Version 2

If the City of Moreton Bay officially adopts and publishes a Planning Scheme Policy, then how is it legitimate to approve a development application that does not conform to the adopted policy?

The CoMB Planning Department has issued such a non-conforming delegated approval for DA/2024/4695.

The approval given to DA 2024/4695 was an egregious breach of the adopted Planning Policy.

The approval needs to be withdrawn forthwith, as the Planning Department has failed to adopt and apply the Council’s Planning Policy.

The failure to comply with the Planning Policy turns on the Section 3 of the Planning Scheme Policy (PSP) - Residential Design.

The PSP - Residential Design states in its opening sentence that:-

“Moreton Bay Regional Council adopted this planning scheme policy on 24 November 2015.”

For a Planning Officer to issue an approval that completely disregards the adopted Policy is a serious matter. The only appropriate resolution for the Council Administration is to rescind the approval. Unless this is done, the Council is in breach of the QLD Planning Act 2016.

If the Council then incurs some financial impost, then blame can only be attributed to the system where there has been delegated authority with lack of oversight.

The DA/2024/4695 approval is corrupted morally or ethically.

In the approval, it is demonstrably untrue to state that the proposal “Is of a scale, density and design that respects the character of the zone, precinct and streetscape”.

The proposal did not and does not comply with the PSP- Residential Design section 3. The Section 3 clearly sets out the range of typologies available based upon several metrics.

The adopted planning policy unquestionably states that the available typologies for the lot the subject of DA/2024/4695 are only :-

0: Dwelling House (Traditional)

3: Dwelling Unit

6: Multiple Dwelling (Plexes)

7: Multiple Dwelling (Terrace or Row House)

8: Multiple Dwelling (Low Rise Apartment)

A Low Rise Apartment is further described as an up-to 3 level building. A seven storey high rise apartment is not in the scope of what is allowed in terms of the adopted Planning Policy. Council must rescind the approval.