



Redland
CITY COUNCIL

MINUTES

SPECIAL MEETING

Wednesday, 21 December 2011

The Council Chambers
35 Bloomfield Street
CLEVELAND QLD

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1 DECLARATION OF OPENING

The Mayor declared the meeting open at 8.31am.

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

Cr M Hobson PSM	Mayor
Cr W Boglary	Councillor Division 1
Cr C Ogilvie	Councillor Division 2
Cr D Henry	Councillor Division 3
Cr B Townsend	Councillor Division 5
Cr T Bowler	Councillor Division 6
Cr M Elliott	Deputy Mayor & Councillor Division 7
Cr K Reimers	Councillor Division 8
Cr K Williams	Councillor Division 9
Cr H Murray	Councillor Division 10

Executive Leadership Group:

Mr G Stevenson PSM	Chief Executive Officer
Mrs T Averay	General Manager Environment Planning & Development
Mr N Clarke	General Manager Governance
Mrs L Rusan	General Manager City Services

Officers:

Mr S Hill	Principal Advisor Local Area and Strategic Planning
Mr M Hunt	Acting Group Manager City Planning & Environment

Minutes:

Mrs J Parfitt	Corporate Meetings & Registers Team Leader
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ABSENT

Cr J Burns, Councillor Division 4.

3 MATERIAL PERSONAL INTEREST AND CONFLICT OF INTEREST

Nil

4 ENVIRONMENT PLANNING & DEVELOPMENT

4.1 KINROSS ROAD STRUCTURE PLAN - FINALISATION OF THE STRUCTURE PLAN

Datworks Filename:	LUP Kinross Road Structure Plan Project
Attachment:	<u>Attachment 1: Amended Notice of Decision – Adoption of Structure Plan for Kinross Road Master Planned Area</u>
Responsible Officer:	Toni Averay General Manager Environment Planning & Development
Author:	Stephen Hill Principal Advisor Local Area and Strategy

EXECUTIVE SUMMARY

Council resolved to submit the proposed Kinross Road Structure Plan [Structure Plan] to the Minister for Local Government and Planning [the Minister] for approval under Stage 3 – Step 8 of the *Statutory Guideline 03/09 – Declared Master Planned Area Structure Plans* following a Special Meeting held on the 6 October 2011.

The Minister subsequently advised that pursuant to section 145 of the *Sustainable Planning Act 2009 [SPA]* and Step 10.1 of the Statutory Guideline Council may proceed to adopt the proposed Structure Plan as an amendment to the Redlands Planning Scheme [RPS] subject to a number of conditions.

Many of the conditions included in the original decision notice were unacceptable to Council in terms of their potential environmental, social and financial implications. In response to the conditions package an urgent meeting was held with the Minister on the 3 November 2011. In summary the Minister agreed to deem the decision notice as draft and confidential to allow further representations from Council and to support a further time extension in which Council must make a final decision on the proposed Structure Plan.

A Special Meeting of Council held on the 10 November 2011 subsequently resolved to endorse a written submission to the Minister outlining Council's concerns in response to the conditions package and delegated authority under section 257(1) (b) of the *Local Government Act 2009* to the Mayor to negotiate and make further representations as necessary to the Minister.

On the 14 December 2011, Council received the amended Notice of Decision – Adoption of Structure Plan for Kinross Road Master Planned Area incorporating a number of amended conditions [refer to Attachment 1]. This report examines the revised conditions package and recommends that in light of the changes the Minister has undertaken that Council proceed to adopt the Kinross Road Structure Plan as an amendment of the Redlands Planning Scheme.

PURPOSE

The purpose of this report is to:

- Provide an overview of the amended Ministerial Conditions package;
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- Recommend Council adoption of the Kinross Road Structure Plan as an amendment to the Redlands Planning Scheme.

BACKGROUND

The following provides a brief chronological history of the key stages involved in the development of the Structure Plan since the declaration of the area as a declared Master Planned Area:

- On the 23 December 2010, the Minister for Infrastructure and Planning designated Kinross Road as a declared Master Planned Area in accordance with Section 133 of the SPA;
- On 16 February 2011, the Council adopted a revised draft Structure Plan for the purposes of first state interest review. This plan incorporated the Ministerial requirements of the declaration, including an increased geographic area;
- On 28 March 2011, the Minister advised that Council could proceed to public notification of the draft Structure Plan subject to conditions;
- Public consultation of the draft Structure Plan commenced on 28 April 2011 and closed on 22 July 2011. At the close of the consultation period Council had received 556 submissions;
- An extensive submission review process was undertaken including two workshops with Councillors held on 1 September 2011 and 8 September 2011;
- A Special Meeting of Council seeking to adopt the Submission Review Report commenced on 23 September 2011, and continued on 27 September and 29 September 2011. Council resolved to adopt the Submission Review Report on 29 September 2011;
- On the 6 October 2011, Council resolved to adopt the revised Structure Plan, reflecting the outcomes as detailed in Council Resolutions of the Special Meetings held of 23, 27 and 29 September 2011. In addition, Council also resolved to proceed with the revised Kinross Road Structure Plan and write to the Minister requesting approval to adopt the revised Structure Plan as an amendment to the RPS;
- On the 31 October 2011, the Minister advised that pursuant to Section 145 of SPA and Step 10.1 of the Statutory Guideline, Council may proceed to adopt the revised Structure Plan as an amendment to the RPS subject to conditions. The decision notice contained a total of seventy [70] conditions with eleven [11] key conditions included in a summary section which were then articulated in further detail in the subsequent sections of the notice;
- A confidential briefing of Councillors was undertaken on 2 November 2011 highlighting concerns and issues with the Ministerial Conditions package;
- Meeting held between the Mayor, the Divisional Councillor, Council officers and the Minister on the 3 November 2011 to discuss the Ministerial conditions. At this meeting the Minister confirmed he was prepared to consider a further submission regarding the conditions and would support an extension of time in which Council must make its final decision on the proposed structure plan. The Minister also agreed that the matter would remain confidential during this time;

- Correspondence sent to the Minister on the 4 November 2011 seeking an extension of time in which Council must make a final decision on the Structure Plan;
- A Special Meeting on the 10 November 2011 endorsed a written submission to the Minister which articulates Council's issues and concerns with the current conditions package and delegates authority to the Mayor to negotiate and make further representations to the Minister in relation to finalising the Kinross Road Structure Plan conditions package;
- Meetings held between the Mayor, council officers and ministerial advisors on the 17 November to further discuss Council's issues with the draft conditions package. Council officers are invited to a further meeting with the ministerial advisors on 7 December 2011;
- An amended Ministerial conditions package for the Kinross Road Structure Plan received by Council on 14 December 2011;

ISSUES

The Ministerial letter and revised decision notice indicates that pursuant to Section 145 of the SPA and Step 10.1 of the Statutory Guideline, Council may proceed to adopt the proposed Structure Plan as an amendment to the RPS, subject to the revised conditions. The amended decision notice contains a total of sixty nine [69] conditions with ten [10] key conditions included in a summary section which are then articulated in further detail in the subsequent sections of the Ministerial decision notice.

At this time Council must resolve to either adopt the draft structure Plan as an amendment to the Redlands Planning Scheme or resolve not to proceed with the Structure Plan. If the latter option is pursued it is anticipated the Minister may utilise the provisions of Section 126 of the SPA and direct Council to adopt the structure plan as an amendment to the RPS. In circumstances where a local authority does not comply with Ministerial direction given under Section 126 of SPA the Minister may take the action the local government was directed to take and can recover any expense reasonably incurred.

In response to Council's letter dated 11 November 2011 the revised decision notice incorporates a number of changes to the conditions. The following section examines the changes in the conditions package between the draft and the amended decision notice and provides commentary on whether the revised conditions address the issues identified in Council's letter dated 11 November. In addition legal advice is provided regarding whether the conditions are reasonably within the authority of the Minister to impose.

Amended Ministerial Notice of Decision

1. Draft condition 3 and associated conditions – Land use precinct [fauna sensitive] adjacent to the northern edge of the East West Corridor

Draft condition 3 and associated conditions required the removal of the low residential [fauna sensitive] precinct adjacent to the east west corridor and its replacement with a new urban residential [fauna sensitive] precinct.

In response to the draft conditions Council resolved to request the Minister to retain the land within the Sub-precinct 5c – Low Density Residential [Fauna Sensitive] as the stated environmental outcomes for the proposed new sub precinct – 4d Urban

Housing [Fauna Sensitive] appeared unworkable. As part of its Special Meeting on the 12 November 2011 Council indicated it was prepared to negotiate this draft condition.

The amended Ministerial condition 3 states:

'The land identified as Sub-Precinct 5c Low Density Residential [Fauna Sensitive] is to become part of sub-precinct 4a [multiple locations].

Reason: This change provides a more suitable development density in this location, close to the Mixed Use Local Centre and ensures efficient use of land.'

The revised condition is consistent with the officer recommendations included in the Kinross Road Structure Plan Submission Review Report [issue 2.3]. However it is noted the revised conditions have removed the requirement for an esplanade road separating the east-west corridor and urban residential precinct. It is understood the requirement for an esplanade road has been removed as the conditions package requires the provision of koala exclusion fencing along the boundary of the east-west corridor.

It is recommended that the revised condition be accepted.

2. Draft condition 4 – removing the Urban Residential precinct on the western side of Kinross Road and replacing it with the Medium Density Residential precinct

Draft condition 4 required replacing the Urban Residential precinct on the western side of Kinross Road with Medium Density Residential.

In response to the draft conditions Council resolved to request the Minister to retain the area to the west of Kinross Road within Sub-Precinct – 4a Urban Residential Housing [multiple locations]. As part of its Special Meeting on the 12 November 2011 Council indicated it was prepared to negotiate this draft condition.

The revised decision notice retains the draft condition. Condition 4 of the revised decision notice states:

'The Urban Residential, Sub Precinct 4a Urban Housing [multiple locations] specifically located on the western side of Kinross Road from the Mixed Use Local Centre is to become Medium Density Sub-Precinct 3a Kinross Road as per the exhibition version of the Structure Plan.

Reason: This has been included on the basis that the site is in close proximity to the local centre and higher density development in this location is considered a more efficient use of the land.'

The revised condition is consistent with the officer recommendations included in the Kinross Road Structure Plan Submission Review Report [issue 3.3]. The revised condition will require approximately 2.9ha of land on the western side of Kinross Road to be removed from the urban residential precinct and included in the medium density residential precinct. This will increase overall dwelling numbers in the area by approximately 85.

It is recommended that the revised condition be accepted.

3. Draft condition 5 – future northern bus connection to South Street

Draft condition 5 required that a northern public transport corridor be provided and constructed by Council [included in the PIP] prior to the signalisation of the Boundary

Road and Kinross Road intersection. Related conditions included draft condition numbers 18, 32, 43, 59 and 60.

In response to the draft conditions Council resolved to request that the condition requiring the proposed bus connection and timing for its construction be removed or if this position were not accepted the condition be amended to require just a notation on the relevant mapping recognising a potential future public transport [bus] corridor to the north of the structure plan area along the existing ENERGEX easement and through to South street. As part of its Special Meeting on the 12 November 2011 Council indicated its requested change to the draft condition was not negotiable.

The amended Ministerial condition 5 states:

'A future northern public transport corridor connecting the Master Planned Area to South Street is to be:

(a) shown on the structure plan; and

(b) included in the Priority Infrastructure Plan submitted to the State for approval

The Council must amend the Structure Plan to include provisions to protect the integrity of the State controlled road and the Kinross/Boundary Road intersection for the purposes of the future northern public transport corridor.

Reason: This is required in order to ensure an efficient public transport service for this area and to support the acceptable road and traffic function for the Master Planned Area and surrounding roads. I note that this is supported by Council's commissioned Traffic Engineering Report on Precinct Access Options prepared by Colin Beard Traffic Engineering Pty Ltd dated 1 September 2011 which concludes that in the event 'the Goddard Road Deviation is impossible for some reason, satisfactory access could be provided with access option B' [which includes a northern precinct bus access] [pp7].'

This condition is consistent with the technical advice received by Council from Colin Beard who recognises the need for a future public transport corridor to the north with the removal of the Goddard Road deviation.

It is noted that the Minister's letter indicates that at the request of Council the requirement for the construction of the busway and the thresholds relating to the delivery of the corridor have been removed. These changes are supported. Council's Legal Services Manager has advised it would appear possible to satisfy the Minister's condition by simply identifying the future bus corridor in the PIP without specifying timing, funding or construction responsibility. It should be however be noted that if this position is not accepted by the State it will be necessary for Council to include the busway within the fifteen year life of the PIP and collect charges from new development. Initial funding estimates indicate the proposed construction of the busway will be in the order of \$3 to \$5 million. Assuming these costs are fully recovered from new development within the Structure Plan area, an additional \$2500 to \$3500 will need to be collected from each new dwelling within the area.

It is recommended the revised condition be accepted.

4. Draft condition 7 – Potential Goddard Road corridor

Draft condition 7 required a potential future transport [traffic and public transport] corridor to be located to the north/north east either via existing Goddard Road reserve or Goddard Road deviation.

Council resolved to request the condition be removed as alternative access arrangements were available and supported by Council's commissioned Traffic Engineering Report on Precinct Access Options prepared by Colin Beard Traffic Engineering Pty Ltd. In addition, preserving the potential Goddard Road transport corridor for future development beyond the life of the structure plan was not justified and failed to duly consider environmental, financial and social considerations. As part of its Special Meeting on the 12 November 2011 Council indicated its requested change to the draft condition was not negotiable.

The revised Notice of Decision has removed the condition relating to the potential future transport [traffic and public transport] corridor via Goddard Road deviation across Wellington Ponds.

This is a significant shift in the State Government's position and addresses one of Council's primary concerns with the initial draft conditions package.

5. Draft Condition 8 – Kinross Road and Boundary Road intersection

Draft condition 8 recognised that future land acquisition would be required with the upgrade of the Kinross Road and Boundary Road intersection in the Structure Plan.

Council resolved to request the location, design and funding mechanism for the State controlled Boundary Road and Kinross Road intersection be resolved at this time and included in the proposed structure plan. As part of its Special Meeting on the 12 November 2011 Council indicated it was prepared to negotiate this draft condition.

The amended Ministerial condition [**new condition 7**] states:

'Amend all provisions relating to the intersection of Kinross Road and Boundary Road to accommodate the intersection upgrade requirements identified on the TMR General Layout Plan, attached or as agreed with TMR. Alignment of the Kinross Road reserve is to provide a suitable interface with the intersection upgrade requirements.'

Reason: To provide greater clarity for residents in proximity to the intersection and ensure the ability for the intersection to be upgraded in the future.'

The Minister's letter states that the plan provided by DTMR is the ultimate design solution for the intersection. While the finalisation of the proposed intersection design is supported, there is a concern that the final design does not appear to address the amenity of existing residences located on the southern side of Kinross Road in proximity to the intersection or potential safety concerns with driveway access from these properties directly accessing onto Kinross Road. It is also noted that the State has not provided any advice regarding when the intersection will be upgraded and how it will be funded. Despite these concerns it is recognised that the DTMR ultimately have responsibility for this intersection and for this reason the revised condition and associated intersection layout should be accepted.

6. Draft Condition 9 – Kinross Road

Draft condition 9 stipulated that Kinross Road should reflect contemporary and effective design solutions. In addition, related draft conditions indicated that the whole of Kinross Road should be designated a trunk collector and as a probable solution the length of the road should be 32 metres in width

Council resolved to request the condition requiring the extension of the trunk collector road designation north of that identified in the submitted plan be removed. In

addition, Council also maintained that the design standard for the section of Kinross Road identified as a trunk collector road in the submitted structure plan is consistent with both Council's and contemporary road design standards [23 metres with no residential access between Boundary Road and the first internal roundabout and 32 metres with no residential access between the first roundabout along Kinross Road north to the proposed local centre]. As part of its Special Meeting on the 12 November 2011 Council indicated it was prepared to negotiate this draft condition.

The amended Notice of Decision contains similar conditions to the draft notice. In particular the Minister has retained the requirement for all of Kinross Road to be identified as a trunk collector from the intersection of Boundary Road to its intersection with Goddard Road. In addition the identification of the width of Kinross Road at 32 metres has also been retained as a probable solution.

The revised conditions will require amendments to the PIP which currently only includes the section of Kinross Road to approximately the proposed Local Centre as a trunk collector.

Further advice from City Infrastructure will be necessary to facilitate the final design of the additional section of Kinross Road.

It is recommended that this revised condition be accepted.

7. Draft Condition 36 – Lot size and layout on slopes

Draft condition 36 required Council to change Specific Outcomes in the proposed Kinross Road Structure Plan to probable solutions and insert a new specific outcome stating *“ensures lot layout and built form is responsive to the site constraints, in particular slope”*.

Council resolved to request the condition as initially submitted be retained as a specific outcome to ensure lots less than 500m² are not created on existing slopes in excess of identified gradients in accordance with the Res 30 Guidelines. As part of its Special Meeting on the 12 November 2011 Council indicated it was prepared to negotiate this draft condition.

The amended Ministerial condition [**new condition 35**] states:

‘Replace the specific outcome 5.15.9 Precinct 4 – Urban Residential Housing, Specific Outcome 1.5 (1)(b)(ix) as follows:

	Specific Outcome		Probable Solutions
s1.5	(1)(b) ensures lot layout and built form: (ix) avoids areas of steep slope and is responsive to existing topography		(1)(b) (ix) ensures no new lots within an area of less than 500m ² are created where the existing slope exceeds: a. 10% side slope; b. 5% length slope; or c. where both side and length slope approach 10% and 5% respectively

Reason: The above condition seeks to ensure no minimum lot sizes are triggered by parts of the Redlands Planning Scheme, in accordance with the Master Planned Area declaration. DLGP notes that any specific provision relating to minimum lot

sizes for sloping lots should be captured by the Reconfiguration Code with the Redlands Planning Scheme.'

The Minister's letter [dated 14 December 2011] notes that "following further discussions with you regarding this condition, the probable solution has been reinstated to the condition. The Specific Outcome has also been strengthened following your request". It is recommended that the revised condition be accepted.

Legal Advice

The Notice of Decision has been reviewed by Council's Legal Services Manager who is satisfied that the conditions are within the legal authority of the Minister to impose.

Implementation

The proposed commencement date of the Kinross Road Structure Plan is Monday 20 February 2012. This will allow for the necessary changes to be made to the Redlands Planning Scheme and other applicable mapping, including:

- Final GIS Mapping Amendment
- Redland Planning Scheme document edits
- Redland Planning Scheme mapping edits
- Corporate update / edits

These changes will be overseen by City Planning and Environment Group, but include input from the Marketing and Communications Group and the Information Management Group.

RELATIONSHIP TO CORPORATE PLAN

5. Wise planning and design

We will carefully manage population pressures and use land sustainably while advocating and taking steps to determine limits of growth and carrying capacity on a local and national basis, recognising environmental sensitivities and the distinctive character, heritage and atmosphere of local communities. A well-planned network of urban, rural and bushland areas and responsive infrastructure and transport systems will support strong, healthy communities.

- 5.5 Plan and develop a network of accessible centres that provide a wide range of retail, commercial and community services along with local employment opportunities
- 5.6 Manage the built environment in a way that creates accessible and user friendly spaces and maintains our local character and identity, ensuring all new developments use high quality design that reflects our sub-tropical climate, promotes health, community harmony and wellbeing
- 5.9 Promote housing diversity, choice and affordability to address the city's current and future needs, incorporating medium density housing within and around the city's centres and transport nodes
- 5.11 Provide for 'place making' throughout the city through creative and inclusive master planning, local area planning, public art and heritage planning and precinct character planning processes to manage development at a local level

- 5.12 Plan, provide and advocate for essential physical and social infrastructure that supports community well-being and manage Council's existing infrastructure assets to ensure current service standards are maintained or improved

FINANCIAL IMPLICATIONS

Completion of the drafting of the Structure Plan is a budgeted project in the 2011/12 financial year.

Implementation of the Structure Plan will require Infrastructure Planning Frameworks to be aligned to support the preferred settlement pattern for the Kinross Road Area. It is expected Infrastructure Agreements will be negotiated as development progressively occurs to ensure that trunk infrastructure networks are funded in accordance with the Redlands Priority Infrastructure Plan [PIP].

Other non trunk infrastructure will be progressively provided through the development assessment process. Areas of open space identified in the Structure Plan to come into public ownership but not obtained through the process described above will need to be funded through a range of other Council and potentially State Government funding sources.

PLANNING SCHEME IMPLICATIONS

The Structure Plan, if adopted, will primarily be implemented by amendments to the RPS.

CONSULTATION

Further representations have been made to the Minister's advisors and State Government officers prior to the receipt of the revised decision notice.

OPTIONS

PREFERRED

That Council resolve to:

1. To adopt, pursuant to Section 145 of the *Sustainable Planning Act 2009*, the Kinross Road Structure Plan [Second State Interest Version – September 2011] as an amendment of the Redlands Planning Scheme subject to the Ministerial conditions as set out in the Amended Notice of Decision dated 14 December 2011 [Refer to Attachment 1];
2. To provide a public notice of the adoption of the Kinross Road Structure Plan in the Bayside Bulletin and/or Redland Times and in the Government Gazette in accordance with Section 120 of the *Sustainable Planning Act 2009*;
3. To set an effective date of Monday 20 February 2012 for the commencement of the Kinross Road Structure Plan as an amendment to the Redlands Planning Scheme;
4. To provide a copy of the published notice of adoption and five certified copies and one electronic copy of the Kinross Road Structure Planning Scheme amendment package to the Chief Executive of the Department of Local Government and Planning within 10 business days after making the decision; and
5. To undertake amendments to the draft Priority Infrastructure Plan to reflect the Minister's conditions as set out in the amended Notice of Decision dated 14 December 2011.

ALTERNATIVE

That Council resolve, in accordance with Step 11.1 of *Statutory Guideline 03/09 Declared Master Planned Area Structure Plans*, to not proceed with the proposed Kinross Road Structure Plan; and

- (a) place a notice in a local newspaper, on the local government's website and in the gazette stating:
 - (i) the local government name, and
 - (ii) the decision and the reason for not proceeding; and
- (b) provide the Minister with a copy of the notice within 10 business days after making the decision.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr D Henry
Seconded by: Cr C Ogilvie

That Council resolve to:

1. To adopt, pursuant to Section 145 of the *Sustainable Planning Act 2009*, the Kinross Road Structure Plan [Second State Interest Version – September 2011] as an amendment of the Redlands Planning Scheme subject to the Ministerial conditions as set out in the Amended Notice of Decision received 14 December 2011 [Refer to Attachment 1];
2. To provide a public notice of the adoption of the Kinross Road Structure Plan in the Bayside Bulletin and/or Redland Times and in the Government Gazette in accordance with Section 120 of the *Sustainable Planning Act 2009*;
3. To set an effective date of Monday 20 February 2012 for the commencement of the Kinross Road Structure Plan as an amendment to the Redlands Planning Scheme;
4. To provide a copy of the published notice of adoption and five certified copies and one electronic copy of the Kinross Road Structure Planning Scheme amendment package to the Chief Executive of the Department of Local Government and Planning within 10 business days after making the decision; and
5. To undertake amendments to the draft Priority Infrastructure Plan to reflect the Minister's conditions as set out in the amended Notice of Decision dated 14 December 2011.

CARRIED

DIVISION

FOR: Crs Reimers, Murray, Henry, Ogilvie, Boglary and Hobson

AGAINST: Crs Elliott, Bowler, Williams and Townsend

Cr Burns was absent from the meeting.

5 MEETING CLOSURE

There being no further business, the Mayor declared the meeting closed at 9.02am.

Signature of Chairperson: _____

Confirmation date: _____