sqm)
- **Carparks:** 338 spaces (addition of 1 space from Second Change Application A005120730\*\*\*)
- **Vehicle Access:** No further changes – relies on access to both Lytton Road and Colmslie Road

\* Inconsistencies between approved plans and Applicant's letter of proposed GFA of buildings

\*\* Approved plans erroneously note approved GFA as 11,545sqm, however building areas total 11,454sqm

\*\*\* Applicant's Letter prepared by LandPartners dated 3 September 2019 notes no changes to the approved 338 carparking spaces

Note: A further GIA was approved 20 February 2020



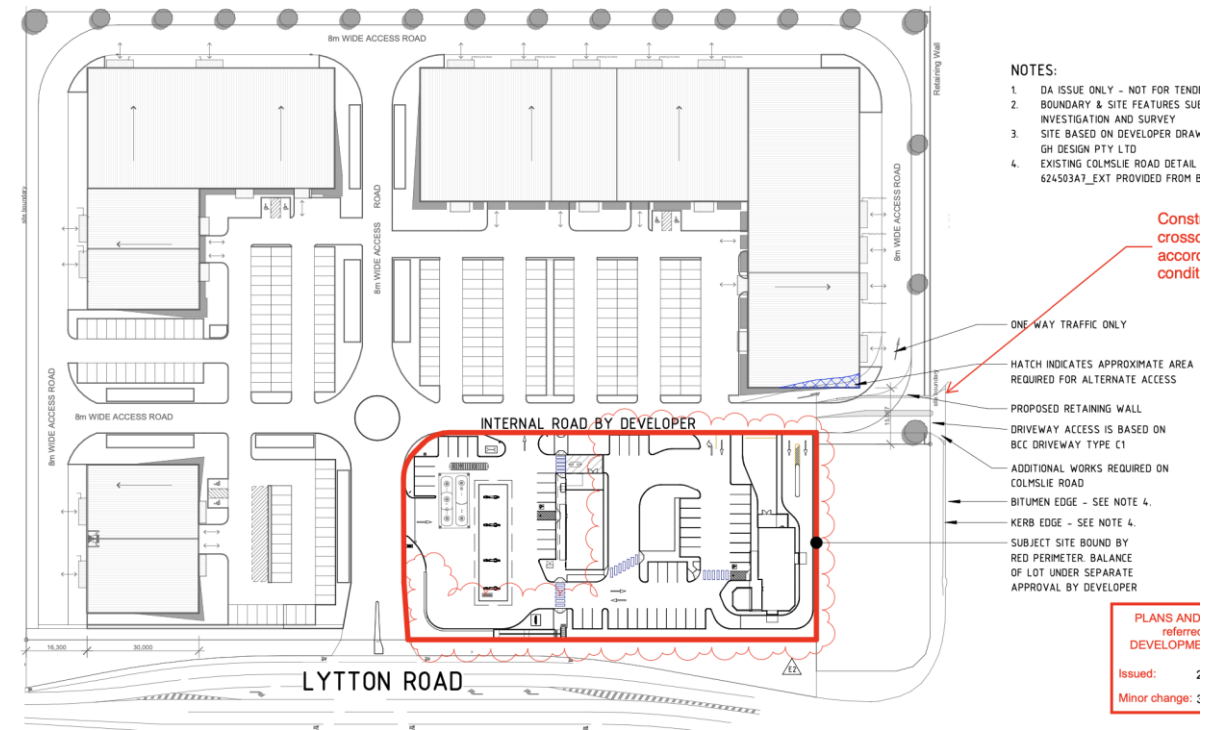
**Second Change (Minor) to Service Station and Food and Drink Outlet Application (A005317868)**

Lodged: 28 October 2019

Approved: 30 January 2020

- **Uses:** Service Station and Food and Drink Outlet
- **Built Form:** Revised layout and staging for Service Station
- **Gross Floor Area:** 220sqm Service Station plus 248sqm Food and Drink outlet = 468sqm (no change from original approval)
- **Carparks:** 52 spaces for Service Station and Food and Drink Outlet only (four less than original approval)
- **Vehicle Access:** No changes

Note: Second Change is to be read in conjunction with First Change Application as each application affected separate parts of the site

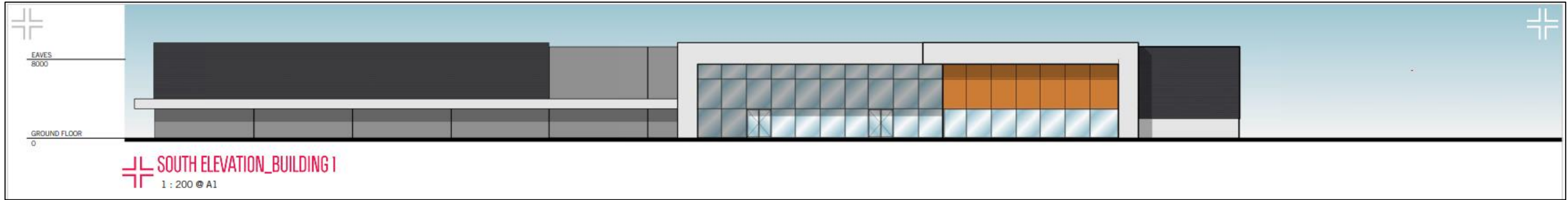




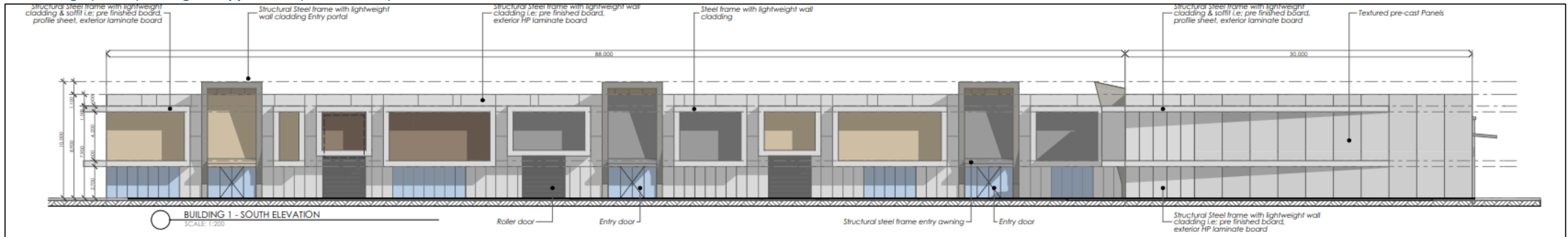
ATTACHMENT A2 – EVOLUTION OF BUILDING FACADES

BUILDING 1 APPROVED SOUTH ELEVATION FAÇADE CHANGES

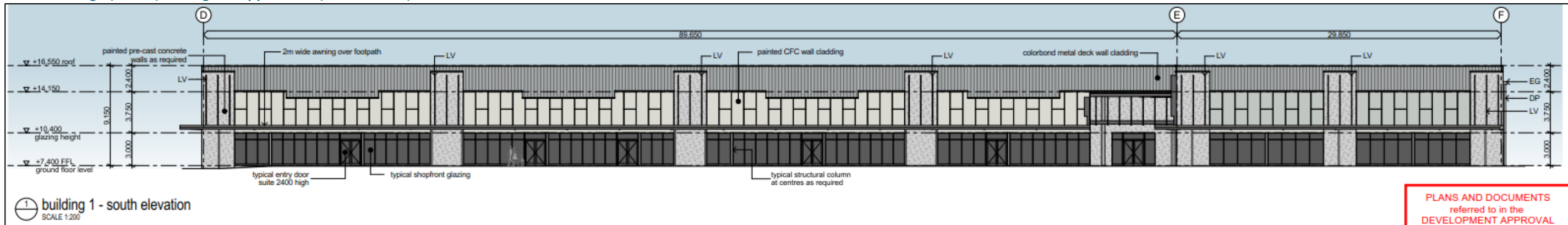
Original Application (A004351560)



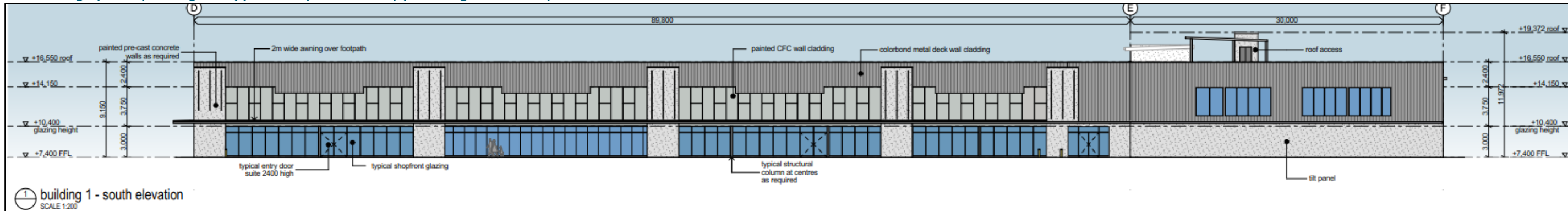
First Change (Minor) to Original Application (A004685291)



Second Change (Minor) to Original Application (A005120730)



Third Change (Minor) to Original Application (A005277201) (including further GIA)



South Elevation (western section) As Constructed



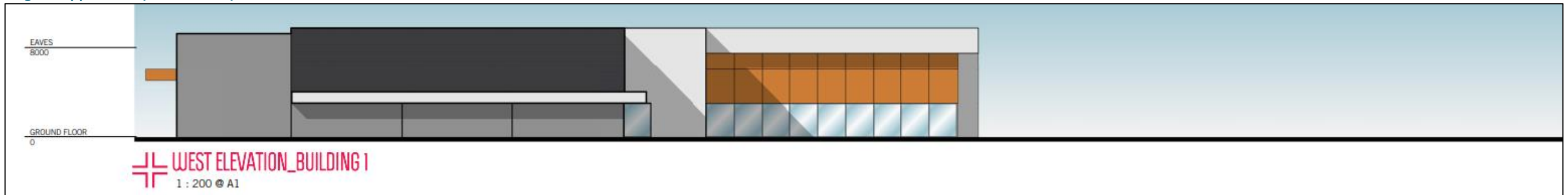
South Elevation (eastern section) As Constructed



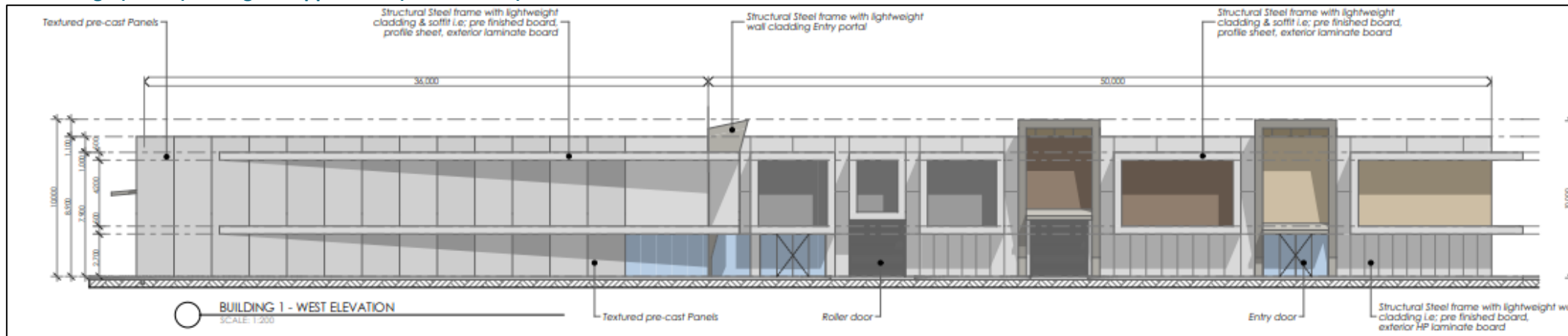


**BUILDING 1 APPROVED WEST ELEVATION FAÇADE CHANGES**

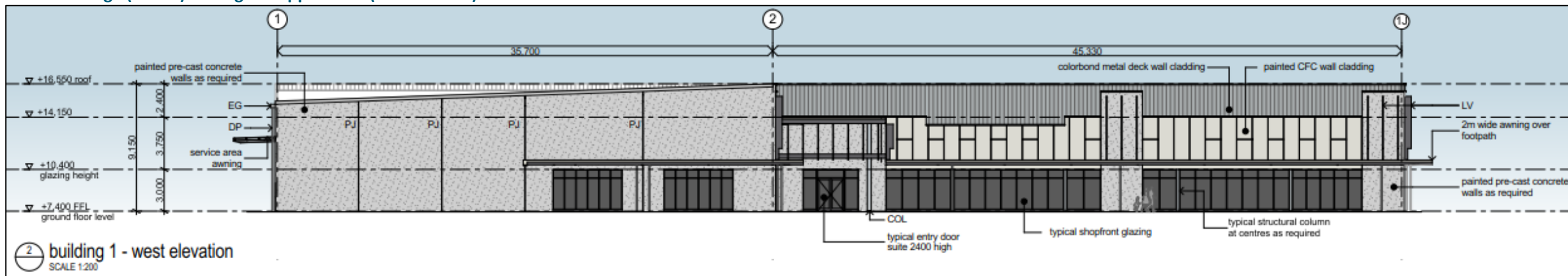
**Original Application (A004351560)**



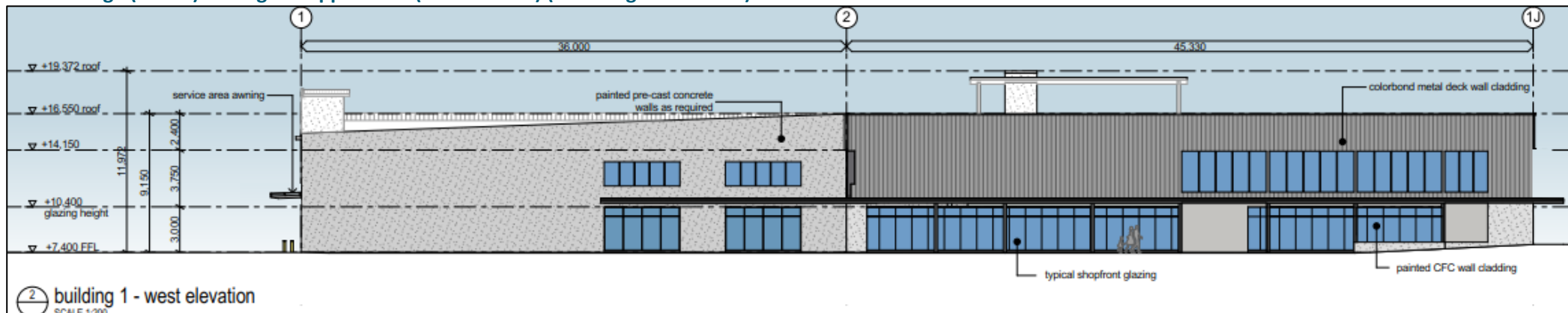
**First Change (Minor) to Original Application (A004685291)**



**Second Change (Minor) to Original Application (A005120730)**



**Third Change (Minor) to Original Application (A005277201) (including further GIA)**





West Elevation (southern section) As Constructed



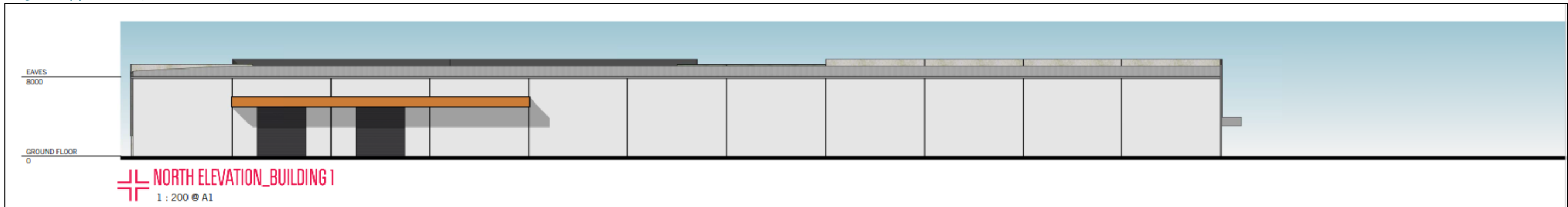
West Elevation (northern section) As Constructed



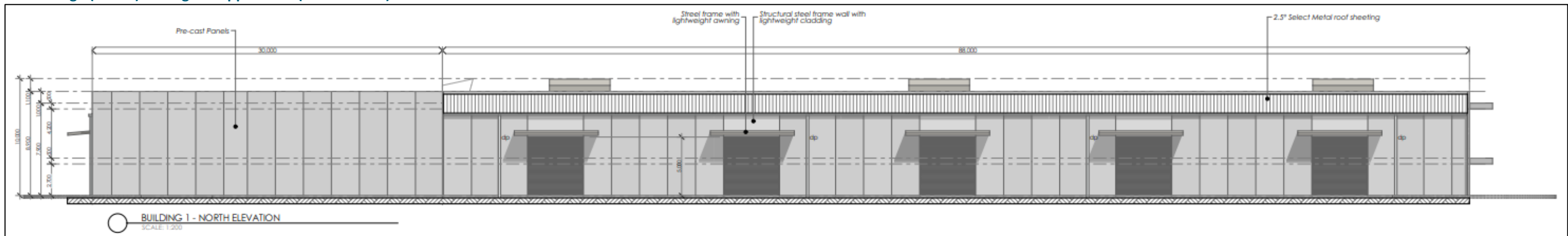


**BUILDING 1 APPROVED NORTH ELEVATION FAÇADE CHANGES**

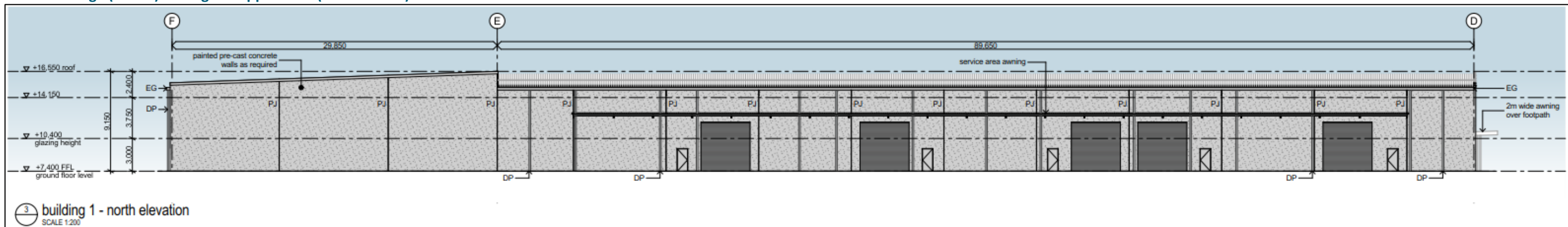
**Original Application (A004351560)**



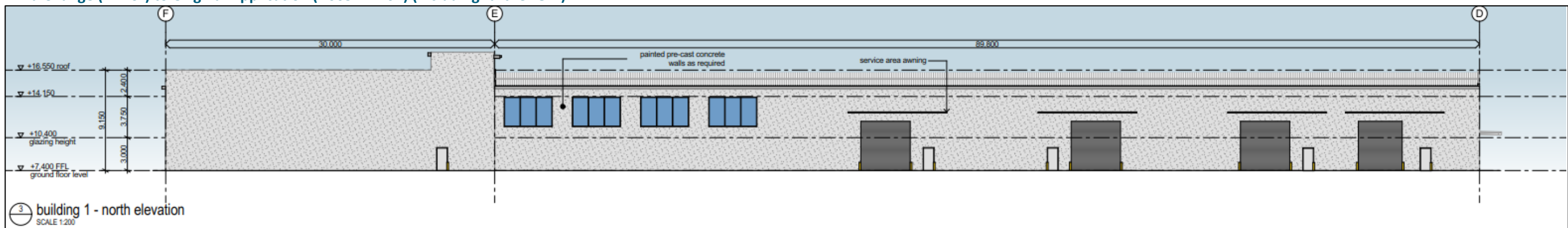
**First Change (Minor) to Original Application (A004685291)**



**Second Change (Minor) to Original Application (A005120730)**



**Third Change (Minor) to Original Application (A005277201) (including further GIA)**



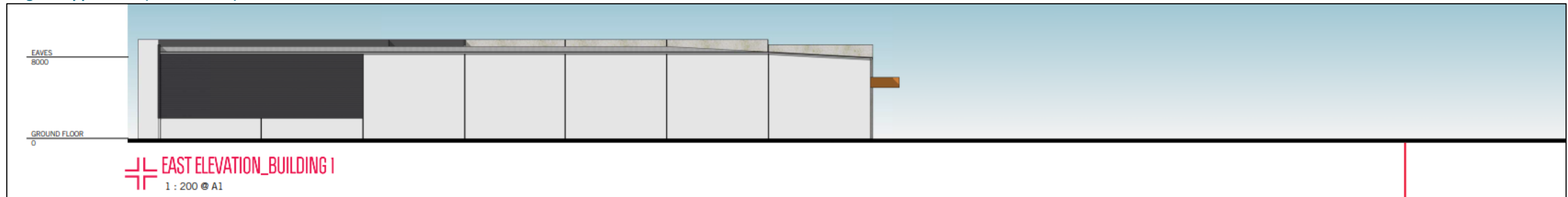
North Elevation As Constructed



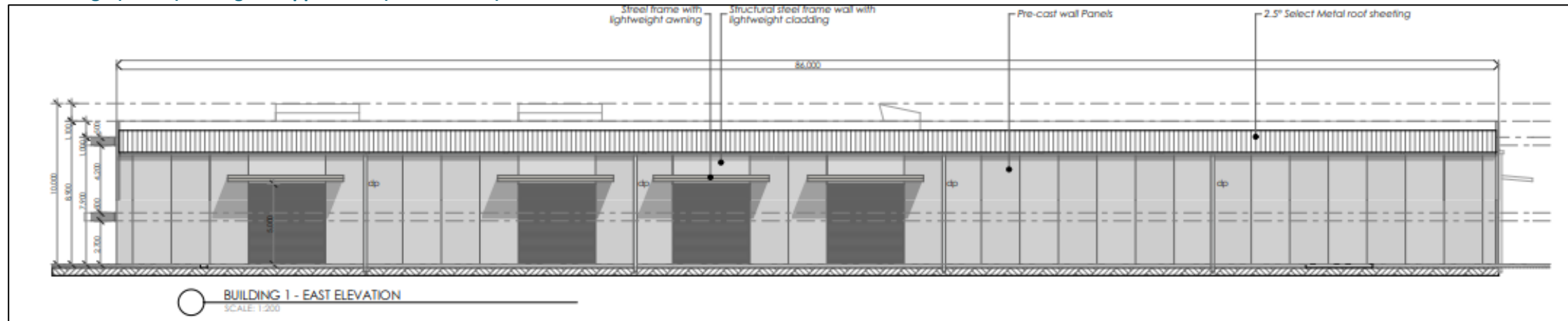


**BUILDING 1 APPROVED EAST ELEVATION FAÇADE CHANGES**

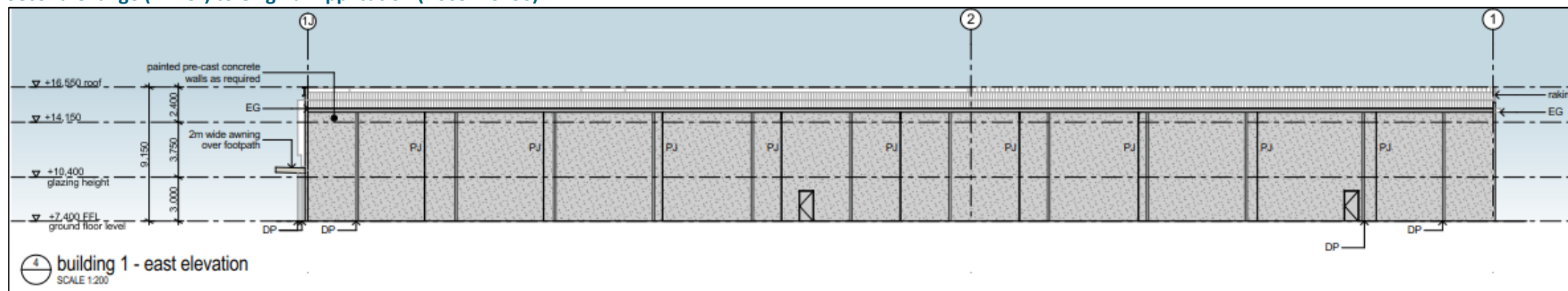
**Original Application (A004351560)**



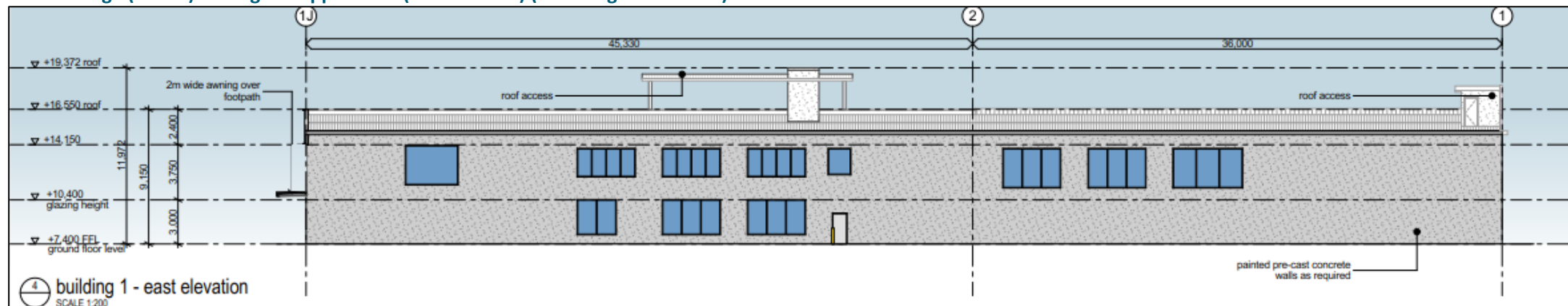
**First Change (Minor) to Original Application (A004685291)**



**Second Change (Minor) to Original Application (A005120730)**



**Third Change (Minor) to Original Application (A005277201) (including further GIA)**



East Elevation As Constructed







**REEL PLANNING**  
URBAN AND RURAL STRATEGIES

## ATTACHMENT B – ECONOMIC INPUT

# Norling Consulting<sup>Pty Ltd</sup>

## *Business & Property Economics*

Our Ref: 20029/230720.JN

23 July 2020

Mr Michael Coe  
Partner  
Kinneally Miley Law  
PO Box 16002  
CITY EAST QLD 4002

Email: [michael.coe@kinneallymiley.com.au](mailto:michael.coe@kinneallymiley.com.au)

Dear Michael,

**RE: ECONOMIC INPUT – APPLICATION ON INDUSTRIAL LAND - MORNINGSIDE**

Following recent correspondences, I provide this Economic Input to a Submission you are preparing against an Application on General Industry zoned land at Morningside on behalf of Australian Country Choice. It is understood that this letter will be forwarded to Brisbane City Council as part of that Submission.

**Background**

Australian Country Choice (ACC) is Australia's largest vertically integrated beef supply chain. It operates 2.42 million hectares of cattle property in Queensland that typically run approximately 280,000 head. The company has major contracts to supply beef products to Coles and Woolworths supermarkets, in addition to supplying numerous other domestic and international customers. It operates a state-of-the-art abattoir on a large 42ha site at 117 Colmslie Road, Murarrie. This site is located in the General Industry A and B zones (with the General Industry A land appearing to be used as a buffer).

ACC is concerned about the impacts on its industrial operations, impacts on other industrial operations in the area and reverse amenity impacts of an Application for a nearby site that is also located in the General Industry A and B zones.

Rivermakers Wellness & Research Centre Pty Ltd (RWRC) has recently completed the development of three buildings on a 4.05ha site located at 32 Colmslie Road, Morningside pursuant to an Approval for Warehouse, Low Impact Industry and Medium Impact Industry uses. These buildings comprise a total area of 11,454m<sup>2</sup>. 338 car spaces have been provided at a rate of 2.95 spaces per 100m<sup>2</sup>, which is a high provision rate for the approved uses. It is relevant to note at this time that Colmslie Road separates the adjoining suburbs of Morningside and Murarrie.

Having also separately obtained approvals for a Service Station and McDonald's fast food outlet, in April 2020, RWRC lodged a Development Permit Application for Indoor Sport and Recreation and Health Care Service uses on this site. The Application was changed pursuant to an Information Request, with the Health Care Service use removed and the Indoor Sport and Recreation use to now occupy 5,577m<sup>2</sup> of the 6,845m<sup>2</sup> Building 1. Plans show two separate tenancies for Indoor Sport and Recreation: Tenancy 1 of 805m<sup>2</sup>; and Tenancy 2 of 4,772m<sup>2</sup>. Both tenancies are proposed to be located in Building 1, which fronts Colmslie Road.

The Application specifies that smaller Tenancy 1 is to be utilised as an indoor bouldering gymnasium, which is described as a form of indoor rock climbing where safety is provided by the provision of a thick padded floor rather than by ropes and harnesses. The much larger Tenancy 2 is to be utilised as a gymnasium, having five separate studios to provide a mix of fitness classes plus a very large weights room. It is my view that, at 4,772m<sup>2</sup>, Tenancy 2 would become one of the largest gymnasiums to operate in Brisbane City.

There is a presumption that further applications would be made to add additional non-industrial uses to this site, but that is a matter for others. This letter focuses upon the Application for Indoor Sport and Recreation uses on the subject site.

The Application was accompanied by a Market Potential & Impact Assessment prepared by Location IQ in April 2020.

### **Market Potential & Impact Assessment**

The Market Potential & Impact Assessment concluded that the substantial positive economic impacts of the proposed development serve to more than offset the minor trading impacts that could be anticipated for a wide range and variety of operators. These minor trading impacts are not specified by the Assessment, other than the expression, "*some individual impacts on other gym facilities.*"

The Market Potential & Impact Assessment is considered to be flawed for the following reasons:

- (a) The whole Assessment focuses upon a "Wellness Facility," which is no longer applicable given that the Application has subsequently been changed to remove the Health Care Service use. This change undermines the whole premise upon which demand has been based and upon which impacts were assessed;
- (b) Curiously, the Assessment relies upon an observation that the buildings on the subject site are in a format that is not typical or suitable for industrial uses. Consequently, the Assessment draws the conclusion that prospective tenants should be non-industrial uses, particularly showrooms/services that serve a drive-up customer base. This is not how uses should be planned. It is a fact that the buildings were constructed in accordance with a Council approval for the uses of Warehouse, Low Impact Industry and Medium Impact Industry. If a developer wishes to develop a building form that is not suitable for those approved uses, then that position should not justify a further application to change the uses;

- (c) Whilst not referring to the prospective Tenancy 2 operator by name, the Assessment appears to rely upon responses to a TotalFusion website in the definition of its trade area. TotalFusion is a multi-function gym operation and its website advises that its Morningside facility is “coming soon” (with no mention that it is subject to Council approval). Its website further states that it will provide yoga, functional, fusion, cycle, run and reformer classes in addition to a state-of-the-art gymnasium;
- (d) The Assessment has failed to consider all relevant zones in which Indoor Sport and Recreation are preferred uses. It has not recognised that Indoor Sport and Recreation is Code Assessable in the Mixed Use and Specialised Centre (Entertainment and Conference Centre, Large Format Retail, Major Education and Research Facility and Mixed Industry and Business Precinct) zones. It has also not recognised that Indoor Sport and Recreation is a supported Impact Assessable use within the Emerging Community zone where it “creates a vital and contained community where located in accordance with a subdivision arising from a coordinated and integrated structure planning process” (6.2.6.2(2)(f));
- (e) The Assessment falsely claims that the “subject site does not meet many of the requirements of modern industrial users” (page 36). This is false due to the subject site:
  - (i) Being mostly located in the General Industry A zone;
  - (ii) Having a small portion of the site within the General Industry B zone and bordering the General Industry B zone;
  - (iii) The site comprising part of Brisbane’s largest industrial node, Australia TradeCoast, with the subject site located within a corridor extending from Morningside through to Murarrie, Hemmant, Lytton and Port of Brisbane;
  - (iv) The site is proximate to major industrial uses such as ACC’s abattoir and Qld Bulk Terminals, both of which rely upon large numbers of B-Double truck movements down Colmslie Road;
  - (v) The site being serviced by 23m and 25m B-Double Routes along both streets to which it has frontage: Lytton; and Colmslie Roads;
  - (vi) It is capable of operating 24/7, with the adjoining Caltex Service Station operating 24/7; and
  - (vii) The site being effectively removed from sensitive uses, being 230m (in a direct line) from the nearest residential house and 430m from the nearest school building, with Low Impact Industry and Open Space zoned lands providing effective buffers between the subject site and these sensitive uses;
- (f) The Assessment makes the sweeping assertion that the proposed use would not compromise the future use of surrounding industry (page 37) without any analysis or supporting reasons;
- (g) The Assessment identifies that there is only 310ha of vacant industrial zoned land within Australia TradeCoast, sufficient to accommodate only 15 years of take-up. With Australia TradeCoast to service Greater Brisbane’s and South East Queensland’s industrial and port needs for decades and centuries into the future, the Assessment incorrectly attempts to describe the potential loss of 4ha as not being of significance. A further implication of this statement is that the Assessment has assumed that the total 4ha subject site would be lost to industrial uses, even though this particular Application seeks to apply 49% of the built floorspace to non-industrial uses;



- (h) The Assessment incorrectly claims that the proposed development would align with the Brisbane Industrial Strategy of protecting Brisbane's supply of industrial land;
- (i) The Assessment unnecessarily claims that the proposed development would provide an ideal buffer between industrial uses and sensitive residential uses in circumstances where the presence of Low Impact Industry and Open Space zoned lands already provides such buffers;
- (j) The Assessment finds that the Main Trade Area is oversupplied with Sport and Recreation zoned lands, yet conveniently overlooks this finding in concluding that there is a need for the proposed Indoor Sport and Recreation use to locate on General Industrial zoned land;
- (k) The Assessment overstates the demand for gymnasiums from industrial workers in Australia TradeCoast. These industrial workers typically do not provide a significant source of patronage to gymnasiums; and
- (l) The Assessment has failed to identify that there is some shortfall or inadequacy in the provision of Indoor Sport and Recreation facilities within the Main Trade Area. It conveniently identifies a total of 116 Indoor Sport and Recreation facilities within this Area, which works out at one facility per each 1,650 persons. No attempt has been made to identify that there is some inadequacy in this ratio or that there is a level of unsatisfied latent demand.

For the above reasons, the Market Potential & Impact Assessment should not be relied upon in support of the subject Application.

It is also relevant to note that the Assessment has defined a very large Main Trade Area, which extends from Woolloongabba in the west, to Carindale in the south and to Wynnum and Manly in the east. This large area presently houses a population of almost 200,000 persons, which would be described as a regional population. This population represents 15% of Brisbane City's population. With such a large Main Trade Area, the proposed Indoor Sport and Recreation uses could not be described as being of a local, neighbourhood, district or sub-regional scale. The Assessment clearly identifies that they are to serve a regional function, drawing custom from such a large residential population base.

### Analysis

ACC is a major industrial business located immediately opposite the subject site, occupying a large 42ha site. This major abattoir processes 350,000 head of cattle per annum and ACC advises that it has over \$250m invested in this site. ACC advises that the abattoir is serviced by approximately 330 trucks, including circa 80 B-Doubles delivering live cattle, per week. In addition to its primary slaughtering capability of 105 million kilograms of carcass beef and 30 million kilograms of co-products, it has a further processing facility capable of producing up to 15 million kilograms of value-added meats per annum and a cut and pack facility to prepare retail ready packs for on-shelf display with a capacity of 25 million kilograms per annum. It has gained a number of internationally recognised accreditations including NATA accredited laboratory, quadruple ISO accreditation, Australian Animal Welfare certification system, USDA licence, HALAL certification, British Retail Consortium accreditation, DAWE certification for organic processing and Aus-Meat A+ inspection standard. Department of Agriculture inspectors also work permanently at the facility as part of this certification process.

It currently supplies the majority of fresh beef sold by Coles and Woolworths supermarkets across all of Queensland, as well as other supermarket chains, stores and overseas markets. It engages approximately 870 persons on-site in Murarrie, with a further 180 staff engaged across its rural operations throughout Queensland that are integral to the supply of cattle to the facility at Murarrie.

ACC has established a strategic alliance with Lineage Logistics, situated at 77 Colmslie Road, to provide its total cold chain management requirements with production delivered directly through a modern chilled conveyor tunnel. The Lineage Logistics site employs some 80 FTE employees with ACC volume accounting for approximately 30% of the total capacity of this facility. This site generates approximately 250 heavy vehicle movements in and around the site each day.

On any measure, the combined ACC and Lineage Logistics business operations are large industrial businesses generating very significant economic benefits to Brisbane and the wider community. A very significant number of businesses and jobs rely upon the continued operation of this business, both in upstream supply (cattle production) and downstream processing (wholesaling, retailing and food services).

ACC management advise that it is extremely concerned by the multiple iterative attempts to introduce non-industrial activities onto the subject site, which is located directly opposite its site and shares access to Colmslie and Lytton Roads, both being dedicated B-Double routes. Whilst this letter focuses upon a single Application for Indoor Sport and Recreation, the associated town planning report documents how this Application is one of a series of applications that have the potential to undermine the established industrial businesses in this area. Concerns include:

- (a) Introducing the potential for reverse amenity arguments to be raised against ACC in the future;
- (b) Safety of members of the public due to an increase in passenger vehicle movements into Colmslie Road;
- (c) Introducing members of the public into direct proximity of the existing abattoir business, which has already been subject to protests from animal rights groups; and
- (d) Eroding the industrial significance of the General Industry zoned lands in Morningside and Murarrie.

As an economist, I support these concerns and consider that the proposed Application has the real potential to adversely impact the economic operation of existing General Industry activities on General Industry zoned lands.

It is my view that a community, economic and planning need has not been established by the Applicant and the subject Application has the potential to adversely impact existing business operations in the General Industry zone. The subject Application is not supported for the following reasons:

- (a) The subject Application undermines rather than protects major enterprise and industrial areas, which is a significant strategy established by the South East Queensland Regional Plan 2017;
- (b) The subject Application undermines rather than protects industrial-zoned lands, which is a core strategy established by the Council's Brisbane Industrial Strategy 2019;

- (c) The subject Application does not protect and support Brisbane's industrial economy-zoned lands to ensure their integrity and effective operation, which is a strategic and specific outcome of the Strategic Framework of Council's City Plan 2014;
- (d) The proposed Application has the potential to significantly impact upon the operations of existing major industrial businesses in Morningside and Murarrie by introducing reverse amenity risks, safety issues to members of the public and increasing public awareness of an essential, but increasingly politically sensitive, business activity (the ACC abattoir);
- (e) The Market Potential & Impact Assessment has failed to demonstrate that there is a gap or some inadequacy within the provision of 116 Indoor Sport and Recreation facilities identified within the Main Trade Area;
- (f) Vacant industrial zoned lands within Australia TradeCoast are limited and estimated to accommodate take-up for only the next 15 years. Yet Australia TradeCoast's role for Greater Brisbane and beyond is to extend well beyond the next few decades and centuries. These scarce vacant industrial-zoned lands within Australia TradeCoast should be preserved for future industrial development; and
- (g) The Main Trade Area has an oversupply of Sport & Recreation land, as established by the Market Potential & Impact Assessment. A brief review of these lands indicates that there are many potential locations where an Indoor Sport and Recreation facility could be developed in a Code Assessable manner, eliminating the planning need for it to locate on the subject General Industry A zoned land.

### **Conclusion**

Based on the foregoing, it is concluded that:

- (a) The Market Potential & Impact Assessment is seriously flawed and should not be relied upon to approve the subject Application;
- (b) The subject Application does not protect and support major industrial activities as required by the SEQ Regional Plan 2017-2031, the Council's Brisbane Industrial Strategy and the Strategic Framework of City Plan 2014;
- (c) The subject Application would significantly adversely impact upon the operations of existing General Industry businesses in the local area;
- (d) A gap or inadequacy in the range of Indoor Sport and Recreation facilities in the Main Trade Area has not been demonstrated; and
- (e) There is an oversupply of Sport & Recreation zoned land in the Main Trade Area that could accommodate the proposed facility.

I trust that this letter sufficiently addresses the required matters. Please do not hesitate to contact me should you have any queries regarding this advice.

Yours faithfully  
Norling Consulting Pty Ltd

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Jon Norling  
Director





**REEL PLANNING**  
URBAN AND RURAL STRATEGIES

## ATTACHMENT C – TRAFFIC ENGINEERING INPUT

**Proposed Change Application**  
**Material Change of Use - Indoor Sport and Recreation**

**Technical Review - Traffic Engineering**

**1. Introduction**

Lambert & Rehbein has been engaged to review the latest material change of use submission to approved industrial buildings at 32, Colmslie Road, Morningside. The site was originally approved for warehouse of 10,895m<sup>2</sup> GFA in October 2016, with that proposal initially gaining access solely to Lytton Road.

The site has since been subject to a number of changes to the site-based uses through a combination of New Applications, Change Applications and Minor Change Applications. Through this sequence of changes, the development, originally approved for Warehouse, Low Impact Industry and Medium Impact Industry, has subsequently become a mix of high traffic generating land uses, including a Service Station and a Food and Drink Outlet (McDonalds).

**2. General Traffic Comments**

Through the number of changes and alterations to the proposal, supported by the various applications, the traffic related development elements have changed significantly including the following principal changes:

**2.1. Access Arrangements**

The initial proposal for the Warehouse, Low Impact Industry and Medium Impact Industry land uses was supported by a detailed traffic analysis undertaken by Cambray Consulting and reported in their traffic report dated 24<sup>th</sup> March, 2016. In this report all access was gained via a direct access to Lytton Road, approximately 130m from the Colmslie Road / Lytton Road / Junction Road roundabout. This access was ultimately approved as part of this application in the form of an “all-movement” entry and left turn egress only driveway.

The initial application did not include access in any form to Colmslie Road and importantly it is noted that in response to a Council Request for Information, in their report dated 18<sup>th</sup> July, 2016, Cambray Consulting indicated that an access to Colmslie Road was not supported due to the negative impacts this would have on the Colmslie Road / Lytton Road / Junction Road roundabout and sight distance issues along Colmslie Road. These issues were identified as a critical issue in justifying the access to/from Lytton Road which we understand was initially not supported by Council.

Subsequently, as part of a change of use to include a Service Station and Fast Food Outlet, a secondary all-movement access was applied for directly from Colmslie Road. This was supported by a traffic assessment undertaken by different traffic consultants, in this case Cardno. A subsequent change application was then made to enable the wider development (The Depot) to benefit from this additional access. This further access has been approved and constructed contrary to the original position taken by Cambray Consulting as part of the initial application. This Colmslie Road “all movement” access is situated within approximately 70-80m of the roundabout.

The current access arrangements, as adopted for the subject application includes an “all movement” access to/from Colmslie Road and the aforementioned access to Lytton Road.

## 2.2. Traffic Generation

In terms of providing context to the overall development traffic generation being considered as part of this current application, the initial traffic generation is in our view relevant. As part of the initial traffic assessment undertaken by Cambray Consulting (March 2016) the traffic generation for this Stage 1 of the overall Dunhill Rivermakers site (i.e. The Depot) documented the following traffic generation during peak periods:

- AM Peak - 63 vehicles per hour
- PM Peak - 68 vehicles per hour

The HTC traffic report for the current application contemplates traffic generation associated with the subject Gym and Wellness Centre (note an updated traffic assessment has not been provided for the revised proposal that has removed the wellness centre and increased the size of the gymnasium), forming part of The Depot. The traffic generation estimated for the proposal, not including the Service Station and Fast Food and the residual warehouse and low impact industry use, as reported by the current traffic report prepared by Holland Traffic Consulting (HTC) is as follows:

- PM Peak - 233 vehicles per hour

It is noted that the AM peak is not reported in the current HTC traffic report. The reason given for this not being assessed was that the proposed use will not generate significant traffic demands during AM road peaks. The current proposed changed land use replaces effectively 29 vehicles per hour traffic generation when considered as originally approved.

The current application will result in estimated traffic generation associated with this Stage 1 component of Dunhill Rivermakers Site (i.e. The Depot), including the Service Station and Fast Food, as follows. We note that that current HTC traffic report has not provided a clear indication of this total resultant traffic generation and as such we have attempted to derive this from our own review of both the Cardno report undertaken for the Service Station and Fast Food and the HTC traffic report for the current application.

- PM Peak - 547 vehicles per hour

This current total PM Peak traffic generation represents an increase in excess of 800% when compared to the original proposal and approximately 59% when compared to the current development as approved. We note there is no assessment of the AM peak period in the HTC traffic report.

Relevantly the initial traffic analysis undertaken by Cambray Consulting in March 2016 reported that the inclusion of the level of traffic generation associated with the originally approved uses would result in the operational performance of the Colmslie Road / Lytton Road / Junction Road roundabout exceeding reasonable levels in the 10 year design horizon originally assessed (2027 at that stage).

## 2.3. External Traffic Assessment

Due to the site's significant traffic generation, the development is relying on the existing Lytton Road / Colmslie Road / Junction Road roundabout to be upgraded to signals for both safety (increased delay) and performance (increase in the intersection's capacity DOS 0.85 to DOS 1.00). While the analysis undertaken by HTC suggests that the current roundabout configuration would support the current proposal at the opening year (assumed to be 2021) we believe that there are a number of fundamental issues

associated with the proposal and the supporting traffic analysis that do not support the conclusions reached in the application materials.

These issues are considered further below.

The current HTC traffic report does not include an assessment of the AM peak periods which in our view is a flaw in the assessment. The traffic report utilises parking demand data for other similar “Total Fusion” gymnasiums as an indication of why this analysis is not necessary, noting that the peak parking demand is recorded prior to the road peak period. We note that this parking demand data may not be reflective of the traffic generating peaks. This is because it may not necessarily take into consideration that there could be some offset associated with the duration of stay for parked vehicles. However, notwithstanding this, it is noted that this parking demand data shows significant peak parking demands and as such it would be reasonable to expect that the peak period associated with the proposed use would also be assessed in terms of the external traffic impacts.

Further to the above, the HTC traffic report appears to assume that the roundabout will not sustain reasonable operations into the future and adopts a signalised layout for the analysis of the 10 year design horizon with no indication of how this will be delivered, when and by whom, simply noting that this is a project in the current Council LGIP. There is no indication of whether or not the current proposal should be approved absent the signalised intersection upgrade of the existing Colmslie Road roundabout.

The original traffic assessment undertaken by Cambray Consulting as part of the original application noted that this upgrade was scheduled to be occurring between 2016-2021, while the current LGIP has since shown an expected delay in the delivery of the intersection upgrade to the period of 2021-2026.

### **3. Assessment of Current Traffic Assessment**

This review seeks to assess the HTC traffic engineering report and the background work completed by Cambray and Cardno that this TIA report relies on such as:

- Background Traffic (2015 data);
- Singular AM and PM Peak Period;
- Propose intersection layout;
- Development traffic generation rates; and
- Assumption that the Council will upgrade the Lytton Road / Colmslie Road / Junction Road roundabout to signals post Stage 1.

#### **3.1. Background Traffic**

The HTC intersection analysis has largely been based on traffic counts of the Lytton Road / Colmslie Road / Junction Road roundabout from 18<sup>th</sup> August 2015 as this has been taken from the original Cambray and Cardno traffic reporting. This traffic data is almost 5 years old and is generally not considered appropriate for use and may not reasonably reflect current traffic levels and travel patterns.

While not on DTMR controlled roads, the DTMR’s Guide to Traffic Impact Assessment (GTIA) recommends that traffic count data within the last three years should be used or preferably, recently collected for the traffic impact assessment.



Furthermore in the current traffic report the applicant's traffic engineer (HTC) notes that *"the only relevant traffic volume information in the Cardno reports for the approved land use and access configuration is that contained in the "Lane Summary" outputs from the Sidra analysis, which identifies traffic flows in each lane but unfortunately does not separately identify different turn movements that occur from the same lane."*

This has resulted in the need to manually adjust individual turn movement volumes and heavy vehicle proportions until they were *"very close correlation between the Cardno Sidra lane summary output and the same output from the independent Sidra model."* This approach is considered highly unusual and not realistically supported by current design standards and principles. The analysis has essentially calibrated the current performance to previously reported performance statistics which would exacerbate any flaws in the previous analysis. Undertaking some form of calibration/validation of performance statistics and operational analysis for a roundabout experiencing obvious performance issues during peak operating periods, is considered essential however this should be undertaken against actual observed data and operational measures (such as queuing and delays) and not against previous analysis results, noting that this previous analysis undertaken by Cardno did not undergo rigorous calibration/validation.

While we acknowledge the challenges HTC was tasked with, the use of 2015 data combined with not knowing the actual turning movements results in the intersection analysis being based on inappropriate (5 year old data) and likely inaccurate traffic count data (manually adjusted traffic turning volumes). We note that the particular manual adjustments were not clear in the traffic report and were difficult to determine.

Further to the above, in the current traffic assessment report, HTC also queries the previous assessments of future 2021 and 2031 traffic count data.

*"From the information in the report it appears that BCC supplied background peak hour traffic flows at the Lytton Road / Junction Road for the years 2021 and 2031, as a basis for the Cardno assessment. Details of those traffic flows supplied by BCC are not included in the Cardno reports."*

Given that accurate traffic data is critical in the assessment of intersection performance and the potential impacts of developments on operational performance and safety, we believe that the approach taken is not appropriate and should not be supported. As previously noted, on the basis that the HTC report appears to make the general assumption that background traffic will trigger the upgrading of Lytton Road / Colmslie Road / Junction Road roundabout to signal, it is recommended that current traffic data is captured and used throughout the assessment.

### **3.2. Peak Period**

It should be noted that the original Cambray assessment notes *"due to the congested nature of the road network during peak periods, it is considered more likely that traffic volumes will grow outside of peak periods i.e. peak spreading."*

Reviewing the original 2015 traffic count data revealed that the morning peak spread generally extends from 7:15 – 9:00am while the afternoon peak spread extends from 15:00 – 18:00pm. In our view this is an important factor to consider with respect to the HTC analysis given that within the current traffic assessment report, HTC argues that the gym's peak will be outside the one-hour road traffic peak.

Below is the assessment of the total traffic movements through the Colmslie Road roundabout which shows the spread of traffic across the morning and evening peaks.

Hour Starting	Hour Ending	Total veh/hr	% difference
6:45	7:45	2754	-17%
7:00	8:00	2949	-11%
7:15	8:15	3145	-5%
7:30	8:30	3292	-1%
7:45	8:45	<b>3319</b>	0%
8:00	9:00	3174	-4%

Hour Starting	Hour Ending	Total veh/hr	% difference
15:00	16:00	2892	-4%
15:15	16:15	2861	-5%
15:30	16:30	2787	-7%
15:45	16:45	2799	-7%
16:00	17:00	2798	-7%
16:15	17:15	2920	-3%
16:30	17:30	<b>3010</b>	0%
16:45	17:45	2984	-1%
17:00	18:00	2841	-6%

GTIA (Appendix A: Schedule of preferred input parameters A.2) recommends” *the peak periods which need to be assessed in traffic impact assessments will typically be the times of peak design traffic volumes (design traffic volumes being the base traffic volumes plus generated traffic); however, assessment of more than one peak period will frequently be necessary, such as the weekday AM peak hour, weekday PM peak hour and possibly the weekend midday peak (for example, for hardware and building supply developments or shopping centres). Other peak periods might need to be assessed if the subject development generates its peak traffic volumes outside the network background peak periods.*”

As previously noted, the current traffic assessment undertaken by HTC does not analyse the AM Peak either as the “road peak” period or the “development peak” period. Given that there is a suggestion that the development will generate significant traffic movements prior to the commuter road peak, citing the parking demand data as justification of this position, it is reasonable to expect that a “development peak” for the AM period would also be assessed. This is considered relevant as there appears to be significant traffic through the Colmslie roundabout during these early AM periods.

The HTC analysis undertaken with the application also assesses only what is reported as the PM road peak and applies a discount to the PM Peak traffic generation rates of some 33% to determine the traffic generation during the road peak period. This reduction in the traffic generation rate is again based on the presented parking demand profiles, which, as noted above, may not necessarily accurately reflect traffic movement patterns and profiles.

Importantly also we note that the PM peak traffic movement profile through the Colmslie Road roundabout, as reflected in the traffic data noted above, is very flat and as such we

believe it would also be reasonable to assess the operational performance of the Colmslie Road roundabout not only during the PM road peak period but also for the peak PM traffic generation period for the proposed use where the combined design peak traffic may in fact be higher than during the road peak.

Further information in relation to the traffic generation data utilised is provided below.

### 3.3. Development traffic generation rates

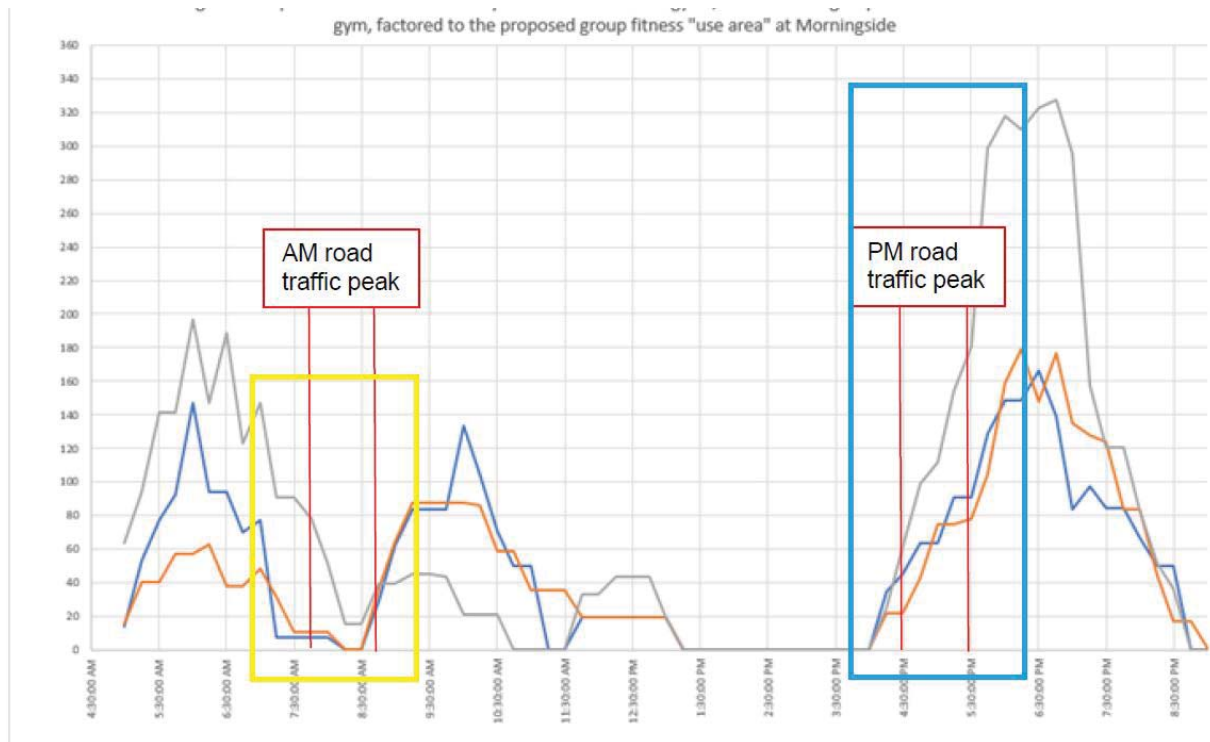
The traffic assessment by HTC does not provide a clear and concise assessment of the overall traffic generation associated with the subject site. The report makes reference back to the previous report prepared by Cardno in support of the Service Station and Fast Food proposal.

Estimates are then made for the proposed gym and wellness centre based on typical traffic generation rates from the NSW RTA Guide for traffic generating developments which are then reduced based on the profiles of parking demands recorded at other Total Fusion Gym sites throughout the greater Brisbane area. These profile graphs are shown below with the AM and PM Road peaks with embellishments showing the AM and PM periods covered by the traffic data documented in Section 3.2 above. As identified previously, in the HTC traffic report the PM peak traffic generation rates associated with the current proposal have been reduced on the basis that the peak parking demands do not overlap with the road peak period. It is acknowledged that the data presented supports that the peak **parking** demands in the PM peak period at the other Total Fusion Gymnasiums is not coincidental with the road peak at the Colmslie Road roundabout, however this may not be reflective of peak traffic movement/activity. While the HTC traffic report does not present the raw data for the parking demands, what is presented shows a rapid increase in the parking demands being coincidental with the PM road peak. This may be representative of significant patron arrivals during this period and commensurately significant external traffic movements.

In our view this requires further consideration, and justification for the reduction in the traffic generation should also consider the traffic movement profiles not necessarily just the parking demands.

As previously stated the HTC traffic report appears to have only completed a “with development” PM Peak analysis coincidental with the road peak and, similar to the comments about the AM peak above, and has not considered an assessment of the development peak period. We are of the view that this is particularly important for the PM peak period given the apparently very flat profile of the traffic demands through the Colmslie Road roundabout represented by the 2015 traffic movement data relied upon in the HTC traffic report.

While not clear, given the nature of how the traffic generation associated with the development traffic has been derived in the HTC traffic report, we note that the traffic analysis undertaken does not appear to have taken into account the potential traffic generation associated with the other approved uses on the adjacent part of the Dunhill Rivermakers site. It is understood that the Stage 2 component of the overall development site has been approved with access directly to Colmslie Road via Dunhill Crescent. As such it is reasonable in our view that the analysis completed should consider these other approved uses to provide a clear indication of the cumulative impacts of the development in the precinct on the external road network, in particular the Colmslie roundabout.



#### 4. HTC Analysis Results

##### 4.1. External Intersection Analysis

The HTC report purports to include analysis of the roundabout based on year of opening 2021 with “all approved” development, however it is not clear whether this relates just to The Depot or includes other approved developments within the broader Rivermakers site.

As noted above, the assumption is then made that the future year analysis is based on a signalised intersection being in place. As previously noted, that “background plus approved traffic” volumes at the Colmslie Road roundabout have been “derived” from the lane volumes in the SIDRA Analysis tables within the Cardno traffic report prepared for the Service Station and Fast Food so do not necessarily represent accurate turning movement volumes. This has resulted in the HTC traffic analysis including the application of a “calibration / validation” process to “adjust” the traffic volumes individually to establish the turning movements. This process of “calibration / validation” was against the theoretical SIDRA analysis results from the Cardno traffic report.

This in our view is fundamental flaw and underlines the importance of gathering more recent and reliable turning movement data upon which to assess the impacts of the proposal.

Notwithstanding the above fundamental issue and the issues identified previously in this Technical Note, we have reviewed the results of the analysis undertaken by HTC, in particular focussing on the 2031 design scenario, which has assessed the Colmslie Road / Lytton Road / Junction Road intersection as a signalised intersection.



From our review of this analysis the following key traffic issues are observed.

There are significant issues with the reported queue lengths as follows:

- The queue lengths appear to extend out of the proposed Colmslie Road turning pockets;
- The queues will extend to the west, past the site's Lytton Road access;
- The queues to the east will extend back through to the Lytton Road / Barrack Road signalised intersection, situated some 260m to the east;
- Queues along Lytton Road extend past adjacent development access points; and
- Queues along Junction Road extend beyond adjacent development to the south of the intersection.

We are of the view that where there is significant interaction between intersections and accesses as a result of extensive queuing, this can then lead to flow on safety implications at these intersections.

On this basis, it is considered reasonable that the analysis of the development related traffic impacts should be based on a network wide assessment rather than consideration of the subject Colmslie Road roundabout as a stand-alone intersection. In reporting the analysis undertaken, the HTC traffic report offers no commentary about the queue issues and the potential flow on safety impacts associated with the current proposal including the significant issues that will result in relation to the access to the site itself from Lytton Road.

#### **4.2. Site Access Arrangements**

The analysis undertaken in the HTC traffic report appears to simply refer back to analysis undertaken in previous traffic reports and does not appear to make any attempt to assess the access arrangements based on the revised traffic generation characteristics. The report concludes that the current proposal will “... *not cause capacity concern or operational issue at those approved access locations*”.

No traffic analysis appears to have been provided to support this conclusion.

Importantly it is unclear how the proposed accesses will operate with the addition of 230 vehicle movements per hour in the PM peak period, especially if queues extend back past the access point on Lytton Road.

#### **Colmslie Road Access**

We note that the initial Cambray Consulting reporting clearly identified that access to Colmslie Road was not supportable as the basis for the argument that access to Lytton Road should be approved by Council. From our initial review of the previous traffic reporting it appears that Council had initially preferred access from Colmslie Road only and in their response to this issue, the Cambray Consulting traffic assessments had raised issues with the Colmslie Road access making reference to the fact that there were sight distance issues along Colmslie Road and that access to/from Colmslie Road would have unreasonable impacts on the operational performance of the Colmslie Road roundabout.

The current HTC traffic assessment has not undertaken an assessment of the access to/from Colmslie Road to determine whether this access is able to operate in a safe and efficient manner. Furthermore, it is unclear if sight distance issues were resolved as initially identified in the Cambray reporting noting that the current HTC report is silent on this issue.

### **Lytton Road**

It appears that no assessment has been completed for this access within the current HTC traffic report. Noting that there are potentially significant issues associated with the queue lengths along Lytton Road, we would expect that it is reasonable for traffic modelling undertaken to at very least contemplate the impacts of upstream queues on this access.

In our view, based on the current proposal we would expect that it was reasonable to assess the impacts of the proposal based on a “network” level assessment which as a minimum considers interaction between intersections as a result of queues forming.

#### **4.3. Intersection Layout**

In the HTC report, questions have been raised in relation to the proposed signalised layout and the signal phasing used for the intersection analysis. It is unclear the source of the signalised layout and the following comments have been made.

*“It is assumed that BCC supplied the future planning layout for the signalised intersection. However the planning layout is not included in the Cardno reports, nor are the assumed traffic signal phasing sequence used in the Cardno sidra analysis”*

On this basis it is unclear whether or not the adopted signalised intersection layout is appropriate and is consistent with any current Council planning that may exist. Absent any certainty about this matter, it is in our view, relevant that further more detailed analysis be undertaken to determine what signalised intersection upgrade will be required to support the developments demands, support future traffic patterns through the network and can be effectively and efficiently delivered.



**S.A. WILLIAMS** BE(Civil), FIEAust, RPEQ  
DIRECTOR  
TRANSPORT & INFRASTRUCTURE  
23.07.2020

## Damien WALKER

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**From:** Damien WALKER  
**Sent:** Thursday, 27 May 2021 1:18 PM  
**To:** [Refused under section 47F of the Freedom of Information Act 1992]  
**Subject:** Re: RSEA Application Lodged for Impact Assessment Shop

Noted with thanks

Damien

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**From:** [Refused under section 47F of the Freedom of Information Act 1992] <[Refused under section 47F of the Freedom of Information Act 1992]@accbeef.net.au>  
**Sent:** Thursday, May 27, 2021 10:39:36 AM  
**To:** Damien WALKER <Damien.Walker@dildilgp.qld.gov.au>  
**Subject:** FW: RSEA Application Lodged for Impact Assessment Shop

Hi Damian, you probably are aware of this, however I thought I would send it to you just in case

Thanks

[Refused under section 47F of the Freedom of Information Act 1992]

RSEA have lodged a development application for a 900sqm+ shop in The Depot yesterday.

It is impact assessable so will be subject to formal public notification which will give ACC appeal rights if you are to lodge a submission.

It is in response to the enforcement action issued by BCC.

Regards,

[Refused under section 47F of the Freedom of Information Act 1992]

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**From:** Brisbane Development.i <DoNotReply@devi.brisbane.qld.gov.au>  
**Sent:** Thursday, May 27, 2021 7:30 am  
**To:** [Refused under section 47F of the Freedom of Information Act 1992]  
**Subject:** Development.i Daily Alert Application A005742713 has been updated



*Dedicated to a better Brisbane*

# Brisbane City Council

Hi [Refused under section 47F of the Freedom of Information Act 1992]

Development application information is available in Development.i based on your saved search and notification frequency criteria.


A new application can take up to three business days to appear in Development.i after being received by Council. During this time Council will confirm that the application has been properly made in accordance with the Planning Act 2016 (Planning Act). As a result, the list below may contain applications with different submitted dates.

For further information on the specific application please click the 'view' link below.

**Application Number:** A005742713

**Date Submitted:** 26/05/2021

**Description:** 500 LYTTON RD MORNINGSIDES QLD 4170 - Material Change of Use - Dunhill Properties Pty Ltd (Primary Applicant), RSEA Safety Pty Ltd (Primary Applicant), Place Design Group Pty Ltd (Consultant)

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[developmenti.brisbane.qld.gov.au](http://developmenti.brisbane.qld.gov.au)





### 82 – 90 Colmslie road RETROSDPECTIVE approval required for new work done

Refused under section 47(3)(b) of the RTI Act. accbeef.net.au >

Thu 13/05/2021 18:50

To: Damien WALKER <Damien.Walker@dSDLGP.qld.gov.au>

Cc: Refused under section 47(3)(b) of the RTI Act. ccbeef.net.au >

Damien-

To add further and continuing insult to State & ACC Injury – the developer of the 82 – 90 Colmslie road site has now lodged with Council a DA seeking **new AND retrospective** works undertaken on a heritage listed infrastructure and site as part of the master plan to become the centre of a new food and beverage hub open to public.

The below words for the heritage consultant says it all –

We’ve already done the work BUT

We now need approval

Refused under section 47(3)(b) of the RTI Act.

#### HERITAGE IMPACT ASSESSMENT REPORT COMMONWEALTH ACETATE OF LIME FACTORY (former)

#### 8. CONCLUSION

The proposed works are part of an overall master plan strategy for the site which will allow a significant, but private site, become the centre of a vibrant food and beverage hub open to the public. Dunhill Properties Pty Ltd purchased the site after it had been vacant for many years, and the buildings were derelict. Roofs, windows and parts of walls were missing and open to the elements. The timber migrant huts were exhibiting major timber decay and had become unsafe.

Over two years and numerous applications to the Department of Environment and Science, the later, intrusive accretions and redundant services have been removed. A new site wide services strategy for stormwater, power, gas and sewerage has been installed to service the site. Extant original timber windows have been conserved, open doorways infilled or secured with contemporary glazed elements. Roofs have been replaced, with more proposed under this current application.

The works completed are respectful of the original fabric and the new work has been sympathetic and contemporary in design so as to not blur the cultural heritage significance of the place.

These works should be supported as they represent the next stage towards the adaptive re-use of the place which will ultimately be open to the public for the first time in its history and it is being conserved to tell the story into the future.

Refused under section 47(3)(b) of the RTI Act

Refused under section 47(3)(b) of the RTI Act.

Surely this activity profile needs to be stopped

Refused under section 47(3)(b) of the RTI Act.

**Australian Country Choice Group of Companies**

Refused under section 47(3)(b) of the RTI Act.

Refused under section 47(3)(b) of the RTI Act.  
117 Colmslie Road, Murarrie | PO Box 478, Morningside  
Queensland 4170, Australia