

## SHOW CAUSE NOTICE

### *Planning Act 2016* Section 167

Our Ref: CRDC520075  
Show Cause Notice No: SC005094

C J Fiteni  
28 Hooper Street  
BIRKDALE QLD 4159

**TO: CHELSEY JEAN FITENI**

This notice has been issued under section 167 of the *Planning Act 2016* (the Act) because Council reasonably believes you have committed, or are committing, a development offence under section 164 of the Act being a **person must not contravene a development approval**.

**AND** this Notice applies to premises described as **Lot 16 on SP278844** located at **28 Hooper Street Birkdale QLD** ("the Premises").

You are invited under this notice to show cause why an enforcement notice should not be given to you in accordance with s. 168 of the Act. If given, an enforcement notice would require you to refrain from committing the offence and/or remedy the commission of the offence in a way stated in the notice. It is an offence to not comply with an enforcement notice.

Council believes an enforcement notice should be issued because.

1. A search of Redland City Council records shows Chelsey Jean Fiteni is the registered owner of the premises; and
2. A search of Redland City Council records shows Chelsey Jean Fiteni has an address of 28 Hooper Street Birkdale QLD; and
3. On 27 June 2014 development approval ROL005714 was given for carrying out a subdivision from 1 lot into 32 lots; and
4. Condition 8 of approval ROL005714 states that a building envelope plan for the development is to be submitted to Council for lots 16, 17 and 18 defined and drawn to scale. All buildings and structures on the relating lots must be wholly contained within the boundaries of the approved building envelopes.
5. On 7 October 2015, the survey plan was registered with the titles office.
6. An inspection ("the inspection") was carried out on 1 March 2019 of the premises and again via aerial imagery on 24 March 2019; and

7. The inspection revealed that a basketball half court had been constructed outside the designated building envelope area; and
8. The court measures approximately 8.5 metres x 9 metres in area and is located at the rear southern boundary of the premises.

**IN** accordance with section 167 of the Act you now have the opportunity to respond to the facts and circumstances detailed above.

Responses must be made **by 4.30pm on 24<sup>th</sup> June 2019** and can be made either in person by contacting Kirsty Rousell on Ph: 3829 8716 to arrange an appointment or in writing to:

Redland City Council  
Development Control Unit  
PO Box 21  
CLEVELAND QLD 4163

Attention: Kirsty Rousell

Or via email [DCUmailbox@redland.qld.gov.au](mailto:DCUmailbox@redland.qld.gov.au)

Following consideration of any response you may submit to this notice and the nature and scale of the offence and other relevant circumstances, Council will determine whether further compliance action is warranted. If further compliance action is undertaken it may include:

- The issuing of an Enforcement Notice; and/or
- The issuing of a fine for the offence outlined in this notice for \$2,611.00 (for individuals) or \$13,055.00 (for corporations); and/or
- Prosecution for the offence (maximum penalty - 4500 penalty units).

Please note that it is Council's usual practice to provide details of the progress and outcome of an investigation to a complainant (when applicable). This practice is in accordance with the privacy principles in the *Information Privacy Act 2009* specifically IPP 11(1)(a).

Should you have any questions regarding this matter please contact Kirsty Rousell on 3829 8716.

**DATED** this 21<sup>st</sup> day of May 2019

  
Wayne Talbot  
Team Leader  
Development Control Team



## ENFORCEMENT NOTICE

### *Planning Act 2016* Section 168

Our Ref: CRDC520075  
Enforcement Notice No: ENF007740

C J Fiteni  
31 Bandiera Street  
BIRKDALE QLD 4159

#### TO: CHELSEY JEAN FITENI

ON 21<sup>st</sup> May 2019, Show Cause Notice SC005094 was issued to you giving you the opportunity to provide a reason why an Enforcement Notice should not be issued under section 168 of the *Planning Act 2016* ("the Act"), because Council reasonably believes you have committed, or are committing, a development offence.

The show cause notice gave you an opportunity to provide a reason why an Enforcement Notice should not be issued for an offence under section 164 of the Act being a **person must not contravene a development approval** on land described as **Lot 16 on SP278844** located at **28 Hooper Street, Birkdale, QLD** ("the Premises").

**COUNCIL** believes it is appropriate to give you an Enforcement Notice.

**PURSUANT** to section 168 of the Act to you are required to:

- a) **BY 4pm on 2<sup>nd</sup> September 2019** make an application (a change application), under the *Planning Act 2016*, to change condition 8 of development approval ROL005714 in regards to the building envelope at the premises; and
- b) Ensure that the application/s for the relevant development permit/s applicable to the change application are processed in accordance with the requirements of section 172 of the Act, that is you must not discontinue an application without reasonable excuse and you must ensure that all necessary and reasonable steps are taken to enable the application to be decided as quickly as possible and if the person appeals the decision on the application—must take all necessary and reasonable steps to enable the appeal to be decided as soon as practicable, unless the person has a reasonable excuse.
- c) In the event the above application/s cannot result in a change of approval being obtained for the a change to the building envelope, you are required to Comply with condition No 8 and the Act by removing the basketball half court from the building envelope area **within 21 days** of the date a change of conditions can no longer be obtained; and

**OR**

- d) **BY 4pm on 2<sup>nd</sup> September 2019** comply with condition No 8 of ROL005714 and the Act by ensuring all buildings and structures on the lot are wholly contained within the boundaries of the approved building envelope.

### **Facts and Circumstances**

The facts and circumstances that formed the basis for Council's belief that an enforcement notice should be given were:

1. A search of Redland City Council records shows you, Chelsey Jean Fiteni, is the registered owner of the premises.
2. A search of Redland City Council records shows Chelsey Jean Fiteni has an address of 28 Hooper Street, Birkdale QLD.
3. On 27 June 2014, Council issued development approval ROL005714 ("the approval") for carrying out a subdivision from 1 into 32 lots; and
4. Condition No 8 of the approval ROL005714 states that a building envelope plan for the development is to be submitted to Council for lots 16, 17 and 18 defined and drawn to scale. All buildings and structures on the relating lots must be wholly contained within the boundaries of the approved building envelopes.
5. On 7<sup>th</sup> October 2015, the survey plan was registered with the titles office.
6. An inspection ("the inspection") was carried out on the 1<sup>st</sup> March 2019 and again via aerial imagery on 24<sup>th</sup> March 2019; and
7. The inspection revealed that a basketball half court had been constructed outside the designated building envelope area; and
8. The court measures approximately 8.5m x 9m and is located at the rear southern boundary of the premises.

**COUNCIL** has issued an Enforcement Notice:

- i. After considering representations made on 12<sup>th</sup> July 2019; and
- ii. A further site inspection ("the last inspection") was carried out on 13<sup>th</sup> July 2019 via Nearmap aerial imagery; and
- iii. The last inspection revealed that the basketball half court is still outside the building envelope area; and
- iv. Condition No 8 of the approval ROL005714 continues to be contravened.

### **Further Advice**

It is also an offence to contravene an Enforcement Notice with a maximum penalty of \$600,525.00. A Penalty Infringement Notice (PIN) may also be issued for contravention of the notice (\$2,669.00 for individuals and \$13,345.00 for corporations).

Compliance with this Enforcement Notice may not preclude Council issuing a PIN or taking other legal action for the original development offence committed. This will be determined on the basis of the nature and scale of the offence and other relevant circumstances.



You may appeal this notice under section 229 of the Act [see attached Advisory Notes].

This notice is considered a 'remedial notice' for the purposes of section 138AA of the Local Government Act 2009. Under certain circumstances, including the giving of separate written notice, this remedial notice may enable Council to enter premises and take any action that is required under this notice.

It is Council's usual practice to provide details of the progress and outcome of an investigation to a complainant (when applicable). This practice is in accordance with the privacy principles in the *Information Privacy Act 2009* specifically IPP 11(1)(a).

Please contact on if you require any further information regarding this matter.

**DATED** this 29<sup>th</sup> day of July 2019



Wayne Talbot  
Team Leader  
Development Control Team

Right to Information Release

## ADVISORY NOTES TO ENFORCEMENT NOTICE

This Enforcement Notice is part of a standard system administered by Council to rectify what it believes are breaches of State legislation in relation to a situation Council believes is unlawful and/or dangerous.

Its purpose is very specific where it requires matters identified to be resolved in a certain way, and within certain time-frames. Please feel free to contact the Officer named in the Notice with regards to any clarification you require as to the most suitable solution to the issues raised in this Notice. However, please note if an Enforcement Notice is disregarded or not complied with fully, Council's next available course of action may be prosecution.

### Appeals against enforcement notices *Planning Act 2016*

#### Section 229 Appeals to tribunal or P&E Court (1) Schedule 1 states—

- (a) matters that may be appealed to—
- (i) either a tribunal or the P&E Court; or
  - (ii) only a tribunal; or
  - (iii) only the P&E Court; and
- (b) the person—
- (i) who may appeal a matter (the appellant); and
  - (ii) who is a respondent in an appeal of the matter; and
  - (iii) who is a co-respondent in an appeal of the matter; and
  - (iv) who may elect to be a co-respondent in an appeal of the matter.

(2) An appellant may start an appeal within the appeal period.

(3)(f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person

#### 230 Notice of appeal (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—

- (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.

#### Section 171 Stay of enforcement notice

- (1) An appeal against an enforcement notice stays the operation of the notice until—
- (a) the tribunal or court hearing the appeal decides otherwise; or
  - (b) the appeal ends.
- (2) However, the notice is not stayed to the extent the notice is about a matter stated in section 167(5)(a).

### Contact for more information

**Development Tribunal** - Department of Housing and Public Works

**Post** GPO Box 2457 Brisbane Qld 4001

**Telephone** 1800 804 833

**email** [registrar@qld.gov.au](mailto:registrar@qld.gov.au)

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

**Planning and Environment Court**

**Post** PO Box 15167 Brisbane Qld 4000

**Telephone** (07) 3247 4313

**Email** [pe.registrar@justice.qld.gov.au](mailto:pe.registrar@justice.qld.gov.au)

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

### Entry to Land section 132 *Local Government Act 2009*

Authorised Council Officers may, under this Enforcement Notice, inspect the premises site at any reasonable time (other than at night) to check compliance with conditions of this Notice.

Job Reference: TP20/5046

2 October 2019

City Planning and Assessment  
Redland City Council  
Via email: rcc@redland.qld.gov.au

**RE: CHANGE APPLICATION (MINOR CHANGE) IN ACCORDANCE WITH SECTIONS 78 AND 79 OF THE PLANNING ACT 2016**

**Council Reference:** ROL005714  
**Approval Type:** SPA – Development Permit – Reconfiguration of a Lot  
**Description of Proposal:** 1 into 32 Lot Residential Subdivision  
**Address of Site:** 69-79 Quarry Road, Birkdale QLD 4159  
**Real Property Details:** Lot 11 on Registered Plan 14134

Dear Sir/Madam,

On behalf of our client, Chelsea Jean, we respectfully seek to change the above-mentioned development approval by way of a change application (minor change) in accordance with Sections 78 and 79 of the *Planning Act 2016*. For Council's reference, it is noted that the original development approval was granted in June 2014 with a copy of the relevant development approval package included as part of this application.

In particular, this change application seeks to modify Conditions 8 and 9 of the development approval package which currently read:

**Condition 8:** *Submit to Council a building envelope plan for the development that has the approved building envelopes on proposed Lots 16, 17 and 18 defined and drawn to scale. All buildings and structures on the relating lots must be wholly contained within the boundaries of the approved building envelopes.*

**Condition 9:** *Any fencing on Lots 16, 17 and 18 located outside the building envelopes must be constructed to allow fauna movement through each of the lots.*

In order to rectify a current development offence over Lot 16 (SC005094 and ENF007740) whereby a basketball half court has been constructed outside the approved building envelope and due to changes since the original approval was issued – namely the adoption of the *Redland City Plan 2018* – we believe these conditions can and should be modified to read:

**Condition 8:** *All buildings and structures on Lots 17 and 18 must be wholly contained within the boundaries of the approved building envelopes, as shown on 'Proposed Lot Reconfiguration Drawing Number 3812-C3 Dated 19/06/14'.*

**Condition 9:** Fauna friendly fencing must be provided along the rear boundaries of Lots 16, 17 and 18 and for a distance of at least 25 metres along the side boundaries (measured from the rear boundary) of Lots 16, 17 and 18.

As it is presumed that Condition 8 was originally imposed to regulate native vegetation clearing on these lots, it is important to note that there is appropriate capacity within the *Redland City Plan 2018* to continue to regulate native vegetation clearing on Lot 16, despite the proposed removal of the building envelope from this lot.

In particular, Table 5.9.1 of the *Redland City Plan 2018* will provide continued capacity to control native vegetation clearing on the section of Lot 16 which is currently outside of the approved building envelope, as this section is included within the Open Space Zone AND the Environmental Significance Overlay and so any native vegetation clearing in that section will be considered 'code assessable' development. In this regard, Council will continue to have full control over any and all environmental values within this section of the lot. But in addition to this, the residents of Lot 16 will be afforded greater flexibility around the use of their backyard. And above all else, they will be able to lawfully use their basketball half court at the rear of the site which was constructed in a cleared area of the site, away from any native vegetation.

Meanwhile, Condition 9 will maintain its purpose to facilitate fauna movement throughout the three sites, however, it must be acknowledged that there is very little room for said fauna to move beyond Lot 18 to the west as an established vegetable farm exists here and so facilitating fauna movement through the three sites to this farm is seen to be somewhat redundant.

The above-mentioned changes are deemed to constitute a minor change, based on the following requirements laid out in Schedule 2 of the *Planning Act 2016*:

*minor change means a change that:*

*(b) for a development application –*

*(i) would not result in substantially different development; and*

**Response:** The changes will not result in a substantially different development. This is based on the fact that the changes will not include a new use, nor will they result in the application applying to a new parcel of land. Further to this, the changes will not dramatically alter the development's built form in terms of scale, bulk or appearance. Moreover, the changes will not alter the ability of the development to operate as intended, nor will they remove an integral component of the development. In addition, the changes will cause no impact on surrounding traffic flows or the surrounding transport network, nor will they introduce any new impacts or increase the severity of known impacts. And finally, the changes will not remove an incentive/offset of the original development, nor will they impact on surrounding infrastructure provisions.

*(ii) if a development application for the development, including the change, were made when the change application is made would not cause—*

*(A) the inclusion of prohibited development in the application; or*

**Response:** If a development application were to be made today, inclusive of the changes, it would not include prohibited development.



*(B) referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*

**Response:** If a development application were to be made today, inclusive of the changes, it would not require referral to a referral agency.

*(C) referral to extra referral agencies, other than to the chief executive; or*

**Response:** The original application did not require a referral to a referral agency.

*(D) a referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have had regard to, when the application was made; or*

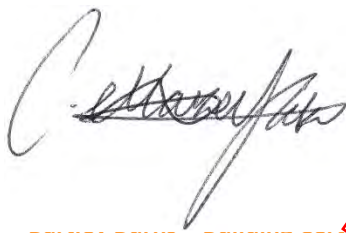
**Response:** If a development application were to be made today, inclusive of the changes, it would not require a referral to a referral agency.

*(E) public notification if public notification was not required for the development application.*

**Response:** If a development application were to be made today, inclusive of the changes, it would not require public notification.

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We thank you for your attention to this application and look forward to receiving approval of this application through the issuing of a revised development approval package. If you have any queries or questions relating to this application, please do not hesitate to contact the undersigned on (07) 3199 0167 or 1300 051 189.



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Bartley Burns & Town Planners

# Change application form

## Planning Act Form 5 (version 1.1 effective 22 JUNE 2018) made under Section 282 of the Planning Act 2016.

This form is to be used for a change application made under section 78 of the *Planning Act 2016*. It is important when making a change application to be aware of whether the application is for a minor change that will be assessed under section 81 of the *Planning Act 2016* or for an 'other' change that will be assessed under section 82 of the *Planning Act 2016*.

An applicant must complete all parts of this form, and provide any supporting information that the form identifies as being required to accompany the change application, unless stated otherwise. Additional pages may be attached if there is insufficient space on the form to complete any part.

**Note:** All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

## PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) (individual or company full name)	Chelsey Jean c/- Bartley Burns
Contact name (only applicable for companies)	Courtney Maizey-Baker
Postal address (P.O. Box or street address)	Unit 1, 1027 Manly Road
Suburb	Tingalpa
State	Queensland
Postcode	4173
Country	Australia
Email address (non-mandatory)	courtney@bartleyburns.com.au
Mobile number (non-mandatory)	0481 153 265
Applicant's reference number(s) (if applicable)	

## 2) Owner's consent - Is written consent of the owner required for this change application?

**Note:** section 79(1A) of the *Planning Act 2016* states the requirements in relation to owner's consent.

- Yes – the written consent of the owner(s) is attached to this change application  
 No

## PART 2 – LOCATION DETAILS

### 3) Location of the premises (complete 3.1 or 3.2, and 3.3) as applicable

#### 3.1) Street address and lot on plan

- Street address **AND** lot on plan (all lots must be listed), **or**  
 Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		69-79	Quarry Road	Birkdale
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4159	11	RP14134	Brisbane
b)	Unit No.	Street No.	Street Name and Type	Suburb
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)

#### 3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

**Note:** Place each set of coordinates in a separate

Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54	<input type="checkbox"/> WGS84	



<input type="checkbox"/> 55	<input type="checkbox"/> GDA94
<input type="checkbox"/> 56	<input type="checkbox"/> Other:

**3.3) Additional premises**

Additional premises relevant to the original development approval and their details have been attached in a schedule to this application  
 Not required

**PART 3 – RESPONSIBLE ENTITY DETAILS**

**4) Identify the responsible entity that will be assessing this change application**

*Note: see section 78(3) of the Planning Act 2016*

Redland City Council

**PART 4 – CHANGE DETAILS**

**5) Provide details of the existing development approval subject to this change application**

Approval type	Reference number	Date issued	Assessment manager/approval entity
<input checked="" type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval	ROL005714	27/06/2014	Redland City Council
<input type="checkbox"/> Development permit <input type="checkbox"/> Preliminary approval			

**6) Type of change proposed**

6.1) Provide a brief description of the changes proposed to the development approval (e.g. changing a development approval for a five unit apartment building to provide for a six unit apartment building):

Refer to attached letter.

6.2) What type of change does this application propose?

Minor change application – proceed to Part 5  
 Other change application – proceed to Part 6

**PART 5 – MINOR CHANGE APPLICATION REQUIREMENTS**

**7) Are there any affected entities for this change application**

No – proceed to Part 7  
 Yes – list all affected entities below and proceed to Part 7

*Note: section 80(1) of the Planning Act 2016 states that the person making the change application must give notice of the proposal and the details of the change to each affected entity as identified in section 80(2) of the Planning Act 2016.*

Affected entity	Pre-request response provided? (where a pre-request response notice for the application has been given, a copy of the notice must accompany this change application)	Date notice given (where no pre-request response provided)
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	
	<input type="checkbox"/> No <input type="checkbox"/> Yes – pre-request response is attached to this change application	

**PART 6 – OTHER CHANGE APPLICATION REQUIREMENTS**



**Note:** to complete this part it will be necessary for you to complete parts of DA Form 1 and in some instances parts of DA Form 2, as mentioned below. These forms are available at <https://planning.dsdmip.qld.gov.au>

**8) Location details - Are there any additional premises included in this change application that were not part of the original development approval?**

No  
 Yes – complete Part 2 (Location details) of DA Form 1 as it relates to the additional premises is completed and provided with this application.

**9) Development details**

**9.1) Is there any change to the type of development, approval type, or level of assessment in this change application?**

No – proceed to 11)  
 Yes – the completed Sections 1 and 2 of Part 3 (Development details) of DA Form 1 as these sections relate to the new or changed aspects of development are provided with this application.

**9.2) Does the change application involve building work?**

No  
 Yes – the completed Part 5 (Building work details) of DA Form 2 as it relates to the change application is provided with this application.

**10) Referral details – Does the change application require referral for any referral requirements?**

**Note:** The application must be referred to each referral agency triggered by the change application as if the change application was the original development application including the proposed change.

No  
 Yes – the completed Part 5 (Referral details) of DA Form 1 as it relates to the change application is provided with this application. Where referral is required for matters relating to building work the [Referral checklist for building work](#) is also completed.

**11) Information request under Part 3 of the DA Rules**

I agree to receive an information request if determined necessary for this change application  
 I do not agree to accept an information request for this change application

**Note:** By not agreeing to accept an information request I, the applicant, acknowledge: that this change application will be assessed and decided based on the information provided when making this change application and the assessment manager and any referral agencies relevant to the change application are not obligated under the DA Rules to accept any additional information provided by the applicant for the change application unless agreed to by the relevant parties Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the [DA Forms Guide: Forms 1 and 2](#).

**12) Further details**

Part 7 of DA Form 1 is completed as if the change application was a development application and is provided with this application.

## PART 7 – CHECKLIST AND APPLICANT DECLARATION

**13) change application checklist**

I have identified the:  
 responsible entity in 4); and  
 for a minor change, any affected entities; and  Yes  
 for an 'other' change all relevant referral requirement(s) in 10)  
**Note:** See the *Planning Regulation 2017* for referral requirements

For an 'other' change application, the relevant sections of [DA Form 1 – Development application details](#) have been completed and is attached to this application  Yes  
 Not applicable

For an 'other' change application, where building work is associated with the change application, the relevant sections of [DA Form 2 – Building work details](#) have been completed and is attached to this application  Yes  
 Not applicable

Supporting information addressing any applicable assessment benchmarks is attached to this application  Yes

**Note:** This includes any templates provided under 23.6 and 23.7 of DA Form 1 that are relevant as a result of the change application, a planning report and any technical

reports required by the relevant categorising instrument(s) (e.g. the local government planning scheme, State Planning Policy, State Development Assessment Provisions).  
For further information, see [DA Forms Guide: Planning report template](#).

Relevant plans of the development are attached to this development application

Yes

**Note:** Relevant plans are required to be submitted for all relevant aspects of this change application. For further information, see [DA Forms Guide: Relevant plans](#).

#### 14) Applicant declaration

By making this change application, I declare that all information in this change application is true and correct.  
 Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the responsible entity and any relevant affected entity or referral agency for the change application where written information is required or permitted pursuant to sections 11 and 12 of the *Electronic Transactions Act 2001*.

**Note:** It is unlawful to intentionally provide false or misleading information.

**Privacy** – personal information collected in this form will be used by the responsible entity and/or chosen assessment manager, any relevant affected entity or referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the change application.

All information relating to this change application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.

Personal information will not be disclosed for a purpose unrelated to the *Planning Act 2016*, *Planning Regulation 2017* and the DA Rules except where:

such disclosure is in accordance with the provisions about public access to documents contained in the *Planning Act 2016* and the *Planning Regulation 2017*, and the access rules made under the *Planning Act 2016* and *Planning Regulation 2017*; or

required by other legislation (including the *Right to Information Act 2009*); or

otherwise required by law.

This information may be stored in relevant databases. The information collected will be retained as required by the *Public Records Act 2002*.

## PART 8 – FOR OFFICE USE ONLY

Date received:

Reference number(s):

#### QLeave notification and payment

*Note: For completion by assessment manager if applicable*

Description of the work

QLeave project number

Amount paid (\$)

Date paid

Date received form sighted by assessment manager

Name of officer who sighted the form

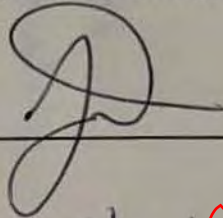
**Individual owner's consent for making an application under the  
*Planning Act 2016***

I, Chelsey Jean Fiteni, as owner of:

31 Bandiera Street, Birkdale QLD 4159 (Lot 16 on Survey Plan 278844)

consent to the making of an application under the *Planning Act 2016* by Chelsey Jean c/- Bartley Burns on the premises described above for a Change Application (Minor Change).

Signed: \_\_\_\_\_



Date: \_\_\_\_\_

3/10/19



**Jo Costin**

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**From:** Kelly Ede  
**Sent:** Tuesday, 8 October 2019 12:04 PM  
**To:** BSO Engineering Assessment; IPCU; Survey; DCU BSO; Ken Folkes  
**Cc:** Ellen Dwyer  
**Subject:** INTERNAL REFERRAL RAL19/0082 69-79 Quarry Road Birkdale  
Comments required for Decision by 17/10/19  
**Attachments:** ObjRef.obr

Please find attached Information for RAL19/0082 - Change to Development Approval - Standard Format 1 into 36 at 69-79 Quarry Road Birkdale.

Please enter any comments/conditions into P&R which you would like to be included in the Decision by 17/10/19.

Regards,

Kelly Ede  
Planning Assessment

Right to Information Release

## Jo Costin

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**From:** Kelly Ede  
**Sent:** Tuesday, 8 October 2019 12:01 PM  
**To:** Cr Paul Bishop  
**Cc:** Division 10 Support  
**Subject:** 20191008 Councillor Split Comments required for Change Application by 17/10/19 (A4107417)  
**Attachments:** 20191008 Councillor Split Comments required for Change Application by 17\_10\_19.docx

RAL19/0082 SA Comments Required for Change to Development Approval - Standard Format 1 into 36 - 69-79 Quarry Road Birkdale.

Please send your comments by forward email to Ellen Dwyer by 17/10/19.

Please note that if we have not received a response from you within the allocated timeframe, then we consider you to have no comments or concerns in relation to this application.

Regards

Kelly Ede  
Planning Assessment

Right to Information Release

# memorandum

**Comments Due:**17/10/19

**Co-ordinating Planner:**

Ellen Dwyer EXT: 8702

Email: Ellen.Dwyer @redland.qld.gov.au

<b>Date Split sent:</b>	08/10/2019
<b>File Ref:</b>	RAL19/0082
<b>Site Location:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Real Property Description:</b>	Lot 11 RP 14134
<b>Proposed Development:</b>	Change to Development Approval - Standard Format 1 into 36
<b>Level of Assessment:</b>	<b>Minor Change to Approval</b>
<b>Zone and Sub Area:</b>	<b>Overlays:</b>

CTRL + Click to follow the link to PD Online (Internal version)

<http://paifapp05.rccprd.redland.qld.gov.au/modules/applicationmaster/default.aspx?page=wrapper&key=1802401>

If you cannot access the documents using PD Online, please use the Objective link below on a Council computer.



ObjRef.obr

**Copy to:** **Division 10 Councillor**  
**Paul Bishop**



27 June 2014

Your Ref: 13-00201  
Our Ref: ED:cw  
File No: ROL005714  
Contact: Planning Assessment

Sutgold Pty Ltd  
C/- C W Clegg & Company  
Planning And Environment Consultants  
PO Box 2144  
TOOWONG BC QLD 4066

Dear Sir/Madam

## Decision Notice

*Sustainable Planning Act 2009*

### APPLICATION DETAILS

<b>Proposed Development:</b>	Reconfiguring a Lot (1 into 32)
<b>Application Reference No:</b>	ROL005714
<b>Legal Description:</b>	Lot 11 RP 14134
<b>Site Location:</b>	69-79 Quarry Road Birkdale QLD 4159

The development application for Reconfiguring a Lot for a 1 into 32 lot subdivision at the above location has been assessed and after considering all relevant matters, a **Development Permit** has been granted subject to conditions. The decision was made on 26 June 2014 by Council's delegate.

The following schedule provides all the relevant details.

### APPROVAL TYPE

	Development Permit	Preliminary Approval
Building Works assessable against the Planning Scheme	<input type="checkbox"/>	<input type="checkbox"/>
Plumbing or Drainage Works	<input type="checkbox"/>	<input type="checkbox"/>
Operational Works	<input type="checkbox"/>	<input type="checkbox"/>
Reconfiguring a Lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Material Change of Use	<input type="checkbox"/>	<input type="checkbox"/>

## REFERRAL AGENCIES

There were no Referral Agencies applicable to the application.

## CONDITIONS & ADVICE

### ASSESSMENT MANAGER CONDITIONS

### TIMING

1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.

### Approved Plans and Documents

2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans. Prior to Council approval of the Survey Plan.

Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date
Proposed Lot Reconfiguration	3812-C3	Philip Vassallo Pty Ltd	19/06/2014
Stormwater Management Plan – as amended in red	Dwg No. 33445-14CH-C-01 Issue C	Structerre Consulting Engineers	21/02/2014
Noise Impact Assessment	Report No. 612 Issue No. 1	NSA Acoustics	05/09/2013
Stage 1-4 Environmental Site Assessment	AEG-13-QRB	AEG Environmental	15/01/2014

Table 1: Approved Plans and Documents

3. Submit to Council a Survey Plan for Compliance Certificate approval, in accordance with the approved plans, following compliance with all relevant conditions and requirements of this approval. Prior to expiry of the relevant period for the approved development.

### Existing Structures

4. Remove any existing fences and/or incidental works that straddle the new boundaries, or alter to realign with the new property boundaries or to be wholly contained within one of the new properties. Prior to Council approval of the Survey Plan.

### Utility Services

5. Relocate any services (eg water, sewer, electricity, telecommunications and rootwater) that are not wholly located within the lots that are being serviced. Prior to Council approval of the Survey Plan.
6. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid in accordance with the terms of any cost estimate provided to perform the works. At the time the works occur, or prior to Council approval of the Survey Plan, whichever is the sooner.

<p>7. Design and install underground electricity and telecommunication conduits to service all lots with the exception of proposed Lot 5 which contains the existing dwelling and may remain overhead in accordance with the requirements of the relevant service providers and the Redlands Planning Scheme Infrastructure Works code and Planning Scheme Policy 9 – Infrastructure Works. Provide Council with written confirmation of the service provider agreements to the supply of electricity and telecommunication services.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><b>Land Dedication and Design</b></p>	
<p>8. Submit to Council a building envelope plan for the development that has the approved building envelopes on proposed lots 16, 17 and 18 defined and drawn to scale. All buildings and structures on the relating lots must be wholly contained within the boundaries of the approved building envelopes.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p>9. Any fencing on lots 16, 17 and 18 located outside the building envelopes must be constructed to allow fauna movement through each of the lots.</p>	<p>Ongoing.</p>
<p>10. Provide fauna proof fencing of all designated building envelopes to retain all domestic animals within the perimeters of the building envelope.</p>	<p>Prior to Council approval of the Survey Plan and ongoing.</p>
<p>11. Dedicate land to the State with Council as trustee as shown on plan 3812-C3, for the following purposes:</p> <ul style="list-style-type: none"> <li>a) Park purposes; and</li> <li>b) Road purposes.</li> </ul>	<p>Prior to Council approval of the Survey Plan.</p>
<p>12. Grant easements for the following and submit the relevant easement documentation to Council for approval. Once approved by Council, register the easements on the property title.</p> <ul style="list-style-type: none"> <li>a) Drainage and/or access purposes, as required to preserve the rights of upstream properties.</li> <li>b) Where a sewer maintenance structure is located on private property, a 1m wide access easement in favour of Redland City Council along the entire side boundary from the street frontage and containing the maintenance structure.</li> </ul>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p><b>Split Valuation</b></p>	
<p>13. Pay a contribution to Council for the purposes of paying the State Government Split Valuation Fees. The current value of the contribution is \$31.85 per allotment (2013/2014 Financial Year). The amount of contribution must be paid at the rate applicable at the time of payment. A Split Valuation Fee is required for each allotment contained on the Plan(s) of Survey, including balance lots.</p>	<p>Prior to Council approval of the Survey Plan.</p>



<b><u>Access and Roadworks</u></b>	
14. Design all roads in accordance with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design, unless otherwise stated as part of a specific condition of this approval.	Prior to Council approval of the Survey Plan.
15. Provide traffic calming consistent with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design.	Prior to Council approval of the Survey Plan.
16. Construct a minimum 2.0m wide concrete footpath adjacent to proposed Lot 1 connecting Quarry Road to the proposed internal road.	Prior to Council approval of the Survey Plan.
17. Submit to Council, <u>and gain approval for</u> , a road naming plan, in accordance with Council's road naming guidelines, detailing specific road names and designations for all existing and proposed new public roads within the site. Use original road names on all new roads to avoid duplication of any existing road names in the City.	Prior to preparing your Survey Plan.
<b><u>Stormwater Management</u></b>	
18. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to a lawful point of discharge.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.  Ongoing condition.
19. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.  Ongoing condition.
20. Submit to Council, and receive Operational Works approval for, a stormwater assessment that is generally in accordance with Structerre Consulting Engineers drawing number 33445-14CH-C-01/B dated 21/02/2014, and addresses both quality and quantity in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, and includes the following: <ul style="list-style-type: none"> <li>• Design of allotment drainage.</li> <li>• Detailed drawings of the proposed stormwater quality treatment systems and any associated works. The drawings must include longitudinal and cross sections as well as details of treatment media and any associated vegetation.</li> <li>• An electronic copy of the MUSIC model.</li> <li>• A maintenance plan.</li> </ul>	As part of the application for Operational Works or prior to Council approval of the Survey Plan, whichever is the sooner.

**Water and Wastewater**

- |   |   |
|---|---|
| 21. Connect all lots to the existing reticulated sewerage and reticulated water systems. Submit to Council for approval an application for Operational Works showing the proposed works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works.  | Prior to Council approval of the Survey Plan. |
| 22. Construct a 150mm diameter water main and a 150mm diameter sewer line to service the development and include connections to service future adjacent undeveloped land. Submit to Council for approval an application for Operational Works showing the design of the works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works and the South East Queensland Water Supply and Sewerage Design and Construction Code. | Prior to Council approval of the Survey Plan. |
| 23. Remove all redundant on site wastewater disposal systems located within the site and provide documentary evidence to Council that this has occurred.  | Prior to Council approval of the Survey Plan. |
| 24. Reconnect the existing dwelling to a new sewerage and water connection. Locate all private plumbing and drainage associated with the dwelling wholly within the lot.  | Prior to Council approval of the Survey Plan. |

**Excavation and Fill**

- |   |   |
|---|---|
| 25. Apply to Council and obtain Operational Works approval for earthworks associated with the reconfiguration. Design and construct all retaining structures in accordance with Australian Standard 4678-2002 Earth-retaining Structures, in particular the minimum 60 year design life requirements. | As part of the application for Operational Works. |
|---|---|

**Sediment and Erosion Control**

- |   |  |
|---|--|
| 26. Install erosion and sediment control measures to minimise the export of silts, sediment, soils and associated pollutants from the site. Design, install and maintain the above measures in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works, Chapter 4 and the Institute of Engineers' Erosion and Sediment Control Guidelines. | Prior to commencement of civil works, earthworks and construction phases of the development. |
|---|--|

**Survey Control Information**

- |  |  |
|--|--|
| 27. Submit Survey Plan(s) that include connections to at least two separate corners from two RCC control marks with a valid Department of Natural Resources and Mines Order or RCC Accuracy. These must be shown on the face of the Survey Plan(s) within the Reference Mark or Permanent Survey Mark tables. List the mark number and coordinate in the cover letter. | As part of the request for compliance assessment of the Survey Plan. |
| 28. Survey and present all asset infrastructure in accordance with the Redlands Planning Scheme Part 11 Policy 9 – Infrastructure Works. The horizontal datum for all work must be Redland City Council Coordinates (RCC) and the vertical datum must be Australian Height Datum (AHD).  | As part of the request for compliance assessment of the Survey Plan. |

29. Supply a Permanent Survey Mark (PSM) Sketch with the Survey Plan for any new PSMs placed. Include the following on the PSM Sketch:
- the mark's AHD Reduced Level;
  - the datum origin mark number; and
  - the datum RL adopted.

As part of the request for compliance assessment of the Survey Plan.

Comply with the requirements of the *Survey and Mapping Infrastructure Act 2003*.

### Environmental Management

30. Pay an offset contribution for each koala habitat tree to be removed. The relevant trees are the 48 identified as Lophostemon, Eucalyptus, Corymbia and Melaleuca in the Flora Values Assessment by Landscape Assessment Management and Rehabilitation Pty Ltd. (e.g. If one of the 48 trees is removed then the contribution will be 1 X \$920). The offset requirement is under the SEQ Koala Conservation State Planning Regulatory Provision, Division 6, Colum 2, Item 2. The current contribution for each tree actually removed is \$920 per tree, as stated in Section 6.13 of the Offsets for Net Gain of Koala Habitat in South East Queensland Policy; or

Prior to Council approval of the Survey Plan.

Replant koala habitat trees at the rate of five new trees for every one koala habitat tree removed; or

A combination of both payment and replanting, as stated in Section 6.13 of the Offsets for Net Gain of Koala Habitat in South East Queensland Policy.

If replanting is part or all of the preferred option, it must not occur within any proposed lots except for the non-development envelope areas of Lots 16, 17, and 18 and park Lot 102. In this regard, submit planting details as part of the operational works application identifying the locations and species types.

### Landscaping Works

31. Pay to Council a monetary contribution for street tree planting for 31 street trees. The contribution must be calculated in accordance with the Redlands Planning Scheme Policy 3 Chapter 3 – Landscaping and must be paid at the rate current at the time of payment under Council's Fees and Charges Schedule. The current rate is \$155 per tree (2013/2014 Financial Year).

Prior to Council approval of the Survey Plan.

32. Submit a Landscape Plan, prepared in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works Chapters 2, 10 and 11, to Council for Operational Works approval. Include the following items in addition to the requirements of the Policy:

As part of the application for Operational Works.

- a) Details of replanting of koala habitat trees, where this is selected as the preferred option;
- b) Details of the proposed Bio-Basin that is generally in accordance with the approved stormwater management plan and in accordance with WSUD design guidelines;
- c) Details of proposed pathway linkage from Quarry Road;
- d) Details of a 2.0m wide vegetated landscape buffer in front of the



proposed Acoustic Fence to Quarry Road; and	As part of the application for Operational Works.
e) Details of a maintenance plan for the landscaping component of the development.	
<p>33. Submit to Council for Operational Works approval an arborist report in relation to trees on neighbouring properties prepared by a qualified arborist who is a member of the Australian Arborist Association or equivalent professional organisation. The arborist report must address the following:</p> <ul style="list-style-type: none"> <li>• What impact will occur to these trees;</li> <li>• Any pruning to be in accordance with <i>Australian Standard AS4373:2007 "Pruning of Amenity Trees"</i>; and</li> <li>• The tree assessment must be considered in accordance with <i>Australian Standard AS4970-2009 "Protection of Trees on Development Sites"</i>.</li> </ul>	As part of the application for Operational Works.
34. Turf all areas of disturbance within the road verge with turf cut from a weed free source containing no viable weed seed.	Prior to Council approval of the Survey Plan.
35. Remove all weed species, as identified in Part B of Council's Pest Management Plan 2012-2016.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.
<b><u>Contaminated Land Requirements</u></b>	
36. Remediate the site in accordance with the AEG Environmental Stage 1 - 4 Environmental Site Assessment dated 15/01/2014. Conduct all remediation works with appropriate sediment and erosion controls in place to prevent transport of contaminated soil from the site that may cause environmental harm.	Prior to site works commencing.
37. Submit a final site validation report to Council including a copy of the Department of Environment and Heritage Protection disposal permit and disposal site's receipt of the material for compliance assessment.	Prior to site works commencing.
<b><u>Acoustic Requirements</u></b>	
<p>38. Construct a 2 metre high acoustic barrier above building pad level with 1.8 metre high returns as follows:</p> <ul style="list-style-type: none"> <li>• <i>Along the Northern end of the property that backs onto Quarry Road, Birkdale. Refer to Figure 2 in below noise report.</i></li> </ul> <p>The acoustic barrier must be constructed to achieve a minimum standard that attains a superficial mass of not less than 12kg/m<sup>2</sup> and total leakage of less than 1% of the total area. Guidance on the design of the barriers is provided in the Noise Impact Assessment, Report No. 612 Issue No. 1 by NSA Acoustics dated 5 September 2013.</p> <p>The barriers must be a fence combination and constructed in accordance with <i>Diagrams 5 – of Redland Planning Scheme Policy 5 - Environmental Emissions.</i></p>	Prior to on maintenance or Council approval of the Survey Plan, whichever is sooner

## **ADDITIONAL DEVELOPMENT PERMITS AND COMPLIANCE PERMITS**

The following further Development Permits and/or Compliance Permits are necessary to allow the development to be carried out. Please be aware that details of any further approvals, other than a Development Permit or Compliance Permit, are provided in the 'Advice' section of this decision.

- Operational Works approval is required for the following works as detailed in the conditions of this approval:
  - Sewer Reticulation
  - Water Reticulation
  - Stormwater Drainage
  - Roadworks
  - Excavation and Fill (if required)
  - Landscaping

## **ASSESSMENT MANAGER ADVICE**

- **Acoustic Attenuation**  
Future dwelling houses should incorporate acoustic attenuation as specified in section 8 of Proposed Residential Development 69 – 71 Quarry Road Birkdale – Noise Impact Assessment for Fiteni Homes, Report No. 612 Issue No. 1, NSA Acoustics – Noise Surveys & Acoustic Assessments, 05 September 2013
- **Infrastructure Charges**  
Infrastructure charges apply to the development in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Infrastructure Charges Notice. The infrastructure charges are contained in the attached Redland City Council Infrastructure Charges Notice.
- **Live Connections**  
Redland Water is responsible for all live water and wastewater connections. Contact *must* be made with Redland Water to arrange live works associated with the development.  
  
Further information can be obtained from Redland Water on 1300 015 561.
- **Other Approvals**  
Please be aware that other approvals may be required for your development. This includes, but is not limited to, the following:
  - Road Opening Permit – for any works proposed within an existing road reserve.
- **Coastal Processes and Sea Level Rise**  
Please be aware that development approvals issued by Redland City Council are based upon current lawful planning provisions which do not necessarily respond immediately to new and developing information on coastal processes and sea level rise. Independent advice about this issue should be sought.
- **Hours of Construction**  
Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.
- **Performance Bonding**  
Security bonds may be required in accordance with the Redlands Planning Scheme Policy 3 Chapter 4 – Security Bonding. Bond amounts are determined as part of an Operational Works approvals and will be required to be paid prior to the pre-start meeting or the development works commencing,

whichever is the sooner.

- **Survey and As-constructed Information**

Upon request, the following information can be supplied by Council to assist survey and engineering consultants to meet the survey requirements:

- a) A map detailing coordinated and/or levelled PSMs adjacent to the site.
- b) A listing of Council (RCC) coordinates for some adjacent coordinated PSMs.
- c) An extract from Department of Natural Resources and Mines SCDM database for each PSM.
- d) Permanent Survey Mark sketch plan copies.

This information can be supplied without charge once Council received a signed declaration from the consultant agreeing to Council's terms and conditions in relation to the use of the supplied information.

Where specific areas within a lot are being set aside for a special purpose, such as building sites or environmental areas, these areas should be defined by covenants. Covenants are registered against the title as per Division 4A of the *Land Title Act 1994*.

- **Services Installation**

It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.

- **Fire Ants**

Areas within Redland City have been identified as having an infestation of the Red Imported Fire Ant (RIFA). It is recommended that you seek advice from the Department of Agriculture, Fisheries and Forestry (DAFF) RIFA Movement Controls in regards to the movement of extracted or waste soil, retaining soil, turf, pot plants, plant material, baled hay/straw, mulch or green waste/fuel into, within and/or out of the City from a property inside a restricted area. Further information can be obtained from the DAFF website [www.daff.qld.gov.au](http://www.daff.qld.gov.au)

- **Cultural Heritage**

Should any aboriginal, archaeological, or historic sites, items or places be identified, located or exposed during the course of construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Environment and Heritage Protection.

- **Fauna Protection**

It is recommended an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. Wildlife habitat includes trees (canopies and lower trunk) whether living or dead, other living vegetation, piles of discarded vegetation, boulders, disturbed ground surfaces, etc. It is recommended that you seek advice from the Queensland Parks and Wildlife Service if evidence of wildlife is found.

- **Environment Protection and Biodiversity Conservation Act**

Under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act* (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing of the Koala as **vulnerable** under this Act may affect your proposal. Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on 1800 803 772. Further information is available from Environment Australia's website at [www.ea.gov.au/epbc](http://www.ea.gov.au/epbc)

Please note that Commonwealth approval under the EPBC Act is independent of, and will not affect, your application to Council.



## NEGOTIATION OF A DECISION

You are entitled to make representations to Council about this decision in accordance with Section 361 of the *Sustainable Planning Act 2009*.

## DEEMED APPROVAL (APPROVAL UNDER s331)

The approval of this application has not been issued under Section 331 of the *Sustainable Planning Act 2009*.

## SUBMISSIONS

There were 23 properly made submissions and 1 not properly made about the application. The name and address of the principal submitter for each properly made submission are as follows:

	Name of Principal Submitter	Address
1.	Paul Schmidt	7 Pedwell Place Birkdale QLD 4159
2.	Anita Langenberg	10 Pedwell Place Birkdale QLD 4159
3.	Gillian Jagger	22 Remo Place Birkdale QLD 4159
4.	Trevor Harrington	17 Hooper Street Birkdale QLD 4159
5.	Peter Dahl	16 Pedwell Place Birkdale QLD 4159
6.	Jennifer Webb	14 Amalia Street Birkdale QLD 4159
7.	Holly Harrington	17 Hooper Street Birkdale QLD 4159
8.	Lorraine Elizabeth Harrington	17 Hooper Street Birkdale QLD 4159
9.	Gary John Barnett	18 Pedwell Place Birkdale QLD 4159
10.	Paul Fletcher	3 Peach Close Birkdale QLD 4159
11.	J C Hetherington	5 Pedwell Place Birkdale QLD 4159
12.	Rob Janssen	13 Pedwell Place Birkdale QLD 4159
13.	Haydn Betts	2 Amalia Street Birkdale QLD 4159
14.	Lee Stapleton	14 Pedwell Place Birkdale QLD 4159
15.	Elaine Wade	9 Hooper Street Birkdale QLD 4159
16.	Carl Wade	9 Hooper Street Birkdale QLD 4159
17.	James Young	7 Peach Close Birkdale QLD 4159
18.	Helga Immonen	20 Hooper Street Birkdale QLD 4159
19.	Jennifer Webb	14 Amalia Street Birkdale QLD 4159
20.	Jane Fox	4 Pentland Close Birkdale QLD 4159
21.	Fletcher Horne	4 Pentland Close Birkdale QLD 4159
22.	Geoff Kilgour	4 Paten Close Birkdale QLD 4159
23.	Brad Tucker	6 Hooper Street, Birkdale QLD 4159

## RIGHTS OF APPEAL

A copy of the rights of appeal under Section 461 and Section 462 of the *Sustainable Planning Act* for Applicants is appended, together with Division 11 of the Act which deals with the making of an Appeal to the Planning and Environment Court.



A Submitter for a development application may also appeal to the Planning and Environment Court. Information about Submitter appeal rights for the Planning and Environment Court is set out in Sections 462, 463 and 464 of the *Sustainable Planning Act 2009*.

Applicants and Submitters may also have a right to appeal to the Building and Development Dispute Resolution Committee. For further details, please refer to the *Sustainable Planning Act 2009* Chapter 7, Part 2.

## OTHER DETAILS

To expedite the processing of survey plans, a survey plan checklist is available on Council's website at:

<http://www.redland.qld.gov.au/FormsPermits/FormsDownload/Pages/Planning.aspx>

You should complete this checklist and submit it to Council with your survey plan(s).

Please be aware that in accordance with Schedule 19 of the Sustainable Planning Regulations 2009, no subdivision plan will be approved until rates and charges are paid in full.

Should you wish to obtain more information about Council's decision please contact Council's Planning Assessment team on (07) 3829 8890, or email [DAmailbox@redland.qld.gov.au](mailto:DAmailbox@redland.qld.gov.au). Electronic copies of this Decision Notice are also available online at [www.redland.qld.gov.au](http://www.redland.qld.gov.au) or at Council offices.

Yours sincerely



David Jeanes  
Group Manager - Delegate  
City Planning & Assessment

Enc

### City Planning & Assessment Customer Feedback

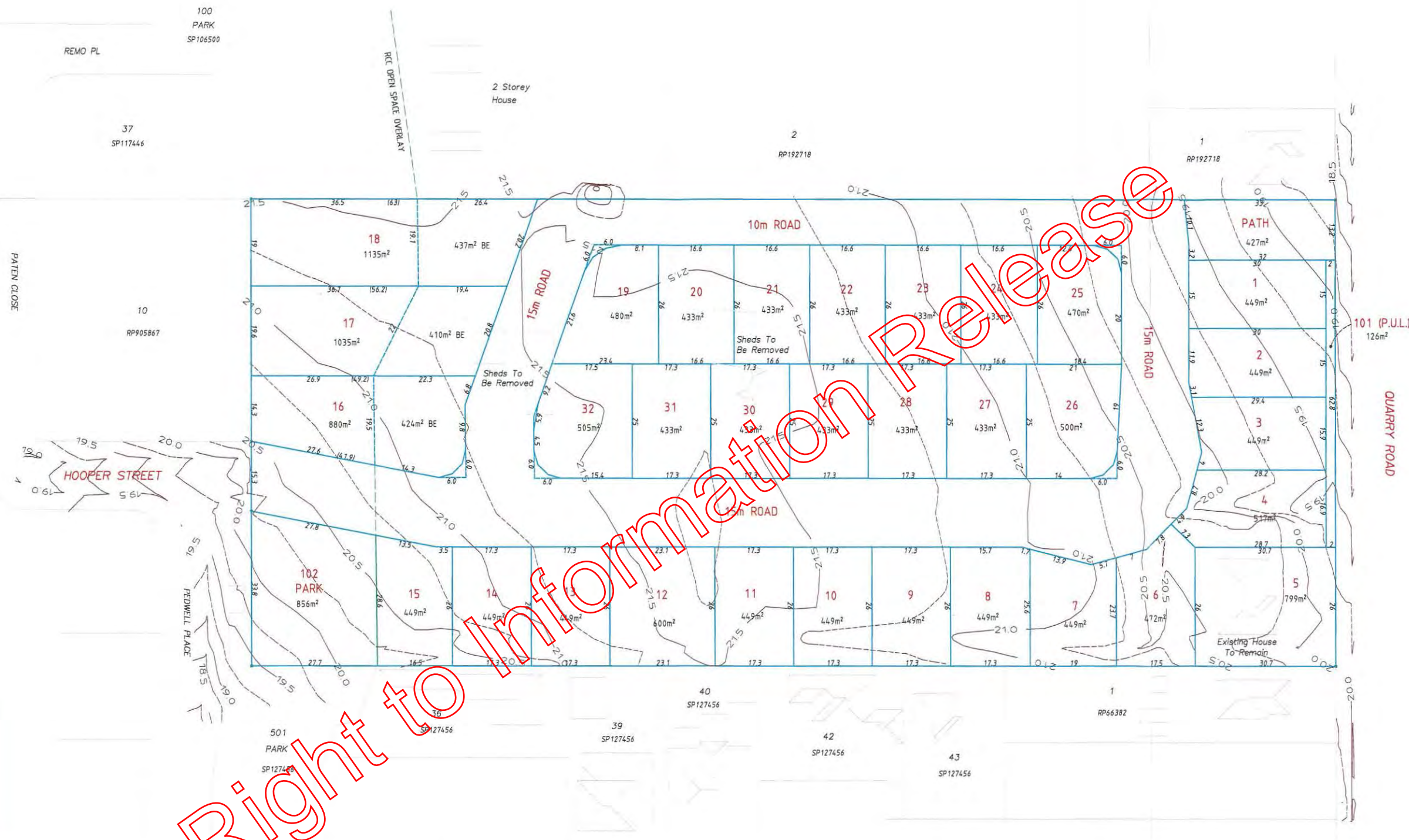
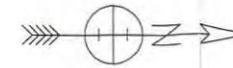
We would like your feedback about your dealings with City Planning & Assessment, and suggestions for continuous improvement.

To take a quick survey please visit the website below, or scan the QR Code with your smart phone device.

<http://www.redland.qld.gov.au/Haveyoursay/Pages/Customer-feedback.aspx>







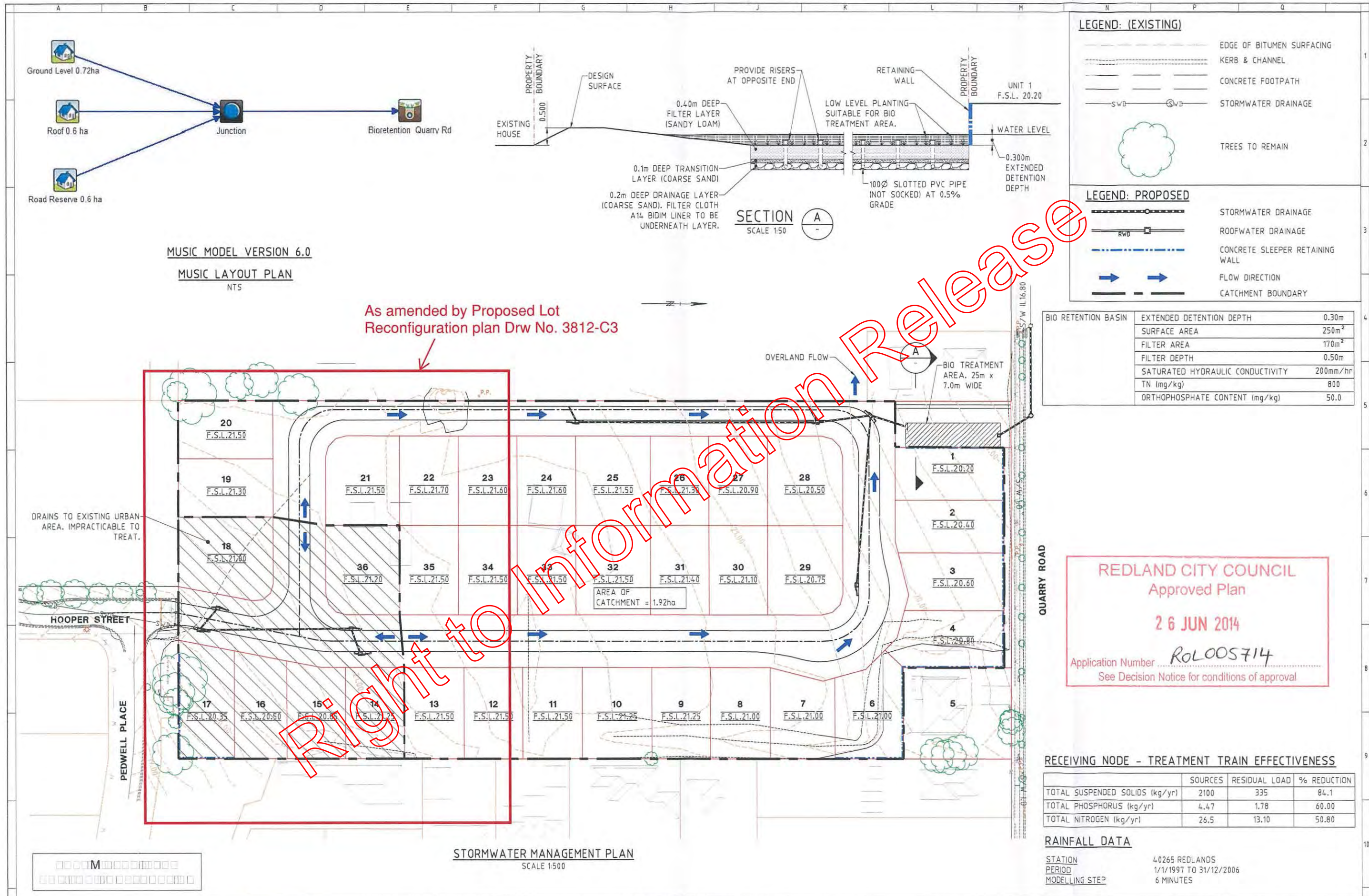
LOT DISTRIBUTION	
<448m <sup>2</sup>	10
449-499m <sup>2</sup>	14
500-799m <sup>2</sup>	5
800+m <sup>2</sup> & BE	3
<b>Total</b>	<b>32 Lots</b>

Right to Information Release

**REDLAND CITY COUNCIL**  
 Approved Plan  
**26 JUN 2014**  
 Application Number ROLO05714  
 See Decision Notice for conditions of approval

<b>NOTE</b> DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY	<b>PHILIP VASSALLO PTY LTD</b> CONSULTING LAND AND ENGINEERING SURVEYORS 17/172 REDLAND BAY ROAD CAPALABA PO BOX 94 CAPALABA 4157 Phone 07 3390 1831 Fax 07 3390 1325 Email mail@vassallo.net.au	SCALE 1:500 @A1 DRAWN PF CHECKED SURVEYED FB/Fol DATE 19/06/14	CLIENT <b>EDGARANGE PTY LTD</b> ORIGIN OF LEVELS PM 106826 RL 19.528 AHD D	JOB DESCRIPTION <b>LOT 11 ON RP14134</b> PARISH OF CAPALABA COUNTY OF STANLEY QUARRY ROAD BIRKDALE	PLAN OF <b>PROPOSED LOT RECONFIGURATION</b> Our Ref 3812 Computer File k:\fitem\3812 Drawing Number 3812-C3
AMENDMENTS					





As amended by Proposed Lot Reconfiguration plan Drw No. 3812-C3

Right to Information Release

**REDLAND CITY COUNCIL**  
 Approved Plan  
**26 JUN 2014**  
 Application Number R0L005714  
 See Decision Notice for conditions of approval

**RECEIVING NODE - TREATMENT TRAIN EFFECTIVENESS**

	SOURCES	RESIDUAL LOAD	% REDUCTION
TOTAL SUSPENDED SOLIDS (kg/yr)	2100	335	84.1
TOTAL PHOSPHORUS (kg/yr)	4.47	1.78	60.00
TOTAL NITROGEN (kg/yr)	26.5	13.10	50.80

**RAINFALL DATA**  
 STATION: 40265 REDLANDS  
 PERIOD: 1/1/1997 TO 31/12/2006  
 MODELLING STEP: 6 MINUTES

		BRISBANE OFFICE: M M	SIGNED  <b>Tim Wrafter</b> <small>BEng (Civil) CPEng MEAust          RPEQ Reg. No 4844</small>	DRAWING DETAILS DESIGNED: TW DRAWN: SL CHECKED: CMT APPROVED: TW DATE: 02/2014	ASSOCIATED SURVEYOR PHILIP VASSALLO PTY LTD UNIT 17, 172 REDLAND BAY ROAD CAPALABA, QLD 4157 PH. (07) 3390 1831 FAX. (07) 3390 1325 DATUM: LEVEL DATUM (A.H.D) DERIVED PSM: P.M. 106826 - R.L. 19.528	CLIENT <b>SUTGOLD PTY LTD</b> P.O. BOX 181 CAPALABA, QLD 4157	PROJECT <b>SUBDIVISION          1-36 QUARRY ROAD          BIRKDALE</b>	DRAWING TITLE: <b>STORMWATER MANAGEMENT PLAN</b> DWG NO.: <b>33445-14CH-C-01</b>	
B LOT LAYOUT AMENDED 21.02.14 SL									
A PRELIMINARY ISSUE 12.02.14 SL									
No. REVISION DATE NAME									



## Jo Costin

---

**From:** Ellen Dwyer  
**Sent:** Thursday, 10 October 2019 1:24 PM  
**To:** Kelly Ede  
**Subject:** kelly Review Comment - "20191008 Invoice for RAL19 0082"  
(A4107077)  
**Attachments:** 20191008 Invoice for RAL19 0082.obr

Reviewed by: Ellen Dwyer  
Reviewed on: Thursday, 10 October 2019 01:24:07 PM  
Comment: Agree

Open in Navigator  
Double click on the attachment

Open in Supported Smartphone Application  
<url:objective://id:A4107077@edrms-prd.rccprd.redland.qld.gov.au>

Open in Your Browser  
<https://edrms-prd.rccprd.redland.qld.gov.au/id:A4107077/document/versions/latest>

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**Redland City Council**  
 PO Box 21, Cleveland QLD 4163

ABN 86 058 929 428  
 Ph: (07) 3829 8999 (8am to 5pm Mon-Fri)  
 Fax: (07) 3829 8765

Bartley Burns Certifiers & Planners  
 Unit 1 1027 Manly Road  
 TINGALPA QLD 4173

**TAX INVOICE**

<b>Payee:</b>	Bartley Burns Certifiers & Planners
<b>Application Reference:</b>	RAL19/0082
<b>Applicant:</b>	Bartley Burns Certifiers & Planners
<b>Property Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Primary Land Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Legal Description:</b>	Lot 11 RP 14134
<b>Tax Invoice Number</b>	2019961
<b>Issue Date:</b>	08 October 2019
<b>Application Description:</b>	Change to Development Approval - Standard Format 1 into 36

**CHARGE SUMMARY**

Charge Description	Qty	Comment	Exclusive amount	Disc	GST Amount	Inclusive Amount
Minor Change - Other	1	Minor Change - Other	\$919.80	\$0.00	\$0.00	\$919.80
<b>Total Amount Due</b>			\$919.80	\$0.00	\$0.00	\$919.80

**TOTAL AMOUNT DUE.**

 BPAY Biller Code: <b>323691</b>  Biller Reference no: <b>92000485853</b>	<b>Telephone &amp; Internet Banking – BPAY®</b> Contact your bank or financial institution to make this payment from your cheque, savings or credit card account.  More info: <a href="http://www.bpay.com.au">www.bpay.com.au</a>	<b>By Phone</b> <b>1300 300 943</b>  Visa, Mastercard 24 hours 7 days / week.  <b>Ref no:</b> <b>92000485853</b>	<b>Paying In Person</b> <b>Council Service Centres:</b> <ul style="list-style-type: none"> <li>• Cleveland (Bloomfield Street)</li> <li>• Capalaba (Noeleen Street)</li> <li>• Victoria Point (Bunker Road)</li> </ul> Business Hrs: 8:30am – 4:30pm Business Hrs: 9am - 5pm  (Excl. Weekends & Public Holidays)
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 (Please advise change of name and/or address)

**Balance Statement** – This section provides the charge balance for all charges on Application Number RAL19/0082, including unpaid amounts from previous Tax Invoices issued by Redland City Council.

<b>RCC Contact:</b>	Redland City Council (07) 3829 8999	<b>Date:</b>	08 October 2019
<b>Applicant:</b>	Bartley Burns Certifiers & Planners	<b>Receipt Code:</b>	Module <b>RAMS</b>
<b>Application Ref:</b>	RAL19/0082	<b>Amount:</b>	\$919.80

**Jo Costin**

---

**From:** Alison Goebel on behalf of Corporate eMailbox  
**Sent:** Tuesday, 8 October 2019 8:31 AM  
**To:** BSO Planning Assessment  
**Subject:** kelly FW: eDA Lodgement - TP20/5046 - ROL005714 - 69-79 Quarry Road, Birkdale - Minor Change Request  
**Attachments:** Form 5.pdf; Minor Change Letter.pdf; Owner's Consent.pdf; Development Approval Package.pdf; Enforcement Notice.pdf

**From:** Courtney Maizey-Baker [mailto:courtney@bartleyburns.com.au]  
**Sent:** Friday, 4 October 2019 8:52 PM  
**To:** Corporate eMailbox <Corporatemailbox@redland.qld.gov.au>  
**Subject:** eDA Lodgement - TP20/5046 - ROL005714 - 69-79 Quarry Road, Birkdale - Minor Change Request

Hello,

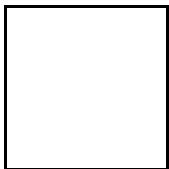
Please find attached our change application (minor change) over the above application.

Please note that this change application is being lodged in response to an RCC Show Cause Notice (SC005094) and Enforcement Notice (ENF007740) over 31 Bandiera Street, Birkdale.

If you have any questions about this application, please let me know.

Regards,

Courtney



**Courtney Maizey-Baker**

Town Planner

**Bartley Burns**

p: 07 3199 0167 m: 0481 153 265

a: Unit 1, 1027 Manly Road, Tingalpa QLD 4173

w: [www.bartleyburns.com.au](http://www.bartleyburns.com.au) e: [courtney@bartleyburns.com.au](mailto:courtney@bartleyburns.com.au)

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Virus-free. [www.avg.com](http://www.avg.com)

<b>To:</b>	Planning Assessment
<b>From:</b>	Adelai van Loggerenberg Environmental Assessment Officer Environmental Assessment
<b>Date:</b>	09/10/2019
<b>Application No.:</b>	RAL19/0082
<b>Re:</b>	Assessment comments for Decision for Change to Development Approval - Standard Format 1 into 36
<b>Street Address:</b>	69-79 Quarry Road Birkdale QLD 4159 Specifically 28 Hooper Street Birkdale 4159
<b>Real Property Description:</b>	Lot 11 RP 14134 Specifically Lot 16 SP278844

Reference is made to the abovementioned development application. Please include the following details in the assessment report for decision on the application:

### **ASSESSMENT COMMENTS**

Conditions 8 and 9 were not EAT conditions, refer to EAT assessment A736219.

Additional highlighted comments M Murphy 05/11/2019, similar to those for RAL19/0083 (Lot 18)

### **Redlands Planning Scheme**

The original ROL005714 approval was made under the RPS.

### **Overlays**

- **Habitat Protection** – The overlay consists of a 25m wide band at the rear of Lot 16, designated Bushland Habitat. Specific Outcome 5.7.9 S2.1 (3) requires that where locating development on that part shown as Bushland Habitat:
  - (a) explore all alternatives to locate the development outside these areas;
  - (b) where (a) is not achievable –
    - (i) assessment determines the appropriate location, design, scale and intensity of development that will protect and enhance long term environmental and habitat values in these areas;

- (ii) secure the long term conservation of these areas through the identification and designation of development envelopes and other private or public ownership arrangements;
- (iii) maximise opportunities for revegetation using native plants outside designated development envelope areas to enhance habitat values and movement of native animals.

**Comment:**

With respect to (a) above, development under prior ROL005714 was located outside the mapped Bushland Habitat area, and therefore complied with the overlay code.

If development could not be located outside the Bushland Habitat, then controls under sub-section (b) such as building envelopes or covenants may have been appropriate.

Original Condition 8 required submission of a building envelope plan with the approved building envelopes defined and drawn to scale. The plan received 'Lot Calculations' 3812-LC appears to have been a re-lodge of the original lot layout proposal that was marked up internally to label the building envelope boundary for Lots 16, 17 and 18. The boundary appears to be included as an un-labelled line on the registered title plan. Otherwise, there does not appear to be a submitted plan in accordance with Condition 8. The envelope locations / boundaries are not clearly discoverable through a title search.

Condition 9 requires any fencing outside the envelopes on all three lots to be built to allow fauna movement. The condition does not specify which fauna the fences are to cater for, or how to determine if any particular fence design could comply. Fences which allow movement of some particular native fauna may present a barrier to other native species. In its original form, Condition 9 is not workable in practice.

It is noted that Condition 10 is not referred to in the minor change application. This condition required fauna proof fencing of all envelopes to contain domestic animals. In a manner similar to that of Condition 9, the specific fauna which the fencing is intended to exclude and the domestic animals to be contained are not specified. Some native fauna can easily negotiate types of fencing that other fauna cannot. If Condition 9 is removed or changed, Condition 10 may still present a problem in compliance.

Any retention of native vegetation has merit and habitat value, however it is noted that the vegetation of Lots 16, 17 and 18 is fragmented and somewhat isolated from other natural habitat areas, although native animals can still make use of it. Given the existing urban development adjacent to the lots that was created under ROL005714, and that Environmental Assessment did not know at the time if the layout would be supported, or whether Council could acquire the rear of Lots 16, 17 and 18, there were no related recommended conditions. Retention of such small portions of relatively isolated habitat in private ownership commonly results in compliance issues and applications to change or remove conditions. Few attempts of this nature have been successful beyond the first few years of a new subdivision development.



### Summary:

#### If Conditions 8 and 9 are removed from Lot 16:

- Condition 10 will still remain.
- The Environmental Significance overlay code theoretically affords protection to those areas of the site within the overlay mapping. However:
- For the performance outcomes of the overlay code to actually protect the mapped overlay area, any proposed native vegetation clearing would have to be assessed as having a 'significant residual impact' in terms of PSP-1 Environmental Significance Overlay Policy Section 1.4.1.3 (5), and for any such application to be refused.
- An independent ecology report could possibly determine that in the context of the location, surrounding urbanisation and fragmentation of habitat connectivity, removal of a small number of native trees in a single residential lot was not significant. The opposite determination is equally likely.
- Regardless of the assessment of 'significance', there is a possibility that removal could still be approved on provision of a modest offset payment.
- If the proposal is to be assessed strictly against the relevant RPS overlay specific outcomes, then Environmental Assessment could not support removal of the building envelope. However:
  - Retention of Conditions 8 and 9 as they are written could not be supported as they do not appear workable or include sufficiently-defined requirements.
  - Condition 10 which refers to building envelopes would remain as it was not included in the minor change application.
  - There is still no building envelope plan provided by the applicant in accordance with Condition 8, and approved by the Delegate.

By removing lot 16 from condition 8, the level of protection currently experienced by the rear portion of the property will be reduced, with the whole property then subject to development. The zero clearing threshold provided by the overlap of the environmental significance overlay and the recreation and open space zone does not prevent the lodging of a development application on the rear portion of the property.

By rewording condition 9 to specify the distance from the rear boundary may result in fencing that does not allow fauna movement within the recreation and open space zone, as the zone extends beyond 25m from the rear boundary on all property boundaries, with the western boundary on lot 18 extending close to 38m.

To provide sufficient clarity, if conditions are modified, the proposed modifications to condition 8 should reference the marked up drawing 3812-LC (A1704399) on which EA clearly identified the building envelopes at plan sealing stage. Furthermore, the proposed modification to condition 9 should not reference 'fauna friendly fencing' as this is an ambiguous term. It should rather maintain the wording of 'fencing...[that]...allow fauna movement through', or similar wording, to clearly indicate how the fencing is expected to function as identified in the original condition.

### Overlays

- **Environmental Significance Overlay (ESO)**- The overlay covers the majority of the trees in the back of lots 16, 17 and 18. There are a few trees outside of the overlay in the south-western corner of Lot 16. The rear portion of lots 16-18 are currently zoned as recreation and open space, in combination with the ESO there is a zero clearing threshold in this area of the property.

The zero clearing threshold applicable to the area of the property that is zoned as recreation and open space does not prevent further development applications being lodged. Therefore, this does not provide the level of protection currently experienced under the original conditions of ROL005714.

### Vegetation

The vegetation on the property is unidentified by the application, but contains a mix of native vegetation and likely some exotics as per the EA for ROL005714, and from what can be seen on street view in Nearmap.

### Water Quality

No water quality requirements for this application.

### **State Planning Regulatory Provisions**

#### Schedule 11, Part 2, Section 6

The property is within an assessable koala SPRP area and designated as *medium value rehabilitation* where clearing of non-juvenile koala habitat trees is to be avoided.

If the RAL application is approved, there would be no protection for non-juvenile koala habitat trees under SPRP where development is for a domestic housing activity.

### **CONDITIONS**

There are no Environmental Assessment requirements for the abovementioned development application.

---

**Date Finalised:** 09/10/2019

---

**Adelai van Loggerenberg**  
**Environmental Assessment**

Right to Information Release

**Jo Costin**

---

**From:** Kelly Ede  
**Sent:** Thursday, 10 October 2019 2:06 PM  
**To:** 'courtney@bartleyburns.com.au'  
**Cc:** Daniel Manathunga  
**Subject:** 20191008 Invoice for RAL19/0082  
**Attachments:** 20191008 Invoice for RAL19 0082 (A4107077).pdf

Good afternoon,

Please find attached for payment, invoice for 69-79 Quarry Road Birkdale.

If you require any assistance, please call me on 3829 8255.

Kind Regards,

**Kelly Ede**  
**Business Support Officer**  
City Planning & Assessment  
Redland City Council  
P +617 3829 8255



I acknowledge the traditional custodians of the lands and seas where I work. I pay my respects to Elders, past, present and future.

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 PO Box 21, Cleveland QLD 4163

**ABN 86 058 929 428**  
**Ph: (07) 3829 8999 (8am to 5pm Mon-Fri)**  
**Fax: (07) 3829 8765**

Bartley Burns Certifiers & Planners  
 Unit 1 1027 Manly Road  
 TINGALPA QLD 4173

**TAX INVOICE**

<b>Payee:</b>	Bartley Burns Certifiers & Planners
<b>Application Reference:</b>	RAL19/0082
<b>Applicant:</b>	Bartley Burns Certifiers & Planners
<b>Property Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Primary Land Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Legal Description:</b>	Lot 11 RP 14134
<b>Tax Invoice Number</b>	2019961
<b>Issue Date:</b>	08 October 2019
<b>Application Description:</b>	Change to Development Approval - Standard Format 1 into 36

**CHARGE SUMMARY**

Charge Description	Qty	Comment	Exclusive amount	Disc	GST Amount	Inclusive Amount
Minor Change - Other	1	Minor Change - Other	\$919.80	\$0.00	\$0.00	\$919.80
<b>Total Amount Due</b>			\$919.80	\$0.00	\$0.00	\$919.80

**TOTAL AMOUNT DUE.**

 BPAY Biller Code: <b>323691</b>  Biller Reference no: <b>92000485853</b>	<b>Telephone &amp; Internet Banking – BPAY®</b> Contact your bank or financial institution to make this payment from your cheque, savings or credit card account. More info: <a href="http://www.bpay.com.au">www.bpay.com.au</a>	<b>By Phone</b> <b>1300 300 943</b>  Visa, Mastercard 24 hours 7 days / week.  <b>Ref no:</b> <b>92000485853</b>	<b>Paying In Person</b> <b>Council Service Centres:</b> <ul style="list-style-type: none"> <li>• Cleveland (Bloomfield Street)</li> <li>• Capalaba (Noeleen Street)</li> <li>• Victoria Point (Bunker Road)</li> </ul> Business Hrs: 8:30am – 4:30pm Business Hrs: 9am - 5pm  (Excl. Weekends & Public Holidays)
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 (Please advise change of name and/or address)

**Balance Statement** – This section provides the charge balance for all charges on Application Number RAL19/0082, including unpaid amounts from previous Tax Invoices issued by Redland City Council.

<b>RCC Contact:</b>	Redland City Council (07) 3829 8999	<b>Date:</b>	08 October 2019
<b>Applicant:</b>	Bartley Burns Certifiers & Planners	<b>Receipt Code:</b>	Module RAMS
<b>Application Ref:</b>	RAL19/0082	<b>Amount:</b>	\$919.80

## Jo Costin

---

**From:** Kelly Ede  
**Sent:** Thursday, 17 October 2019 11:10 AM  
**To:** courtney@bartleyburns.com.au  
**Cc:** Daniel Manathunga  
**Subject:** 20191016 Not Properly Made - 69-79 Quarry Road Birkdale  
**Attachments:** 20191016 Not Properly Made Notice Assessment Manager for RAL19\_0082.pdf

Good morning,

Please find attached application correspondence for 69-79 Quarry Road Birkdale, RAL19/0082.

Kind Regards,

**Kelly Ede**

**Business Support Officer**

City Planning & Assessment

Redland City Council

P +617 3829 8255



I acknowledge the traditional custodians of the lands and seas where I work. I pay my respects to Elders, past, present and future.

Right to Information Release

16 October 2019

Chelsey Jean  
c/- Bartley Burns  
1/1027 Manly Road  
Tingalpa Queensland 4173

Officer: Daniel Manathunga  
Contact: 3829 8183  
Our Reference: RAL19/0082

Dear Sir/Madam

**Not properly made**  
**Planning Act 2016**

I refer to your application received on 08/10/2019 and advise that the application is not properly made pursuant to the *Planning Act 2016*.

**APPLICATION DETAILS**

<b>Application No:</b>	RAL19/0082
<b>Proposal:</b>	Change to Development Approval
<b>Street Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Real Property Description:</b>	Lot 16, 17 & 18 SP 278844

**ACTIONS REQUIRED**

The reasons why the application is not properly made, and, the actions required to make the application properly made, are provided below:

- The application has not been accompanied by the written consent of the owner of the premises relevant to the change, specifically Lot 17. Submission of the written consent of the owner is required.

Pursuant to the Development Assessment Rules, the applicant must undertake the actions identified above. The application will be taken to have not been made.

If you have any further queries in relation to the above, please do not hesitate to contact Daniel Manathunga on the above number.

Yours sincerely

A handwritten signature in black ink, appearing to be 'A. G.', is positioned above the typed name.

**Service Manager  
Planning Assessment  
City Planning & Assessment**

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## Jo Costin

---

**From:** Courtney Maizey-Baker <courtney@bartleyburns.com.au>  
**Sent:** Tuesday, 19 November 2019 10:05 AM  
**To:** Daniel Manathunga  
**Subject:** Re: 20191016 Not Properly Made - 69-79 Quarry Road Birkdale

Hi Daniel,

Thanks for the update. We are more than happy with that approach and your recommendations - thank you.

Again, if you need anything else from me, please let me know.

Regards,

Courtney



**Courtney Maizey-Baker**

Town Planner

**Bartley Burns**

p: 1300 051 189 m: 0481 153 265

a: Unit 1, 1027 Manly Road, Tingalpa QLD 4173

w: [www.bartleyburns.com.au](http://www.bartleyburns.com.au) e: [courtney@bartleyburns.com.au](mailto:courtney@bartleyburns.com.au)



**\*\*Please note our office will close on midday Friday the 20th of December 2019 for the Christmas break.**

**We will return on Monday the 13th of January 2020.\*\***



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On Mon, Nov 18, 2019 at 11:08 PM Daniel Manathunga  
<[Daniel.Manathunga@redland.qld.gov.au](mailto:Daniel.Manathunga@redland.qld.gov.au)> wrote:

Good Afternoon Courtney,

Nothing further is required at this stage.

My recommendation is with the delegate for review. Essentially, the recommendation which is subject to change is seeking to remove the proposed conditions for lot 16-18 as they are largely managed through the environmental significance overlay; which if clearing was proposed would trigger operational works application under City Plan.

Please consider the above and advise if you wish Council to proceed with the decision as this is different to the requested amendments.

Thanks in advance and look forward to your response.

**From:** Courtney Maizey-Baker [mailto:[courtney@bartleyburns.com.au](mailto:courtney@bartleyburns.com.au)]  
**Sent:** Monday, 28 October 2019 12:49 PM  
**To:** Daniel Manathunga  
**Subject:** Re: 20191016 Not Properly Made - 69-79 Quarry Road Birkdale

Hi Daniel,

Just touching base on this one - do you need anything further from me?

Regards,

Courtney



**Courtney Maizey-Baker**

Town Planner

**Bartley Burns**

p: 07 3199 0167 m: 0481 153 265

a: Unit 1, 1027 Manly Road, Tingalpa QLD 4173

w: [www.bartleyburns.com.au](http://www.bartleyburns.com.au) e: [courtney@bartleyburns.com.au](mailto:courtney@bartleyburns.com.au)



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On Tue, Oct 22, 2019 at 8:55 AM Courtney Maizey-Baker <[courtney@bartleyburns.com.au](mailto:courtney@bartleyburns.com.au)> wrote:

Hi Daniel,

Please find attached the requested owner's consent form for Lot 17.

If you require anything else, please let me know.

Regards,

Courtney



**Courtney Maizey-Baker**

Town Planner

**Bartley Burns**

p: 07 3199 0167 m: 0481 153 265

a: Unit 1, 1027 Manly Road, Tingalpa QLD 4173

w: [www.bartleyburns.com.au](http://www.bartleyburns.com.au) e: [courtney@bartleyburns.com.au](mailto:courtney@bartleyburns.com.au)



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On Mon, Oct 21, 2019 at 1:51 PM Daniel Manathunga  
<[Daniel.Manathunga@redland.qld.gov.au](mailto:Daniel.Manathunga@redland.qld.gov.au)> wrote:

Hey Courtney,

As I understand it condition 8 and 9 are proposed to be changed as depicted below:

**Condition 8:** *Submit to Council a building envelope plan for the development that has envelopes on proposed Lots 16, 17 and 18 defined and drawn to scale. All buildings relating lots must be wholly contained within the boundaries of the approved building*

**Condition 9:** *Any fencing on Lots 16, 17 and 18 located outside the building envelope allow fauna movement through each of the lots.*

Any changes to the above conditions will require the owners consent of all lots which are affected by this condition. In this instance, Lot 16-18 are affected therefore owners consent is required from all lots.

Thanks in advance.

**Daniel Manathunga**

**Planning Officer**

City Planning & Assessment

Redland City Council

P +617 3829 8183



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**From:** Courtney Maizey-Baker [mailto:[courtney@bartleyburns.com.au](mailto:courtney@bartleyburns.com.au)]  
**Sent:** Thursday, 17 October 2019 4:48 PM  
**To:** Daniel Manathunga <[Daniel.Manathunga@redland.qld.gov.au](mailto:Daniel.Manathunga@redland.qld.gov.au)>  
**Cc:** Kelly Ede <[Kelly.Ede@redland.qld.gov.au](mailto:Kelly.Ede@redland.qld.gov.au)>  
**Subject:** Re: 20191016 Not Properly Made - 69-79 Quarry Road Birkdale

Hi Daniel,

For this application, we are simply seeking to change the conditions as they relate to Lot 16 - hence why consent as only been provided for Lot 16 on this one.

I hope that makes sense. If you need anything further, please let me know.

Regards,



Courtney



**Courtney Maizey-Baker**

Town Planner

**Bartley Burns**

p: 07 3199 0167 m: 0481 153 265

a: Unit 1, 1027 Manly Road, Tingalpa QLD 4173

w: [www.bartleyburns.com.au](http://www.bartleyburns.com.au) e: [courtney@bartleyburns.com.au](mailto:courtney@bartleyburns.com.au)



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On Thu, Oct 17, 2019 at 2:16 PM Daniel Manathunga  
<[Daniel.Manathunga@redland.qld.gov.au](mailto:Daniel.Manathunga@redland.qld.gov.au)> wrote:

Hey Courtney,

Please confirm that the proposed change to current conditions are limited to the properties which you have provided owners consent??

Essentially the change is relevant for lot 16, 17 and 18, correct?? Therefore owners consent is required for lot 16-18 under the Act.

Thanks in advance

**Daniel Manathunga**

**Planning Officer**

City Planning & Assessment

Redland City Council

P +617 3829 8183



I acknowledge the traditional custodians of the  
lands and seas where I work. I pay my respects  
to Elders, past, present and future.

**From:** Courtney Maizey-Baker [mailto:[courtney@bartleypurns.com.au](mailto:courtney@bartleypurns.com.au)]  
**Sent:** Thursday, 17 October 2019 11:21 AM  
**To:** Kelly Ede <[Kelly.Ede@redland.qld.gov.au](mailto:Kelly.Ede@redland.qld.gov.au)>  
**Cc:** Daniel Manathunga <[Daniel.Manathunga@redland.qld.gov.au](mailto:Daniel.Manathunga@redland.qld.gov.au)>  
**Subject:** Re: 20191016 Not Properly Made - 69-79 Quarry Road Birkdale

Hi Kelly,

This application is in relation to Lot 16, not Lot 17 - hence why consent has been provided from the owner of Lot 16.

If there are any questions about this, please let me know.

Regards,

Courtney



**Courtney Maizey-Baker**

Town Planner

**Bartley Burns**

p: 07 3199 0167 m: 0481 153 265

a. Unit 1, 1027 Manly Road, Tingalpa QLD 4173

w [www.bartleypurns.com.au](http://www.bartleypurns.com.au) e: [courtney@bartleypurns.com.au](mailto:courtney@bartleypurns.com.au)



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On Thu, Oct 17, 2019 at 11:10 AM Kelly Ede <[Kelly.Ede@redland.qld.gov.au](mailto:Kelly.Ede@redland.qld.gov.au)> wrote:

Good morning,

Please find attached application correspondence for 69-79 Quarry Road Birkdale, RAL19/0082.

Kind Regards,

**Kelly Ede**

**Business Support Officer**

City Planning & Assessment

Redland City Council

**P +617 3829 8255**



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Right to Information Release

## Jo Costin

---

**From:** Ellen Dwyer  
**Sent:** Tuesday, 26 November 2019 8:57 AM  
**To:** BSO Decision Notices  
**Cc:** Daniel Manathunga  
**Subject:** WENDY DUE TODAY - "20191119 Minor Change Existing Approval for RAL19/0082" (A4204945)  
**Attachments:** 20191119 Minor Change Existing Approval for RAL19\_0082.pbr

Decision for issue today please. Thanks - no approved plans to go out with this one.

Ellen Dwyer  
Principal Planner  
City Planning and Assessment  
Redland City Council

P +617 3829 8702

I acknowledge the traditional custodians of the lands and seas where I work. I pay my respects to Elders, past, present and future.

-----Original Message-----

**From:** Ellen Dwyer  
**Sent:** Tuesday, 26 November 2019 8:56 AM  
**To:** Daniel Manathunga <Daniel.Manathunga@redland.qld.gov.au>  
**Subject:** Review Comment - "20191119 Minor Change Existing Approval for RAL19/0082" (A4204945)

**Reviewed by:** Ellen Dwyer  
**Reviewed on:** Tuesday, 26 November 2019 08:56:26 AM  
**Comment:** Agree

Open in Navigator  
Double click on the attachment

Open in Supported Smartphone Application  
<url:objective://id:A4204945@edrms-prd.rccprd.redland.qld.gov.au>

Open in Your Browser  
<https://edrms-prd.rccprd.redland.qld.gov.au/id:A4204945/document/versions/latest>



# Memorandum

<b>To:</b>	Daniel Manathunga Planning Assessment
<b>From:</b>	Ken Folkes Arborist
<b>Date:</b>	11/10/2019
<b>Application No.:</b>	RAL19/0082
<b>Re:</b>	Assessment comments for Decision for Change to Development Approval - Standard Format 1 into 36
<b>Street Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Real Property Description:</b>	Lot 11 RP 14134

Reference is made to the abovementioned development application.

There are no technical Arboricultural requirements for the abovementioned development application.

**Date Finalised:** 11/10/2019

---

**Ken Folkes**

# Memorandum

<b>To:</b>	City Planning & Assessment
<b>From:</b>	Kirsty Rousell Development Control Officer Development Control
<b>Date:</b>	09/10/2019
<b>Application No.:</b>	RAL19/0082
<b>Re:</b>	Assessment comments for Decision for Change to Development Approval - Standard Format 1 into 36
<b>Street Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Real Property Description:</b>	Lot 11 RP 14134

Reference is made to the abovementioned development application. Please include the following details in the assessment report for decision on the application:

There are no requirements from Development Control for the abovementioned development application.

## **ASSESSMENT COMMENTS**

Please place time frame on completion as matter if currently under Enforcement Notice.

**Date Finalised:** 9<sup>th</sup> October 2019

-----  
Kirsty Rousell  
Development Control

# Memorandum

<b>To:</b>	Daniel Manathunga Planning Assessment
<b>From:</b>	Juan F Pardo Engineering Assessment
<b>Date:</b>	15/10/2019
<b>Application No.:</b>	RAL19/0082
<b>Re:</b>	Assessment comments for Decision for Change to Development Approval - Standard Format 1 into 36.
<b>Street Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Real Property Description:</b>	Lot 11 RP 14134

Hi Daniel,

Engineering considers that changing the condition No 8 of approved document ROL005714 does not improve or trigger a better outcome for the development. The applicant did comply with the condition requirements at plan sealing stage as stated in the condition, compliance with the condition was properly and formally validated by Council plan sealing process. Changing the condition as proposed by the applicant will only validate the contravention or unlawful use of the land without considering the best outcome. In order to decide the change engineering recommends to assess the comments from the planning team report ROL005714 particularly issue No1 – Submissions, in conjunction with environmental assessment team internal referral for RAL19/0082 – Objective Doc No A4115882.

**Date Finalised:** 15/10/2019

-----  
**Juan F Pardo**  
Engineering Assessment

# Memorandum

<b>To:</b>	Daniel Manathunga Planning Assessment
<b>From:</b>	Stuart Smith Infrastructure Charges Officer Infrastructure Planning and Charging Unit (IPCU)
<b>Date:</b>	10/10/2019
<b>Application No.:</b>	RAL19/0082
<b>Re:</b>	Assessment comments for Decision for Change to Development Approval - Standard Format 1 into 36
<b>Street Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Real Property Description:</b>	Lot 11 RP 14134

## **ASSESSMENT COMMENTS**

The request for change to approval is in regard to modifying building envelopes. This does not affect infrastructure charges.

The infrastructure charges were paid in full on the parent application ROL005714.

**Date Finalised:** 10/10/2019

-----  
**Stuart Smith**  
Infrastructure Planning & Charging  
Unit



# Memorandum

<b>To:</b>	Planning Assessment
<b>From:</b>	Rocco Petrillo Landscape Architect Landscaping Assessment
<b>Date:</b>	08/10/2019
<b>Application No.:</b>	RAL19/0082
<b>Re:</b>	Assessment comments for Decision for Change to Development Approval - Standard Format 1 into 36
<b>Street Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Real Property Description:</b>	Lot 11 RP 14134

Reference is made to the abovementioned development application. Please include the following details in the assessment report for decision on the application:

## **ASSESSMENT COMMENTS**

A change application (minor change) in accordance with Sections 78 and 79 of the Planning Act 2016. For Council's reference, it is noted that the original development approval was granted in June 2014 with a copy of the relevant development approval package included as part of this application.

The change application seeks to modify Conditions 8 and 9 of the development approval package

**Condition 8:** Submit to Council a building envelope plan for the development that has the approved building envelopes on proposed Lots 16, 17 and 18 defined and drawn to scale. All buildings and structures on the relating lots must be wholly contained within the boundaries of the approved building envelopes.

**Condition 9:** Any fencing on Lots 16, 17 and 18 located outside the building envelopes must be constructed to allow fauna movement through each of the lots.

In order to rectify a current development offence over Lot 16 (SC005094 and ENF007740) whereby a basketball half court has been constructed outside the approved building envelope and due to changes since the original approval was issued – namely the adoption of the Redland City Plan 2018 – we believe these conditions can and should be modified to read:

**Condition 8:** All buildings and structures on Lots 17 and 18 must be wholly contained within the boundaries of the approved building envelopes, as shown on 'Proposed Lot Reconfiguration Drawing Number 3812-C3 Dated 19/06/14'.

**Condition 9:** Fauna friendly fencing must be provided along the rear boundaries of Lots 16, 17 and 18 and for a distance of at least 25 metres along the side boundaries (measured from the rear boundary) of Lots 16, 17 and 18.

***Landscaping has not issues with the changes.***

#### **CONDITIONS**

There are no Landscaping requirements for the abovementioned development application.

**Date Finalised:** 17/10/2019

---

**Rocco Petrillo**

# Memorandum

<b>To:</b>	Daniel Manathunga City Planning & Assessment
<b>From:</b>	Allyson Mongan Project Officer Survey Services Unit
<b>Date:</b>	17/10/2019
<b>Application No.:</b>	RAL19/0082
<b>Re:</b>	Assessment comments for Decision for Change to Development Approval - Standard Format 1 into 36
<b>Street Address:</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Real Property Description:</b>	Lot 11 RP 14134

There are no requirements from Survey Services for the abovementioned development application.

**Date Finalised:** 17/10/2019

-----  
**Allyson Mongan**  
**Survey Services Unit**

## Jo Costin

---

**From:** Lynette Chambers on behalf of Division 10 Support  
**Sent:** Tuesday, 19 November 2019 11:27 AM  
**To:** Daniel Manathunga  
**Subject:** RE: RAL19/0082-0083- 28 Hooper Street Birkdale- Update

Hi Daniel,

Sorry I have been in a meeting. The meeting re Hooper St was booked last Friday for Thursday 21 November. The Councillor is in workshops all day today and it is GM tomorrow. Workshops are scheduled to finish at 4pm today so he could potentially meet at 4pm or they are scheduled to have a lunch break from 12.30pm until 1pm if you wanted to try to move it forward to then. Were you meant to be included in the invite as I only sent it through to Ellen and Charlotte and may have misunderstood your email from last week.

Kind regards

### Lynette Chambers

#### Executive Support Officer

Corporate Governance | Councillors Executive Support  
Redland City Council

P +617 3829 8695



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---

**From:** Daniel Manathunga  
**Sent:** Tuesday, 19 November 2019 7:50 AM  
**To:** Division 10 Support <Division10Support@redland.qld.gov.au>  
**Subject:** RE: RAL19/0082-0083- 28 Hooper Street Birkdale- Update

Good Morning Lynette,

I trust you are well.

Any updates on the date of the meeting?

I believe the Councillor was chasing an update on the application?

Thanks in advance as we are in a position to make a decision today all pending well.

---

**From:** Lynette Chambers **On Behalf Of** Division 10 Support  
**Sent:** Friday, 15 November 2019 11:51 AM  
**To:** Daniel Manathunga  
**Subject:** RE: RAL19/0082-0083- 28 Hooper Street Birkdale- Update

Thanks Daniel,

Invite has been sent out. I have sent it to Cr Bishop as it is in his Division. Should Cr Bogarly receive an invite also or was that just a divisional slip (it's Friday).

Kind regards

**Lynette Chambers**

**Executive Support Officer**

Corporate Governance | Councillors Executive Support  
Redland City Council

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---

**From:** Daniel Manathunga

**Sent:** Friday, 15 November 2019 11:29 AM

**To:** Division 10 Support <[Division10Support@redland.qld.gov.au](mailto:Division10Support@redland.qld.gov.au)>

**Subject:** RAL19/0082-0083- 28 Hooper Street Birkdale- Update

Good Morning,

May we please request a meeting with Councillor Boglary as planning officers have finalised the recommendation and wish to update the Councillor.

As per protocol can Ellen Dwyer (Principal Planner) and Charlotte Hughes (Acting Service Manager) be invited to the relevant meeting hopefully next week if she is available.

Thanks in advance for your assistance.

**Daniel Manathunga**

**Planning Officer**

City Planning & Assessment  
Redland City Council

P +617 3829 8183



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## Jo Costin

---

**From:** Courtney Maizey-Baker <courtney@bartleyburns.com.au>  
**Sent:** Wednesday, 27 November 2019 8:48 AM  
**To:** Wendy Woodrow  
**Cc:** Daniel Manathunga  
**Subject:** Re: 20191126 Minor Change Existing Approval - 69-79 Quarry Road Birkdale for RAL19/0082

Received with thanks!

Regards,

Courtney



**Courtney Maizey-Baker**

Town Planner

**Bartley Burns**

**p:** 1300 051 189 **m:** 0481 153 265

**a:** Unit 1, 1027 Manly Road, Tingalpa QLD 4173

**w:** [www.bartleyburns.com.au](http://www.bartleyburns.com.au) **e:** [courtney@bartleyburns.com.au](mailto:courtney@bartleyburns.com.au)



**\*\*Please note our office will close on midday Friday the 20th of December 2019 for the Christmas break.**

**We will return on Monday the 13th of January 2020.\*\***



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On Tue, Nov 26, 2019 at 4:02 PM Wendy Woodrow <[Wendy.Woodrow@redland.qld.gov.au](mailto:Wendy.Woodrow@redland.qld.gov.au)> wrote:

Good Afternoon,

Please find attached the minor change to existing approval for application RAL19/0082 - Change to Development Approval - Standard Format 1 into 36 at 69-79 Quarry Road Birkdale. Should you have any questions please contact the office on the number below.

Kind Regards

**Wendy Woodrow**

**Business Support Officer**

City Planning & Assessment

Redland City Council

P +617 3829 8785



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# Delegates QA Check Sheet - For Development Application Assessments

Date for Determination: 26/6/2014

File No: ROL005714

**Application Category:** Category 3

**Primary Category:** Impact Assessment  
**Sub Category:** Standard Format  
**Primary Address:** 69-79 Quarry Road Birkdale QLD 4159  
**Legal Description:** Lot 11 RP 14134

**Purpose / Use:** Standard Format 1 into 36  
**Assessment Manager:** Emma Deighan **Team / Unit:** Planning Assessment  
**Primary Codes / Planning Instruments:** Reconfiguration Code / RPS

**Primary Legislation:** SPA  Other   
**Submissions:** No  Yes  **Compliance with Public Notification:**   
 Number: 25

- |   | Yes                                 | No                       | N/A                                 |
|---|-------------------------------------|--------------------------|-------------------------------------|
| 1. Are fully completed check sheets for codes attached?                                 | <input type="checkbox"/>            | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Are any consultation issues properly addressed in the Report?                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 3. Are the grounds for any submissions properly addressed in the Report?                | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 4. Has the Report properly addressed the relevant codes for Assessment?                 | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 5. Is the Recommendation / Decision consistent with RCC policy position and guidelines? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 6. Is this application within the scope of delegate's authority?                        | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 7. Are Infrastructure Charges Applicable for this application?                          | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| 8. Have the Infrastructure Charges Calculations been included in the Team Report?       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

Comments

**Compliance** - If either of these questions are answered 'Yes' please pass the application to one of the DA Compliance Officers.

- |  | Yes                      | No                                  |
|--|--------------------------|-------------------------------------|
| 1. Does this application contain an approval period expiry (Sunset Clause)?          | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2. Are there any conditions that outline a date and time for completion of an action | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Note : Category 3 & 4** - The Assessment Manager has conducted a peer review with the Senior Planner/ Service Manager.

CoSign Digital Signature

Senior Planner/Manager



\*The Assessment Manager is excluded from signing as the delegate\*\*\*

Delegate

Date 26 June 2014

Decision Notice Due Date:

## Reconfiguring a Lots (1 into 32)

69-79 Quarry Road, Birkdale  
ROL005714

Application Type	Impact Assessment
Proposed Use	Residential
Property Description	Lot 11 on RP14134
Location	69-79 Quarry Road, Birkdale
Land Area	24,300m <sup>2</sup>
Zoning	OS - Open Space UR - Urban Residential
Overlays	Acid Sulfate Soils Overlay Air Space and Aviation Facilities Overlay Habitat Protection Overlay Road and Rail Noise Impact Overlay
No. of Public Submissions	25
Applicant	Sutgold Pty Ltd
Land Owner	Mr F Cencig, Ms A D Cencig
Properly Made Date	28/11/2013
Start Decision Stage	26/03/2014
Statutory Decision Date	26/06/2014
Decision Making Period Extended	N/A
Assessment Manager	Emma Deighan
Manager	Chris Vize – Service Manager Planning Assessment
Officers Recommendation	Development Permit

### PURPOSE

This Category 3 application is referred to the Group Manager for determination.

### EXECUTIVE SUMMARY

Council has received an application seeking a Development Permit for Reconfiguring a Lot on land at 69 – 79 Quarry Road, Birkdale for the purpose of a 1 into 36 lot subdivision. The proposal has been altered during the course of the assessment to provide 32 residential lots and a dedicated public park.

The application has been assessed against the relevant provisions of the Redlands Planning Scheme and the proposed development is considered to comply with the scheme.

The key issues identified in the assessment are:

- Reconfiguration of Open Space zoned land;
- Reconfiguration of Habitat Protection affected land;
- Lot Sizes;
- Noise; and
- Contamination.

The applicant is considered to have satisfactorily addressed these issues. It is therefore recommended that the application be granted a Development Permit subject to conditions.

### PLANNING HISTORY

There is no planning history relevant to the determination of this application.

## **CONSULTATION**

The Planning Assessment Team has consulted with other assessment teams where appropriate. Specifically, City Spaces Group was consulted and advised that they did not have any major concerns with the land dedication as it simply forms a small extension to an existing park. A copy of the original proposal and subsequent amendments to the application was provided to the divisional councillor.

A meeting was held between officers and the divisional councillor to discuss the planning implications of the proposed development. It is understood that the divisional councillor subsequently liaised with the applicant directly. Planning Officers were not party to these discussions however it is pertinent to note that it was following these discussions that the applicant proposed to alter the application to include an area of the site dedicated for use as a public park.

## **DEVELOPMENT PROPOSAL & SITE DESCRIPTION**

### **Proposal**

The application was initially for a one (1) into 36 lot reconfiguration, however during the assessment period the layout was altered to provide 32 residential lots and one (1) park lot. This achieves a residential density of approximately 13 dwellings per hectare and results in the creation of:

- 32 residential lots ranging in size from 433m<sup>2</sup> to 1572m<sup>2</sup>
- 1 x vehicular access from Hooper Street
- Pedestrian Access to Quarry Road
- 1 x 856m<sup>2</sup> public park

The Applicant has indicated the existing dwelling is to be retained on proposed Lot 5 (accounting for one of the residential lots listed above) and will maintain access from Quarry Road.

Access to the site will be taken from Hooper Street. The proposed internal road layout comprises a loop adjoining the neighbouring property (Lot 2 on RP192718). It is noted that this has been devised to facilitate future subdivision of that lot.

### **Site & Locality**

The site comprises approximately 2.43ha of former agricultural land and is currently improved by a single dwelling at the north east corner. There is a cluster of ancillary structures and sheds toward the centre of the site. Due to its former agricultural use it is predominantly clear of vegetation with the exception of a cluster of trees at the southern extent within the Open Space zone and a smaller area of trees associated with the residential garden of the existing dwelling. The land undulates slightly across the site, however it is generally flat.

The site is located on the southern side of Quarry Road and adjoins Urban Residential zoned properties to all sides. The area zoned Open Space at the southern extremity of the site adjoins further Open Space zoned land to the east and west. The surrounding neighbourhood is an established residential area with a mixed density ranging from low to medium and good access to areas of recreational open space.

There are two noise generating sources nearby; Quarry Road and the Brisbane to Cleveland railway line located to the north of Quarry Road.



## **APPLICATION ASSESSMENT**

### ***Sustainable Planning Act 2009***

The application has been made in accordance with the *Sustainable Planning Act 2009* Chapter 6 – Integrated Development Assessment System (IDAS) and constitutes an application for Reconfiguring a Lot under the Redlands Planning Scheme.

It is noted that during the assessment process the scope of development was altered by the applicant in accordance with Section 351 of the *Sustainable Planning Act 2009* (SPA).

The changes to the application accord with the definition of a 'minor change' as delineated under Section 350(d) of SPA insofar as they (i) do not result in a substantially different development, (ii) do not trigger new referrals, (iii) do not change the type of development approval sought, (iv) the original proposal was impact assessable so the changes do not elevate the level of assessment and (v) the application is not taken under the *Environmental Protection Act*. As such, and in accordance with Section 353 of SPA, IDAS does not stop for a changed application where it is for a minor change, nor does the notification stage apply again.

### **SEQ Regional Plan 2009-2031**

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

### **State Planning Policies & Regulatory Provisions**

<b>State Planning Policy / Regulatory Provision</b>	<b>Applicability to Application</b>
SEQ Koala Conservation SPRP	<p>The site is within a Priority Koala Assessable Development Area under the SEQ Koala Conservation SPRP and is classified as Medium Value Rehabilitation.</p> <p>The Applicant has supplied supporting information which identifies that the site comprises 47 non-juvenile koala habitat trees scattered throughout the site.</p> <p>Under Division 6, Table 6, column 2, item 2 of the SPRP the applicant will be required to replant or pay an offset contribution at a ratio of 5:1 for all non-juvenile habitat trees to be removed.</p>
SPRP (Adopted Charges)	<p>The development is subject to infrastructure charges in accordance with the SPRP (adopted charges) and Council's adopted resolution. Details of the charges applicable have been provided under the Infrastructure Charges heading of this report.</p>
State Planning Policy (December 2013)	<p>The development is subject to the water quality interim development assessment requirements set out in Part E of the SPP and in Appendix 2 SPP code: Water quality. The Applicant has proposed stormwater management measures which meet probable outcomes PO1, PO2 and PO6 of the water quality SPP code.</p>

### **Redlands Planning Scheme**

The application has been assessed under the Redlands Planning Scheme version 6.

The application is subject to impact assessment, triggered by the proposed reconfiguration of Open Space zoned land. In this regard, the application is subject to assessment against the entire planning scheme. However it is recognised that the following codes are relevant to the application:

- Urban Residential Zone;
- Open Space Zone;
- Acid Sulfate Soils;
- Air Space and Aviation Facilities;
- Habitat Protection;
- Road and Rail Noise Impact;
- Reconfiguration;
- Excavation and Fill;
- Development Near Underground Infrastructure;
- Erosion Prevention and Sediment Control;
- Infrastructure Works; and
- Stormwater Management.

The proposal is considered to comply with all of the above codes except the Open Space Zone. The only items for consideration are identified below:

*Reconfiguration of Open Space zoned & Bushland Habitat affected land*

The area zoned for Open Space covers approximately 12% of the subject site and is also affected by the Habitat Protection Overlay. It has been zoned open space due to its historic functionality as a habitat corridor not in relation to its future recreational potential. This is reaffirmed by Council's Priority Infrastructure Plan which does not identify the area for dedication and Council's Open Space Strategy which identifies that the surrounding area has sufficient access to high quality recreational spaces.

With regard to the Open Space zoning, it is noted that overall outcome 2(a)(iii) and specific outcome S1.3 of the Open Space Code require applications for reconfiguring a lot to facilitate the dedication of open space land to Council as identified in the Priority Infrastructure Plan and should not prejudice the future use of the land for open space purposes. The site is not identified in the PIP as trunk public open space, nor in the Open Space Strategy as being needed for future recreational use. It is understood that the reason for this is that small pocket parks such as would be created by this land are costly and inefficient to maintain relative to their value and therefore where there is sufficient access to other parks in the surrounding area, as in this case, it is not considered prudent to acquire the land. In this regard it is considered that the open space zoning of the land does not accurately reflect Council's intentions for the area, nor does it reflect existing local need. Additionally, the proposal is considered to still maintain that area of land for "open space purposes", by siting the land outside of the building envelopes. This maintains its open nature and availability for fauna movement. It is therefore considered that the development complies with the overall outcomes of the Open Space Zone Code.

It is also pertinent to note that during the assessment period the Applicant altered the proposed development to dedicate a portion of the open space zoned land in the southeast corner of the park. It is noted that whilst this was as a result of a request from the divisional Councillor, it is not strictly a requirement to justify the appropriateness of the development. This area of the scheme is considered to comply with the specific outcome S1.2, S1.3 and S2 of the Open Space Zone Code.

In relation to the habitat value of the land it is noted, that the ability of this area to achieve its objective as a habitat corridor and support a population of koalas is significantly hindered by recent built development in the area which has diminished the cover of suitable habitat and created barriers to koala movement. To the west tree cover is severed by Bandiera Street, Clive Street and the development beyond, whilst connectivity to the higher value rehabilitation and habitat areas to

the east is tentative with Pedwell Place being somewhat of a barrier. This is reaffirmed by the Applicant's site investigation of koala habitat values which was submitted as part of their response to Council's Information Request. The report concludes that whilst the area provides suitable habitat for koalas it now forms a cul-de-sac and no longer serves as the corridor it had once been. The report also identified that there was no evidence of koala activity on the site at the time the assessment was undertaken. The report does not however consider the function of the habitat for other fauna species.

Notwithstanding this, the proposed layout maximises opportunities to protect, enhance and manage environmental values in accordance with specific outcomes S1.1, S1.2 and S2.1 of the Habitat Protection Overlay code by proposing building envelopes outside of the overlay on affected lots, specifically lots 16, 17 and 18. It is acknowledged that the removal of some koala habitat trees is likely throughout the site and conditions will be applied to any approval to ensure that replanting or offset contributions are required where habitat trees are proposed for removal. It is considered that the utilisation of building envelopes on affected lots to keep future development outside of the bushland habitat area, the installation of fauna friendly fencing and the application of a condition requiring replanting/offset contributions for affected habitat trees ensures the proposal meets the expectations of Overall Outcomes 2 (a – e) of the Habitat Protection Overlay code.

The open space zoned land within the proposal is not identified in Council's Priority Infrastructure Plan as required for future dedication. Additionally, Council's Open Space Strategy identifies that the surrounding area is not deficient in access to recreational facilities and lots 16, 17 and 18 is deemed to comply with the requirements of the Habitat Protection Overlay Code. On this basis the proposed reconfiguration is considered to comply with the intentions of the Redlands Planning Scheme.

#### *Lot Sizes*

It is noted that proposed lots 16, 17 and 18 are irregular in shape and measure 1304m<sup>2</sup>, 1445m<sup>2</sup> and 1572m<sup>2</sup> respectively, with associated building envelopes that measure 424m<sup>2</sup>, 410m<sup>2</sup> and 437m<sup>2</sup>. Whilst these building envelopes meet the minimum requirements for a small lot within medium and major reconfigurations, probable solution P2.1 of the Reconfiguration Code identifies that irregular lots should be capable of containing a 15m x 25m rectangle suitable for building. The building envelopes of these lots cannot achieve this size rectangle however lot 18 can exceed the equivalent in area, lot 16 is capable of containing a rectangle that exceeds the minimum area required for a small lot, and whilst lot 17 is the most irregular in shape it is considered capable of accommodating a reasonably sized and functional dwelling. On this basis the proposal is considered to comply with specific outcomes S2.1 and S4 of the Reconfiguration Code.

#### *Noise*

The site is located within close proximity of Quarry Road and therefore also the Brisbane to Cleveland railway line. As such the northern part of the site is affected by the Road and Rail Noise Impacts Overlay. The applicant has provided a Noise Report that recommends an acoustic barrier and building attenuation to mitigate against noise impacts. The report identifies a location for the proposed acoustic barrier along the Quarry Road frontage, however specific plans showing the design were not detailed in the report. The detail of the acoustic fence can be conditioned as part of any approval and building attenuation measures can be included as an advisory note. As such the proposal is considered to comply with specific outcomes S1.1 and S1.3 of the Road and Rail Noise Impacts Overlay code.

#### *Contamination*

The land was previously used for agricultural purposes and as such Council, as part of the information request, sought a Stage 1 Preliminary Site Investigation Report to investigate potential contaminants. The submitted Contaminated Land Report has recommended a number of

remediation measures that will be required for the site to be reconfigured for residential use. Any approval will need to condition the undertaking of these measures. The proposal is therefore deemed to comply with specific outcome S1.1 (c) of the Redlands Planning Scheme.

### **INFRASTRUCTURE CHARGES**

The proposed development is subject to infrastructure charges in accordance with the State Planning Regulatory Provisions (adopted charges). The total Redland City Council infrastructure charge applicable to this development is **\$868,000**.

This charge has been calculated as follows in accordance with Council's Adopted Infrastructure Charges Resolution (amendment 1.3) July 2012:

**32 lots X \$28,000 (charge rate) – \$28,000 (credit for 1 existing lot) = \$868,000**

### **STATE REFERRALS**

The application did not trigger any referral requirements.

### **PUBLIC CONSULTATION**

The proposed development is Impact assessable and required public notification. The application was publicly notified for 17 business days from 26 February 2014 to 24 March 2014. A notice of compliance for public notification was received on 25 March 2014.

### **Submissions**

There were 25 properly made submissions received during the notification period. A petition containing 118 signatures was also submitted. It was noted that the main petitioner as well as a number of the signatories lodged properly made submissions. The key matters raised within these submissions are outlined below:

1.	<p><b>Issue</b> Reconfiguration of Open Space zoned land &amp; subsequent impact on local fauna</p> <p><b>Officer's Comment</b> As discussed above, the open space zoned land was not zoned for the site's potential for providing publically accessible open space. This is reaffirmed by the omission of the site from Council's PIP and the Open Space Strategy identifying the surrounding area as being sufficient in access to open space. It is instead evident that the area has been zoned in relation to its historic functionality as a habitat corridor. The applicant has provided evidence from a qualified Ecologist which disputes the functionality of the area as a habitat corridor, arguing that development within the surrounding area had effectively turned it into a habitat cul-de-sac. Nonetheless the applicant has proposed to dedicate a portion of it to provide an extension to the existing Pedwell Place Park and altered the proposed layout to give due regard to the wider habitat value of the land. This includes the enlargement of lots 16, 17 and 18 and the utilisation of building envelopes to restrict built development to land outside the current open space zone and habitat protection overlay.</p> <p>In relation to the impact on local fauna, it must be noted that the majority of the site is zoned for residential purposes and as such the land can be developed accordingly. The most sensitive areas of the site in relation to ecology and biodiversity (i.e. the areas affected by the open space zoning and habitat protection overlay) will not be developed and have been protected through the implementation of building envelopes.</p>
2.	<p><b>Issue</b></p>



	<p>Traffic Impact</p> <p><b>Officer's Comment</b>  Hooper Street has an existing catchment of 48 lots (including dwellings on Pedwell Place, Paten Close, Peach Close, Pentland Close and Hooper Street). Redlands Planning Scheme – Part 9 – Schedule 6 – Table 2 'Road Design' identifies that roads classified as Access Places (including Hooper Street) can have a maximum catchment of 100 lots and a maximum capacity of 1000 vehicle trips per day. The proposed development will result in a total of 79 lots using Hooper Street. This is well below the recommended maximum for this hierarchy of road and is therefore compliant with the Redlands Planning Scheme.</p> <p>In addition to this, it is noted that the future development of the adjoining lot (83-95 Quarry Road, Birkdale) will provide additional access points for the subject site at Amalia Street and Bandiera Street. Notwithstanding the fact that Hooper Street provides sufficient access to the proposed development, its proposal as the only access point is an interim measure only. Furthermore, the subject site is mainly zoned Urban Residential and the surrounding roads were specifically designed to facilitate residential development at the subject site.</p> <p>On this basis it is considered that the anticipated traffic generated by the proposed development is not likely to pose a risk to public safety and is within the acceptable levels for the road hierarchy supporting the surrounding neighbourhood.</p>
3.	<p><b>Issue</b>  Density and subsequent impact to light, ventilation and amenity.</p> <p><b>Officer's Comment</b>  The density of the application complies with the requirements of the Urban Residential Zone which identifies an appropriate density of 12 – 15 lots per hectare. The proposed development achieves 13 lots per hectare and as such it is considered an efficient use of the land and appropriate in the zone. It is deemed to comply with specific outcome S2.4 of the Urban Residential Zone Code.</p> <p>Furthermore, future dwellings will be guided by the setback and site coverage criteria detailed in the Dwelling House Code of the Redlands Planning Scheme and the associated criteria of the applicable parts of the Queensland Development Code. Any proposals which do not meet these requirements will be referred to Council for an assessment of their potential impacts.</p>

### **DEEMED APPROVAL**

The approval of this application has not been issued under Section 331 of the *Sustainable Planning Act 2009*.

### **CONCLUSION**

The site is zoned Urban Residential and is subject to a number of Overlays, which the Applicant has satisfactorily addressed as part of the development proposal. Having due regard to the Applicant's proposal, the supporting material submitted and the information noted above, it is recommended that a Development Permit be issued subject to conditions.

### **OFFICER'S RECOMMENDATION**

It is recommended that a Development Permit Approval be issued for the Reconfiguration of a Lot application for a 1 into 32 lot Subdivision on land described as Lot 11 on RP14134 and situated at 69 – 79 Quarry Road, Birkdale, subject to the following conditions:

#### **ASSESSMENT MANAGER CONDITIONS**

#### **TIMING**

1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.

#### Approved Plans and Documents

2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans. Prior to Council approval of the Survey Plan.

Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date
Proposed Lot Reconfiguration	3812-C3	Philip Vassallo Pty Ltd	19/06/2014
Stormwater Management Plan	Dwg No. 33445-14CH-C-01 Issue C	Structerre Consulting Engineers	21/02/2014
Noise Impact Assessment	Report No. 612 Issue No. 1	NSA Acoustics	05/09/2013
Stage 1-4 Environmental Site Assessment	AEG-13-QRB	AEG Environmental	15/01/2014

**Table 1: Approved Plans and Documents**

3. Submit to Council a Survey Plan for Compliance Certificate approval, in accordance with the approved plans, following compliance with all relevant conditions and requirements of this approval. Prior to expiry of the relevant period for the approved development.

#### Existing Structures

4. Remove any existing fences and/or incidental works that straddle the new boundaries, or alter to realign with the new property boundaries or to be wholly contained within one of the new properties. Prior to Council approval of the Survey Plan.

#### Utility Services

5. Relocate any services (eg water, sewer, electricity, telecommunications and roofwater) that are not wholly located within the lots that are being serviced. Prior to Council approval of the Survey Plan.
6. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid in accordance with the terms of any cost estimate provided to perform the works. At the time the works occur, or prior to Council approval of the Survey Plan, whichever is the sooner.
7. Design and install underground electricity and telecommunication conduits to service all lots with the exception of proposed Lot 5 which contains the existing dwelling and may remain overhead in accordance with the requirements of the relevant service providers and the Redlands Planning Scheme Infrastructure Works code and Planning Scheme Policy 9 - Infrastructure Works. Provide Council with written confirmation of the service provider agreements to the supply of electricity and telecommunication services. Prior to Council approval of the Survey Plan.

#### Land Dedication and Design

<p>8. Submit to Council a building envelope plan for the development that has the approved building envelopes on proposed lots 16, 17 and 18 defined and drawn to scale. All buildings and structures on the relating lots must be wholly contained within the boundaries of the approved building envelopes.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p>9. Any fencing on lots 16, 17 and 18 located outside the building envelopes must be constructed to allow fauna movement through each of the lots.</p>	<p>Ongoing.</p>
<p>10. Provide fauna proof fencing of all designated building envelopes to retain all domestic animals within the perimeters of the building envelope.</p>	<p>Prior to Council approval of the Survey Plan and ongoing.</p>
<p>11. Dedicate land to the State with Council as trustee as shown on plan 3812-C3, for the following purposes:</p> <ul style="list-style-type: none"> <li>a) Park purposes; and</li> <li>b) Road purposes.</li> </ul>	<p>Prior to Council approval of the Survey Plan.</p>
<p>12. Grant easements for the following and submit the relevant easement documentation to Council for approval. Once approved by Council, register the easements on the property title.</p> <ul style="list-style-type: none"> <li>a) Drainage and/or access purposes, as required to preserve the rights of upstream properties.</li> <li>b) Where a sewer maintenance structure is located on private property, a 1m wide access easement in favour of Redland City Council along the entire side boundary from the street frontage and containing the maintenance structure.</li> </ul>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p><b><u>Split Valuation</u></b></p>	
<p>13. Pay a contribution to Council for the purposes of paying the State Government Split Valuation Fees. The current value of the contribution is \$31.85 per allotment (2013/2014 Financial Year). The amount of contribution must be paid at the rate applicable at the time of payment. A Split Valuation Fee is required for each allotment contained on the Plan(s) of Survey, including balance lots.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><b><u>Access and Roadworks</u></b></p>	
<p>14. Design all roads in accordance with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design, unless otherwise stated as part of a specific condition of this approval.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>15. Provide traffic calming consistent with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>16. Construct a minimum 2.0m wide concrete footpath adjacent to proposed</p>	<p>Prior to Council approval</p>

Lot 1 connecting Quarry Road to the proposed internal road.	of the Survey Plan.
<p>17. Submit to Council, and gain approval for, a road naming plan, in accordance with Council's road naming guidelines, detailing specific road names and designations for all existing and proposed new public roads within the site. Use original road names on all new roads to avoid duplication of any existing road names in the City.</p>	<p>Prior to preparing your Survey Plan.</p>
<p><b>Stormwater Management</b></p>	
<p>18. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to a lawful point of discharge.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.</p> <p>Ongoing condition.</p>
<p>19. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.</p> <p>Ongoing condition.</p>
<p>20. Submit to Council, and receive Operational Works approval for, a stormwater assessment that is generally in accordance with Structerre Consulting Engineers drawing number 33445-14CP-C-01/B dated 21/02/2014, and addresses both quality and quantity in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, and includes the following:</p> <ul style="list-style-type: none"> <li>• Design of allotment drainage.</li> <li>• Detailed drawings of the proposed stormwater quality treatment systems and any associated works. The drawings must include longitudinal and cross sections as well as details of treatment media and any associated vegetation.</li> <li>• An electronic copy of the MUSIC model.</li> <li>• A maintenance plan.</li> </ul>	<p>As part of the application for Operational Works or prior to Council approval of the Survey Plan, whichever is the sooner.</p>
<p><b>Water and Wastewater</b></p>	
<p>21. Connect all lots to the existing reticulated sewerage and reticulated water systems. Submit to Council for approval an application for Operational Works showing the proposed works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>22. Construct a 150mm diameter water main and a 150mm diameter sewer line to service the development and include connections to service future adjacent undeveloped land. Submit to Council for approval an application for Operational Works showing the design of the works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works and the South East Queensland Water Supply and Sewerage Design and Construction Code.</p>	<p>Prior to Council approval of the Survey Plan.</p>



<p>23. Remove all redundant on site wastewater disposal systems located within the site and provide documentary evidence to Council that this has occurred.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>24. Reconnect the existing dwelling to a new sewerage and water connection. Locate all private plumbing and drainage associated with the dwelling wholly within the lot.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><b><u>Excavation and Fill</u></b></p>	
<p>25. Apply to Council and obtain Operational Works approval for earthworks associated with the reconfiguration. Design and construct all retaining structures in accordance with Australian Standard 4678-2002 Earth-retaining Structures, in particular the minimum 60 year design life requirements.</p>	<p>As part of the application for Operational Works.</p>
<p><b><u>Sediment and Erosion Control</u></b></p>	
<p>26. Install erosion and sediment control measures to minimise the export of silts, sediment, soils and associated pollutants from the site. Design, install and maintain the above measures in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works, Chapter 4 and the Institute of Engineers' Erosion and Sediment Control Guidelines.</p>	<p>Prior to commencement of civil works, earthworks and construction phases of the development.</p>
<p><b><u>Survey Control Information</u></b></p>	
<p>27. Submit Survey Plan(s) that include connections to at least two separate corners from two RCC control marks with a valid Department of Natural Resources and Mines Order or RCC Accuracy. These must be shown on the face of the Survey Plan(s) within the Reference Mark or Permanent Survey Mark tables. List the mark number and coordinate in the cover letter.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p>28. Survey and present all asset infrastructure in accordance with the Redlands Planning Scheme Part 11 Policy 9 – Infrastructure Works. The horizontal datum for all work must be Redland City Council Coordinates (RCC) and the vertical datum must be Australian Height Datum (AHD).</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p>29. Supply a Permanent Survey Mark (PSM) Sketch with the Survey Plan for any new PSMs placed. Include the following on the PSM Sketch:</p> <ul style="list-style-type: none"> <li>• the mark's AHD Reduced Level;</li> <li>• the datum origin mark number; and</li> <li>• the datum RL adopted.</li> </ul> <p>Comply with the requirements of the <i>Survey and Mapping Infrastructure Act 2003</i>.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p><b><u>Environmental Management</u></b></p>	
<p>30. Pay an offset contribution for each koala habitat tree to be removed. The relevant trees are the 48 identified as Lophostemon, Eucalyptus, Corymbia and Melaleuca in the Flora Values Assessment by Landscape Assessment Management and Rehabilitation Pty Ltd. (e.g. If one of the 48 trees is removed then the contribution will be 1 X \$920). The offset requirement is under the SEQ Koala Conservation State Planning Regulatory Provision, Division 6, Colum 2, Item 2. The current</p>	<p>Prior to Council approval of the Survey Plan.</p>



contribution for each tree actually removed is \$920 per tree, as stated in Section 6.13 of the Offsets for Net Gain of Koala Habitat in South East Queensland Policy; or

Replant koala habitat trees at the rate of five new trees for every one koala habitat tree removed; or

A combination of both payment and replanting, as stated in Section 6.13 of the Offsets for Net Gain of Koala Habitat in South East Queensland Policy.

If replanting is part or all of the preferred option, it must not occur within any proposed lots except for the non-development envelope areas of Lots 16, 17, and 18 and park Lot 102. In this regard, submit planting details as part of the operational works application identifying the locations and species types.

### Landscaping Works

- |   |  |
|---|--|
| <p>31. Pay to Council a monetary contribution for street tree planting for 31 street trees. The contribution must be calculated in accordance with the Redlands Planning Scheme Policy 3 Chapter 3 – Landscaping and must be paid at the rate current at the time of payment under Council's Fees and Charges Schedule. The current rate is \$155 per tree (2013/2014 Financial Year).</p>  | <p>Prior to Council approval of the Survey Plan.</p>     |
| <p>32. Submit a Landscape Plan, prepared in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works Chapters 2, 10 and 11, to Council for Operational Works approval. Include the following items in addition to the requirements of the Policy:</p> <ol style="list-style-type: none"> <li>Details of replanting of koala habitat trees, where this is selected as the preferred option;</li> <li>Details of the proposed Bio-Basin that is generally in accordance with the approved stormwater management plan and in accordance with WSUD design guidelines;</li> <li>Details of proposed pathway linkage from Quarry Road;</li> <li>Details of a 2.0m wide vegetated landscape buffer in front of the proposed Acoustic Fence to Quarry Road; and</li> <li>Details of a maintenance plan for the landscaping component of the development.</li> </ol> | <p>As part of the application for Operational Works.</p> |
| <p>33. Submit to Council for Operational Works approval an arborist report in relation to trees on neighbouring properties prepared by a qualified arborist who is a member of the Australian Arborist Association or equivalent professional organisation. The arborist report must address the following:</p> <ul style="list-style-type: none"> <li>What impact will occur to these trees;</li> <li>Any pruning to be in accordance with <i>Australian Standard AS4373:2007 "Pruning of Amenity Trees"</i>; and</li> <li>The tree assessment must be considered in accordance with <i>Australian Standard AS4970-2009 "Protection of Trees on</i></li> </ul>   | <p>As part of the application for Operational Works.</p> |

*Development Sites".*

34. The tree assessment must be considered in accordance with <i>Australian Standard AS4970-2009 "Protection of Trees on Development Sites"</i> .	
35. Turf all areas of disturbance within the road verge with turf cut from a weed free source containing no viable weed seed.	Prior to Council approval of the Survey Plan.
36. Remove all weed species, as identified in Part B of Council's Pest Management Plan 2012-2016.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.
<b>Contaminated Land Requirements</b>	
37. Remediate the site in accordance with the AEG Environmental Stage 1-4 Environmental Site Assessment dated 15/01/2014. Conduct all remediation works with appropriate sediment and erosion controls in place to prevent transport of contaminated soil from the site that may cause environmental harm.	Prior to site works commencing.
38. Submit a final site validation report to Council including a copy of the Department of Environment and Heritage Protection disposal permit and disposal site's receipt of the material for compliance assessment.	Prior to site works commencing.

**Acoustic Requirements**

<p>39. Construct a 2 metre high acoustic barrier above building pad level with 1.8 metre high returns as follows:</p> <ul style="list-style-type: none"> <li>• <i>Along the Northern end of the property that backs onto Quarry Road, Birkdale. Refer to Figure 2 in below noise report.</i></li> </ul> <p>The acoustic barrier must be constructed to achieve a minimum standard that attains a superficial mass of not less than 12kg/m<sup>2</sup> and total leakage of less than 1% of the total area. Guidance on the design of the barriers is provided in the Noise Impact Assessment, Report No. 612 Issue No. 1 by NSA Acoustics dated 5 September 2013.</p> <p>The barriers must be a fence combination and constructed in accordance with <i>Diagrams 5 – of Redland Planning Scheme Policy 5 - Environmental Emissions.</i></p>	Prior to on maintenance or Council approval of the Survey Plan, whichever is sooner
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**ADDITIONAL DEVELOPMENT PERMITS AND COMPLIANCE PERMITS**

The following further Development Permits and/or Compliance Permits are necessary to allow the development to be carried out. Please be aware that details of any further approvals, other than a Development Permit or Compliance Permit, are provided in the 'Advice' section of this decision.

- Operational Works approval is required for the following works as detailed in the conditions of this approval:
  - Sewer Reticulation
  - Water Reticulation
  - Stormwater Drainage
  - Roadworks
  - Excavation and Fill (if required)
  - Landscaping

## ASSESSMENT MANAGER ADVICE

- **Acoustic Attenuation**  
 Future dwelling houses should incorporate acoustic attenuation as specified in section 8 of Proposed Residential Development 69 – 71 Quarry Road Birkdale – Noise Impact Assessment for Fitemi Homes, Report No. 612 Issue No. 1, NSA Acoustics – Noise Surveys & Acoustic Assessments, 05 September 2013
- **Infrastructure Charges**  
 Infrastructure charges apply to the development in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Infrastructure Charges Notice. The infrastructure charges are contained in the attached Redland City Council Infrastructure Charges Notice.
- **Live Connections**  
 Redland Water is responsible for all live water and wastewater connections. Contact *must* be made with Redland Water to arrange live works associated with the development.  
  
 Further information can be obtained from Redland Water on 1300 015 561.
- **Other Approvals**  
 Please be aware that other approvals may be required for your development. This includes, but is not limited to, the following:

  - Road Opening Permit – for any works proposed within an existing road reserve.
- **Coastal Processes and Sea Level Rise**  
 Please be aware that development approvals issued by Redland City Council are based upon current lawful planning provisions which do not necessarily respond immediately to new and developing information on coastal processes and sea level rise. Independent advice about this issue should be sought.
- **Hours of Construction**  
 Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.
- **Performance Bonding**  
 Security bonds may be required in accordance with the Redlands Planning Scheme Policy 3 Chapter 4 – Security Bonding. Bond amounts are determined as part of an Operational Works approvals and will be required to be paid prior to the pre-start meeting or the development works commencing, whichever is the sooner.
- **Survey and As-constructed Information**  
 Upon request, the following information can be supplied by Council to assist survey and engineering consultants to meet the survey requirements:

  - a) A map detailing coordinated and/or levelled PSMs adjacent to the site.
  - b) A listing of Council (RCC) coordinates for some adjacent coordinated PSMs.
  - c) An extract from Department of Natural Resources and Mines SCDM database for each PSM.
  - d) Permanent Survey Mark sketch plan copies.

This information can be supplied without charge once Council received a signed declaration from the consultant agreeing to Council's terms and conditions in relation to the use of the supplied information.

Where specific areas within a lot are being set aside for a special purpose, such as building sites or environmental areas, these areas should be defined by covenants. Covenants are registered against the title as per Division 4A of the *Land Title Act 1994*.

- **Services Installation**

It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.

- **Fire Ants**

Areas within Redland City have been identified as having an infestation of the Red Imported Fire Ant (RIFA). It is recommended that you seek advice from the Department of Agriculture, Fisheries and Forestry (DAFF) RIFA Movement Controls in regards to the movement of extracted or waste soil, retaining soil, turf, pot plants, plant material, baled hay/straw, mulch or green waste/fuel into, within and/or out of the City from a property inside a restricted area. Further information can be obtained from the DAFF website [www.daff.qld.gov.au](http://www.daff.qld.gov.au)

- **Cultural Heritage**

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Environment and Heritage Protection.

- **Fauna Protection**

It is recommended an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. Wildlife habitat includes trees (canopies and lower trunk) whether living or dead, other living vegetation, piles of discarded vegetation, boulders, disturbed ground surfaces, etc. It is recommended that you seek advice from the Queensland Parks and Wildlife Service if evidence of wildlife is found.

- **Environment Protection and Biodiversity Conservation Act**

Under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act* (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing of the Koala as **vulnerable** under this Act may affect your proposal. Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on 1800 803 772. Further information is available from Environment Australia's website at [www.ea.gov.au/epbc](http://www.ea.gov.au/epbc)

Please note that Commonwealth approval under the EPBC Act is independent of, and will not affect, your application to Council.

**Development Approval Assessment Summary – ROL**

<b>Application Number:</b>	ROL005714
<b>Approval:</b>	ROL for 32 lot subdivision, plus park and landscaped pedestrian access
<b>Staged Development:</b>	N/A
<b>Approval Date:</b>	24/06/2014
<b>Site Address:</b>	69-79 Quarry Road, Birkdale

<b>Approved Proposal Plan Number:</b>	3812-C3
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<b>Zone changes proposed/recommended:</b>		
<i>Note: This does not just relate to 'rezoning' – zone changes may be recommended due to the approved layout. For example the road alignment may vary from the current CP7 zoning &amp; as a result a new residential lot will be partially located in the CP7 zone. In this case the recommendation would be that the residential lot be zoned Urban Residential (ie amend the CP7 zone to follow the approved road alignment).</i>		
<b>Lots on approved plan</b>	<b>Current Zone</b>	<b>Proposed Zone</b>
16, 17 and 18	Part Urban Residential and part Open Space	All Urban Residential

<b>Covenants approved for:</b>	
	<b>Lots on approved plan</b>
Noise	N/A
Vegetation protection	N/A

<b>Easements approved for:</b>	
	<b>Lots on approved plan</b>
N/A	

<b>SPA s242 – preliminary approval to vary the affect of the RPS</b>	
Is the application a s242 approval?	N/A
What aspects of the RPS are being varied?	N/A

<b>Superseded Planning Scheme</b>	
Has the development been approved under a superseded planning instrument?	No
What scheme/version:	6



Land Dedication	
Lots on approved plan	Purpose of dedication (eg open space, roads)
101	Landscape purposes
102	Park purposes
N/A	Road purposes

Infrastructure Charges	
What is the total amount of infrastructure charges payable for this development?	The total Redland City Council infrastructure charge applicable to this development is \$868,000  This charge has been calculated as follows in accordance with Council's Adopted Infrastructure Charges Resolution (amendment 1.3) July 2012.
Calculation of this charge:	<b>32 lots X \$28,000 (charge rate) – \$28,000 (credit for 1 existing lot) = \$868,000</b>
What is the trigger for payment?	Before Redland City Council seals the approved reconfiguration plan.

Trunk Infrastructure	
Provide details of trunk infrastructure provided, either by condition or Infrastructure Agreement:	N/A

Flood Study:	
Provide details of any flood study submitted and approved – reference the title, who prepared it and the DataWorks doc number for the study.	N/A

Overlay Amendment Recommendations		
<b>Note:</b> The purpose of this is to provide advice to City Planning and Environment about the assessment of this development application in regards to the overlays and whether it is recommended that the mapped area of certain overlays be adjusted to reflect works undertaken as a result of this approval.		
The post approval column should reflect the overlay mapping as it stands at the time of assessment. For example, if you look at the approved layout and it proposed Lots 2, 4 and 8 are in the Flood overlay, you would list Lots 2, 4 and 8 in the post approval column. However, perhaps because of filling works proposed as part of the development you will also list Lots 2, 4 and 8 in the RPS amendment column.	<b>Post Approval</b> The following overlays should be present on the listed lot numbers (note you will need to consider the lot layout with the current overlay mapping):	<b>RPS amendment recommendations</b> It is recommended the overlay mapping be adjusted prior to plumbing final or signing of the survey plan so that the following lots or part lots are no longer subject to these overlays:
Acid Sulphate Soils	No change required	No
Airspace and Aviation Facilities	No change required	No

Bushfire Hazard	N/A	N/A
Electricity Infrastructure	N/A	N/A
Extractive Resources	N/A	N/A
Flood Prone, Storm Tide & Drainage Constrained Land	N/A	N/A
Habitat Protection	No change required	No
Heritage Place & Character Precinct	N/A	N/A
Protection of the Poultry Industry	N/A	N/A
Road and Rail Noise Impacts	No change required	No
Water Supply Catchments	N/A	N/A
Waterways, Wetlands & Moreton Bay	N/A	N/A
Landslide Hazard	N/A	N/A
South East Thornlands	N/A	N/A
Kinross Road	N/A	N/A

Dated ..... and signed by  
**Planning Assessment**

.....  
**Planner**  
**Planning Assessment**

Approved:

  
 .....  
**Chris Vize**  
**Service Manager**

Approved:

.....  
**David Jeanes**  
**Group Manager**

Right to Information Release

Bushfire Hazard	N/A	N/A
Electricity Infrastructure	N/A	N/A
Extractive Resources	N/A	N/A
Flood Prone, Storm Tide & Drainage Constrained Land	N/A	N/A
Habitat Protection	No change required	No
Heritage Place & Character Precinct	N/A	N/A
Protection of the Poultry Industry	N/A	N/A
Road and Rail Noise Impacts	No change required	No
Water Supply Catchments	N/A	N/A
Waterways, Wetlands & Moreton Bay	N/A	N/A
Landslide Hazard	N/A	N/A
South East Thornlands	N/A	N/A
Kinross Road	N/A	N/A

Dated *26 June 2014* and signed by  
**Planning Assessment**

Approved:

*[Signature]*  
 Planner  
 Planning Assessment

.....  
**Chris Vize**  
 Service Manager

Approved:

.....  
**David Jeanes**  
 Group Manager

Right to Information Release

**Application to Change Development Approval**  
RAL19/0082

Site Address	69-79 Quarry Road Birkdale QLD 4159
Property Description	Lot 11 RP 14134
Site Area	24281.100000
CP Zone	
CP Overlay	
Applicant	Sutgold Pty Ltd
Land Owner	Mr F Cencig, Ms A D Cencig
Properly Made Date	08/10/2019
Decision Period Extended	<<insert date on which period extended>> / N/A
Decision Stage End Date	<<insert date decision stage expires>>
Related Approval	<<insert related application no. eg MCU01234 or type N/A>>
Assessment Manager	Daniel Manathunga
Delegate	<<insert delegate's name>>
Officer's Recommendation	<<insert recommendation>>

**ATTACHMENTS**

<<insert hyperlinks to relevant attachments in Objective>>

**PURPOSE**

This Change to Development Approval - Standard Format 1 into 36Category (1,2,3,4) application is referred to the **Principal Planner / Senior Engineer / Service Manager Planning Assessment / Service Manager Engineering Assessment** for determination.

**EXECUTIVE SUMMARY**

**EXAMPLE:**

A decision notice was issued by Council granting a Development Permit for **Reconfiguring a Lot / Material Change of Use / Operational Works** for <<insert approved use>> on land at 69-79 Quarry Road Birkdale QLD 4159. The Applicant has now lodged an application to change the development approval to <<insert details of application to change>>.

**It is recommended that the changes be approved.**

## **BACKGROUND**

<<Insert any other background details that are relevant OR delete this field>>

## **DEVELOPMENT PROPOSAL AND SITE DESCRIPTION**

### **Proposal**

The application involves <<insert details of changes requested>>.

### **Site & locality**

<<insert site details - may be able to copy from previous report and update as necessary>>

<<insert details of surrounding area - may be able to copy from previous report and update as necessary>>

## **ASSESSMENT OF APPLICATION**

### ***Planning Act 2016***

This application has been made in accordance with Section 79 of the *Planning Act 2016* and constitutes a Minor Change to a Development Approval. The application must be assessed against the criteria in Section 81.

### **Minor Change (Schedule 2)**

Pursuant to Schedule 2 of the *Planning Act 2016*, a *Minor Change*;

(b) for a development approval is a change that:

- i. *Would not result in a substantially different development; and*
- ii. *If a development application for the development, including the change, were made when the change application is made would not cause –*
  - A. *The inclusion of prohibited development in the application; or*
  - B. *Referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or*
  - C. *Referral to extra referral agencies, other than to the chief executive; or*
  - D. *A referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have has regard to, when the application was made; or*
  - E. *Public notification if public notification was not requires for the development application.*

Schedule 1 of the DA Rules outlines “substantially different development” when changing applications. It is considered that the application **does not** comprise substantially different development.



Guideline Criteria	Proposal
Involves a new use with different or additional impacts.	<<insert details>>
Results in the application applying to a new parcel of land.	<<insert details>>
Dramatically changes the built form in terms of scale, bulk and appearance.	<<insert details>>
Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.	<<insert details>>
Removes a component that is integral to the operation of the development.	<<insert details>>
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	<<insert details>>
Introduces new impacts or increases the severity of known impacts.	<<insert details>>
Removes an incentive or offset component that would have balanced the negative impact of the development.	<<insert details>>
Impacts on infrastructure provision from a location or demand.	<<insert details>>

In relation to (A), the change will not result in prohibited development.

In relation to Schedule 2(b)(ii)(B) and (C) of the *Planning Act 2016*, the proposed changes do not trigger any new referral agencies (other than the chief executive).

In relation to Schedule 2(b)(ii)(D) of the *Planning Act 2016*, the proposed changes do not result in a referral agency to assess the application against matters prescribed by regulation under section 55(2).

In relation to Schedule 2(b)(ii)(E) of the *Planning Act 2016*, the proposed changes do not result in a requirement for public notification, where it was not required for the development application.

In summary, it is considered that the application does comprise a minor change.

- **Other Assessment Criteria (s81)**

The *Planning Act 2016* states that the assessment of the application must consider:

s81(2)

(a) the information the applicant included with the application; and

- (b) if the responsible entity is the assessment manager – any properly made submissions about the development application or another change application that was approved; and
- (c) any pre-request response notice or response notice given in relation to the change application; and
- (d) if the responsible entity is, under section 78(3)(ba) or (bb), the Minister – all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and
- (da) if paragraph (d) does not apply – all matters the responsible entity would or may assess against or have regard to, if the change application were a development application ; and
- (e) another matter that the responsible entity considers relevant.

s81(3) – for subsection (2)(d) and (da), the responsible entity –

- (a) must assess against, or have regard to, the matters that applied when the development was made; and
- (b) may assess against, or have regard to, the matters that applied when the change application was made.

**Example Response:** Points (a), (da) and (e) are discussed below. Point (b) is not applicable in this instance, as the original application was code assessable and did not include properly made submissions. Point (c) is not applicable in this instance, as no pre-request response was received from any referral agencies.

### Requested Changes

<<insert details and assessment of proposed changes>>

**(For changes to specific conditions:)**

- **Condition <<insert number>>**

#### Applicant's Representations

<<insert applicant's representations - seek a Word copy of the representation from the applicant to enable you to copy & paste>>

#### Officer's Comments

<<insert assessment of the application and recommendation>>

### **REFERRAL AGENCIES**

There are no applicable Concurrence Agencies for this application.

**OR**

<<Discuss any applicable Referral Agencies>>

### **CONCLUSION**

The application to change development approval has been assessed against the *Planning Act 2016*, the Redland City Plan and other applicable planning instruments. **The changes are considered to comply and it is therefore recommended that the application be approved.**

**OFFICER'S RECOMMENDATION**

That the application to change development approval for <<insert development details>> on the land known as <<insert street address>> and described as <<insert lot on plan details>> be approved as follows:

**EXAMPLE:**

- a) Conditions #, # and # are amended;
- b) Condition # is deleted; and
- c) All other conditions remain unchanged.

**Note to officers** – if the approved change relates to an RAL and the change only applies to a specific lot (ie not the whole development) please be sure to identify this in your recommendation & dot points above! The BSOs rely on this identifying information to update attributes & the like in our systems!

**ASSESSMENT MANAGER CONDITIONS**

(Insert all conditions. ~~Strikethrough~~ deleted or amended conditions. Identify replaced conditions in **bold**).

**ADDITIONAL DEVELOPMENT PERMITS & COMPLIANCE PERMITS**

<Insert all details>

**ASSESSMENT MANAGER ADVICE**

<Insert all advice notes>

**Approved:**

-----  
**Planner / Engineer**  
**Planning Assessment /**  
**Engineering Assessment**

-----  
<<insert delegate's name>>  
<<insert delegate's title>>

Date of approval: .....

Right to Information Release

## ASSESSMENT REPORT

### **Application to Change Development Approval RAL19/0082-0083**

<b>Site Address</b>	69-79 Quarry Road Birkdale QLD 4159
<b>Property Description</b>	Lot 11 RP 14134
<b>Site Area</b>	24281.1m <sup>2</sup>
<b>CP Zone</b>	LDR-Low Density Residential Zone ROS- Recreation and Open Space
<b>CP Overlay</b>	Airport Environs Overlay Environmental Significance Overlay
<b>Applicant</b>	Sutgold Pty Ltd
<b>Land Owner</b>	Mr F Cencig, Ms A D Cencig
<b>Properly Made Date</b>	08/10/2019
<b>Decision Period Extended</b>	N/A
<b>Decision Stage End Date</b>	19/11/2019
<b>Related Approval</b>	ROL005714
<b>Assessment Manager</b>	Daniel Manathunga
<b>Delegate</b>	Chris Vize
<b>Officer's Recommendation</b>	Approval with conditions

#### ATTACHMENTS

<b>ROL005714 Approval Package</b>
 20191008 Development Appro

#### PURPOSE

This change to development approval - ROL005714 standard format one (1) into thirty-two (32) category (2) application is referred to the service manager planning assessment for determination.

#### EXECUTIVE SUMMARY

A decision notice was issued by Council granting a development permit for reconfiguring a lot one (1) into thirty-two (32) on land at 69-79 Quarry Road Birkdale QLD 4159. The applicant has now lodged two applications to change the development approval. Specifically, amendments to conditions eight (8), nine (9) and ten (10) to remove the requirement of a building envelope to protect native trees and fauna fencing.



It is recommended that the changes be approved.

## **BACKGROUND**

On the 27<sup>th</sup> June 2014, Council issued a development permit for a reconfiguring a lot one (1) into thirty-two (32) on land at 69-79 Quarry Road Birkdale QLD 4159. The subdivision has been completed and subsequent development has occurred over the low density residential zoned land.

The original approval applies to land that has split zoning. Lots 16, 17 and 18 are comprised of both residential and open space zoning. Conditions of the approval relate specifically to these three lots with respect to building envelopes and fencing requirements.

A structure (tennis court) has been constructed on Lot 16, within the recreation and open space part of the lot (figure 1). Council has issued a show cause notice due to the breach of conditions 8 and 9 which has resulted in a minor change being lodged.



*Figure 1: Location of tennis court*

Council has now received two applications to change the original approval, lodged on behalf of the owners of lots 16 and 18. This report contains the assessment of both requested minor changes, as the requested changes relate to the same conditions of the approval.

## **DEVELOPMENT PROPOSAL AND SITE DESCRIPTION**

### **Proposal**

Two minor change applications have been lodged to amend/remove conditions of the approval, which will allow buildings and structures to be within the rear of the lots within the recreation and open space zone. The two change applications are as follows:

#### **RA19/0082**

- Requested changes to lot 16;
- Removal of lot 16 from conditions 8 and 9.

RAL19/0083

- Requested changes to lot 18;
- Removal of lot 18 from conditions 8 and 9.

The change applications have been lodged by the same applicant, but have been lodged on behalf of two separate clients, each being the owners of the relevant lots.

### Site & locality

The subject site is located on the south side of Quarry Road and is surrounded by established low density residential development as depicted below (figure 2). Prior to this development the site was used for agricultural purposes.

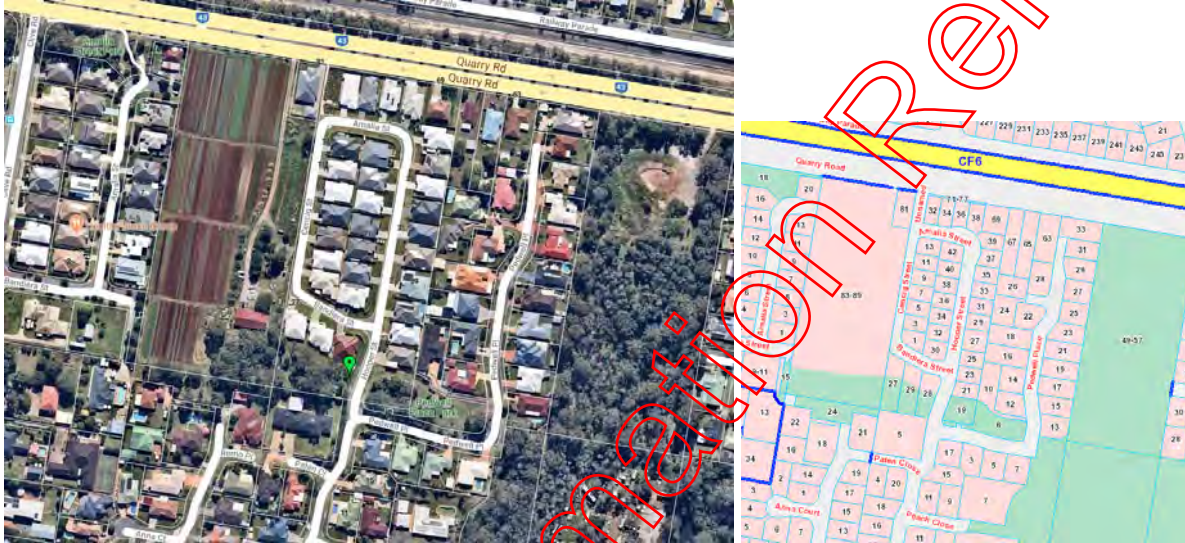


Figure 2: locality

The adjoining property is zoned low density residential and is likely to be re-developed in the future. Native vegetation is relevant towards the rear of the property however is fragmented by infill development and Hooper Street.

### ASSESSMENT FRAMEWORK

#### **Planning Act 2016**

This application has been made in accordance with Section 79 of the *Planning Act 2016* and constitutes a Minor Change to a Development Approval. The application must be assessed against the criteria in Section 81

#### **Minor Change (Schedule 2)**

Pursuant to Schedule 2 of the *Planning Act 2016*, a *Minor Change*;

(b) for a development approval is a change that:

- Would not result in a substantially different development; and*
- If a development application for the development, including the change, were made when the change application is made would not cause –*
  - The inclusion of prohibited development in the application; or*

- B. Referral to a referral agency, other than to the chief executive, if there were no referral agencies for the development application; or
- C. Referral to extra referral agencies, other than to the chief executive; or
- D. A referral agency to assess the application against, or have regard to, matters prescribed by regulation under section 55(2), other than matters the referral agency must have assessed the application against, or have has regard to, when the application was made; or
- E. Public notification if public notification was not requires for the development application.

Schedule 1 of the DA Rules outlines “substantially different development” when changing applications. It is considered that the application **does not** comprise substantially different development.

Guideline Criteria	Proposal
Involves a new use with different or additional impacts.	Not Applicable.
Results in the application applying to a new parcel of land.	Not Applicable.
Dramatically changes the built form in terms of scale, bulk and appearance.	Not Applicable.
Changes the ability of the proposal to operate as intended. For example, reducing the size of a retail complex may reduce the capacity of the complex to service the intended catchment.	Not Applicable.
Removes a component that is integral to the operation of the development.	Not Applicable.
Significantly impacts on traffic flow and the transport network, such as increasing traffic to the site.	Not Applicable.
Introduces new impacts or increases the severity of known impacts.	Not Applicable.
Removes an incentive or offset component that would have balanced the negative impact of the development.	The amending or removal of conditions will not result in removal of an incentive or offset where the originating reason for the conditions were applicant driven. Council officers believe limited environmental significance and recreation space where abundant.
Impacts on infrastructure provision from a location or demand.	Not Applicable.

In relation to (A), the change will not result in prohibited development.

In relation to Schedule 2(b)(ii)(B) and (C) of the *Planning Act 2016*, the proposed changes do not trigger any new referral agencies (other than the chief executive).

In relation to Schedule 2(b)(ii)(D) of the *Planning Act 2016*, the proposed changes do not result in a referral agency to assess the application against matters prescribed by regulation under section 55(2).

In relation to Schedule 2(b)(ii)(E) of the *Planning Act 2016*, the proposed changes do not result in a requirement for public notification, where it was not required for the development application.

In summary, it is considered that the application does comprise a minor change.

- **Other Assessment Criteria (s81)**

The *Planning Act 2016* states that the assessment of the application must consider:

s81(2)

- (a) *the information the applicant included with the application; and*
- (b) *if the responsible entity is the assessment manager – any properly made submissions about the development application or another change application that was approved; and*
- (c) *any pre-request response notice or response notice given in relation to the change application; and*
- (d) *if the responsible entity is, under section 78(3)(ba) or (bb), the Minister – all matters the Minister would or may assess against or have regard to, if the change application were a development application called in by the Minister; and*
- (da) *if paragraph (d) does not apply – all matters the responsible entity would or may assess against or have regard to, if the change application were a development application ; and*
- (e) *another matter that the responsible entity considers relevant.*

s81(3) – for subsection (2)(d) and (da), the responsible entity –

- (a) *must assess against, or have regard to, the matters that applied when the development was made, and*
- (b) *may assess against, or have regard to, the matters that applied when the change application was made.*

Points (a), (da) and (e) are discussed below. Point (b) is applicable in this instance, as the original application was impact assessable and twenty five (25) properly made submissions were lodged. Point (c) is not applicable in this instance, as no pre-request response was received from any referral agencies.

### **ASSESSMENT OF APPLICATION**

The minor changes requested propose conflicting amendments to the conditions as each application seeks amendments to conditions that only remove the relevant lot. In coordinating the applications, the assessment of the proposed changes have been considered with respect to all three lots affected by the conditions. The recommendation therefore, does not reflect the proposed changes by the applicant. Each proposed amendment is discussed below in detail.

### **Condition 8**



### Proposed amendments

- RAL19/0082  
*All buildings and structures on Lots 17 and 18 must be wholly contained within the boundaries of the approved building envelopes, as shown on 'Proposed Lot Reconfiguration Drawing Number 3812-C3 Dated 19/06/14*
- RAL19/0083  
*All buildings and structures on Lots 16 and 17 must be wholly contained within the boundaries of the approved building envelopes, as shown on 'Proposed Lot Reconfiguration Drawing Number 3812-C3 Dated 19/06/14*

### Applicant's Representations

As it is presumed that Condition 8 was originally imposed to regulate native vegetation clearing on these lots, it is important to note that there is appropriate capacity within the Redland City Plan 2018 to continue to regulate native vegetation clearing, despite the proposed removal of the building envelope.

In particular, Table 5.9.1 of the Redland City Plan 2018 will provide continued capacity to control native vegetation clearing on the section of Lot 16-18 which is currently outside of the approved building envelope, as this section is included within the Open Space Zone AND the Environmental Significance Overlay and so any native vegetation clearing in that section will be considered 'code assessable' development. In this regard, Council will continue to have full control over any and all environmental values within this section of the lot. But in addition to this, the residents of Lot 16-18 will be afforded greater flexibility around the use of their backyard, particularly when it comes to the construction of a potential pool, garden shed, play equipment, etc. in cleared areas onsite, away from any native vegetation.

### Officer's Comments

Under RPS (version 6), the proposed layout is required to address the open space zone and maximise opportunities to protect, enhance and manage environmental values in accordance with specific outcomes S1.1, S1.2 and S2.1 of the habitat protection overlay code. Therefore, the original application for the development proposed building envelopes to ensure protection of the mapped habitat area and koala habitat trees, demonstrating compliance with the overlay code.

The habitat value of the land at the time of the reconfiguration was demonstrated by the applicant submission of an ecological report concluding:

- Cul-de-sac development has diminished the suitability of habitat for koalas; and
- There is no evidence of koala activity onsite.

Condition 8 on the approval was implemented based on it achieving the following:

- The envelopes will maximise opportunities to protect, enhance and manage environmental values (S1.1, S1.2 and S2.1 habitat protection overlay);
- The open space zoned land is not identified within Council's Priority Infrastructure Plan as required for future dedication; and
- The area is serviced with abundant recreational land identified in Council's Open Space Strategy.



Overall, the condition was applicant driven, and when assessed, considered to be suitable to meet the intent of the zone and overlay.

Meanwhile under City Plan, the introduction of the environmental significance overlay was adopted resulting in a policy change in how environmental significant vegetation is protected; negating the need for building envelopes. The subject site is affected by the environmental significance overlay as depicted below.

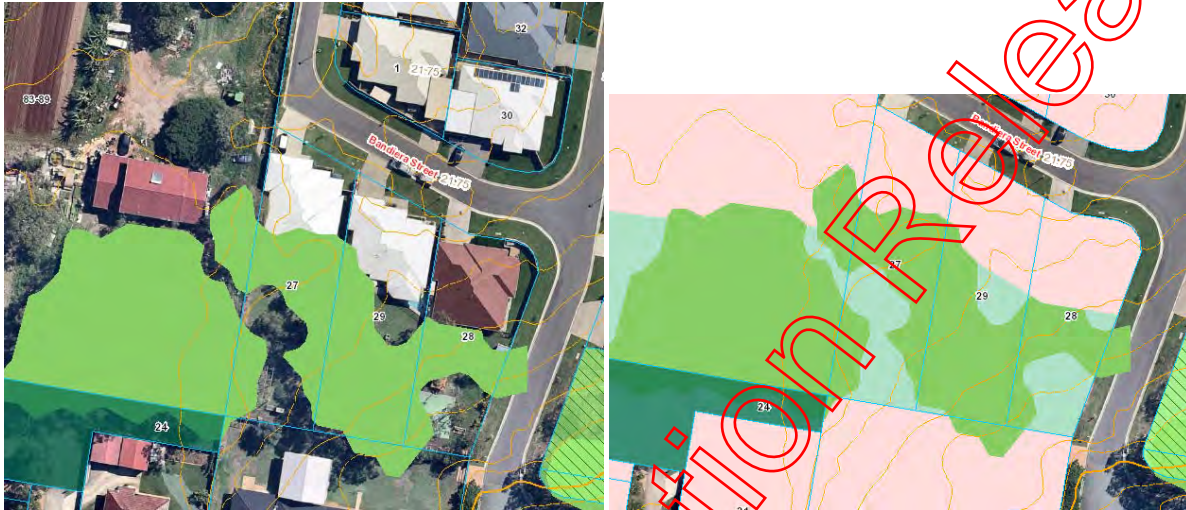


Figure 3: Environmental significance overlay

Importantly, the recreation and open space (ROS) zone has a zero native vegetation clearing threshold and would trigger a code assessable operational works permit. Ultimately providing Council with a method to enforce assessment of any native vegetation clearing assessable against the environmental significance overlay code.

It is worth noting that development within the ROS zone would be limited and require assessment against the performance outcome PO1 and PO2 and overall outcomes respectively which state:

*'PO1: Development predominantly facilitates passive or active recreational use of the land or supports the conservation and management of areas with significant environmental values.'*

*'PO2: Non recreational uses occur only where they:*

- 1. are ancillary to the primary function of the site; or*
- 2. provide a compatible small scale educational or community facility.*

*'(a) development is compatible with and does not detract from the visual quality or the ecological, buffering, drainage or flood related functions of the land;'*

Further, the Redland open space strategy; suburb catchment area 1; neighbourhood 6 was reviewed and it is noted that large expanses of open recreational space is relevant to the neighbourhood; therefore the fragmented ROS is considered to have limited strategic relevance and is within private ownership (figure 4). Albeit in conjunction with the environmental

significance overlay would largely retain the 'passive open space' intent sort under the RPS open space zone.

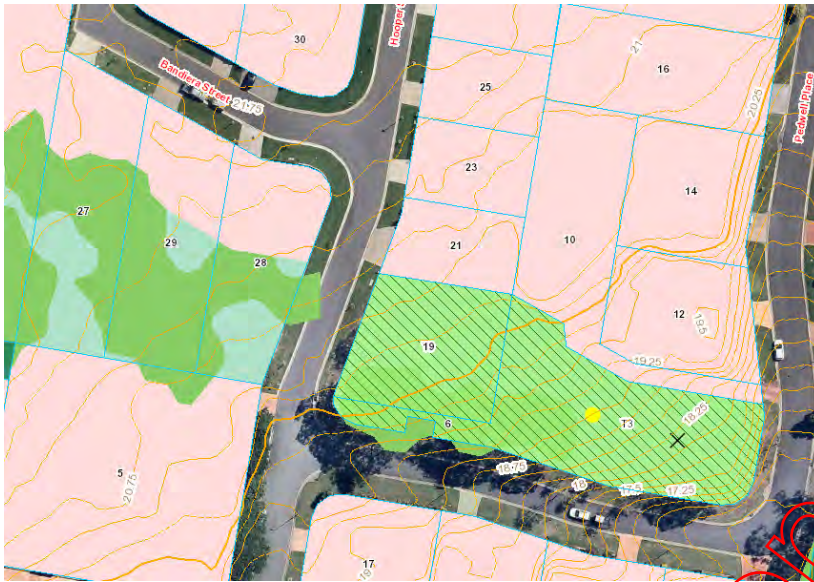


Figure 4: rede map

Overall the intent of the condition to protect, enhance and manage environmental values where relevant under RPS (version 6) is maintained through providing increased weighting towards City Plan which requires operational works application for any removal of native trees.

It is recommended that condition 8 be removed.

#### Conditions 9 and 10

The applicant has requested the same amendment to condition 9 on both change applications. The proposed amendment is as follows:

*Fauna friendly fencing must be provided along the rear boundaries of Lots 16, 17 and 18 and for a distance of at least 25 metres along the side boundaries (measured from the rear boundary) of Lots 16, 17 and 18.*

#### Applicant's Representations

Condition 9 will maintain its purpose to facilitate fauna movement throughout the three sites, however, it must be acknowledged that there is very little room for said fauna to move beyond Lot 18 to the west as an established vegetable farm exists here and so facilitating fauna movement through the three sites to this farm is seen to be somewhat redundant.

#### Officer's Comments

Under RPS, specific outcome S2.1 (3) of the habitat protection overlay sort the following:

*(iii) maximise opportunities for revegetation using native plants outside designated development envelope areas to enhance habitat values and movement of native animals.'*

Therefore condition 9 and 10 were input to ensure fencing outside the envelopes on all three lots are to be built to allow fauna movement. The condition does not specify which fauna the fences



are to cater for, or how to determine if any particular fence design could comply. Fences which allow movement of some particular native fauna may present a barrier to other native species. In its original form, Condition 9 is not workable in practice.

Furthermore condition 10 required fauna proof fencing of all envelopes to contain domestic animals. In a manner similar to that of Condition 9, the specific fauna which the fencing is intended to exclude and the domestic animals to be contained are not specified. Some native fauna can easily negotiate types of fencing that other fauna cannot.

Importantly, the intent of the conditions are limited given the significant fragmentation which exists, as depicted below in red (figure 5). Pedwell Place and Hooper Street including the turfed private open space will act as a barrier to the movement of native animals.



Figure 5: fragmentation

Under City Plan, performance outcome PO4 and PO8 environmental significance overlay seeks the following:

*'PO4*

*Connections between habitat areas are retained, so that movement of key species and normal gene flow between populations is not inhibited or made less safe.*

*Connections may include both continuous corridors and "stepping stone" patches and refuges.'*

*PO8*

*Barriers restricting the movement and dispersal of wildlife are removed, except where they are necessary for the safety of people or animals.'*

Overall it is noted that the vegetation of Lots 16, 17 and 18 is fragmented and somewhat isolated from other natural habitat areas and therefore under both schemes the amendment to condition 9 is considered acceptable as the movement of native animals is considered to be heavily

fragmented by existing roads. However, the removal of building envelopes will render both conditions 9 and 10 redundant. It is recommended that conditions 9 and 10 be removed.

**Public consultation**

The original application was impact assessable and required public notification. The application was publicly notified for seventeen (17) business days from 26 February 2014-24 March 2014.

There were 25 properly made submissions received during the notification period including 118 signatures for the original development.

A notable issue with the development relevant to the change application is detailed below in figure 6.

1.	<p><b>Issue</b> Reconfiguration of Open Space zoned land &amp; subsequent impact on local fauna</p> <p><b>Officer's Comment</b> As discussed above, the open space zoned land was not zoned for the site's potential for providing publically accessible open space. This is reaffirmed by the omission of the site from Council's PIP and the Open Space Strategy identifying the surrounding area as being sufficient in access to open space. It is instead evident that the area has been zoned in relation to its historic functionality as a habitat corridor. The applicant has provided evidence from a qualified Ecologist which disputes the functionality of the area as a habitat corridor, arguing that development within the surrounding area had effectively turned it into a habitat cul-de-sac. Nonetheless the applicant has proposed to dedicate a portion of it to provide an extension to the existing Pedwell Place Park and altered the proposed layout to give due regard to the wider habitat value of the land. This includes the enlargement of lots 16, 17 and 18 and the utilisation of building envelopes to restrict built development to land outside the current open space zone and habitat protection overlay.</p> <p>In relation to the impact on local fauna, it must be noted that the majority of the site is zoned for residential purposes and as such the land can be developed accordingly. The most sensitive areas of the site in relation to ecology and biodiversity (i.e. the areas affected by the open space zoning and habitat protection overlay) will not be developed and have been protected through the implementation of building envelopes.</p>
----	--

**Figure 6: Relevant issue**

The above rationale is considered relevant to current applications based on the following assessment:

- recreational and open space zoned land is sufficient to service the locality with the updated Redland Open Space Strategy having limited change to the strategic importance of the subject site; and
- environmental significance is limited given the existing fragmentation. Further, the environmental significance overlay would trigger an operational works application at which time the clearing of native trees would require assessment against the environmental significance overlay code. Therefore considered to protect the environmental value where applicable.

**REFERRAL AGENCIES**

There are no applicable Concurrence Agencies for this application.

**CONCLUSION**

The application to change development approval has been assessed against the *Planning Act 2016*, the Redland City Plan and other applicable planning instruments. The changes are considered to comply and it is therefore recommended that the application be approved.

**OFFICER'S RECOMMENDATION**

That the application to change development approval for reconfiguration of lot one (1) into thirty two (32) on the land known as 69-79 Quarry Road Birkdale QLD 4159 and described as Lot 11 RP 14134 be approved as follows:

- a) Conditions 8, 9 and 10 are deleted; and
- b) All other conditions remain unchanged.

**ASSESSMENT MANAGER CONDITIONS**

<u>ASSESSMENT MANAGER CONDITIONS</u>	<u>TIMING</u>																				
<p>1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.</p>																					
<b><u>Approved Plans and Documents</u></b>																					
<p>2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans.</p>	Prior to Council approval of the Survey Plan.																				
<table border="1"> <thead> <tr> <th>Plan/Document Title</th> <th>Reference Number</th> <th>Prepared By</th> <th>Plan/Doc. Date</th> </tr> </thead> <tbody> <tr> <td>Proposed Lot Reconfiguration</td> <td>3812-C3</td> <td>Philip Vassallo Pty Ltd</td> <td>19/06/2014</td> </tr> <tr> <td>Stormwater Management Plan</td> <td>Dwg No. 33445-14CH-C-01 Issue C</td> <td>Structerre Consulting Engineers</td> <td>21/02/2014</td> </tr> <tr> <td>Noise Impact Assessment</td> <td>Report No. 612 Issue No. 1</td> <td>NSA Acoustics</td> <td>05/09/2013</td> </tr> <tr> <td>Stage 1-4 Environmental Site Assessment</td> <td>AEG-13-QRB</td> <td>AEG Environmental</td> <td>15/01/2014</td> </tr> </tbody> </table> <p><b>Table 1: Approved Plans and Documents</b></p>		Plan/Document Title	Reference Number	Prepared By	Plan/Doc. Date	Proposed Lot Reconfiguration	3812-C3	Philip Vassallo Pty Ltd	19/06/2014	Stormwater Management Plan	Dwg No. 33445-14CH-C-01 Issue C	Structerre Consulting Engineers	21/02/2014	Noise Impact Assessment	Report No. 612 Issue No. 1	NSA Acoustics	05/09/2013	Stage 1-4 Environmental Site Assessment	AEG-13-QRB	AEG Environmental	15/01/2014
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Stage 1-4 Environmental Site Assessment	AEG-13-QRB	AEG Environmental	15/01/2014																		
<p>3. Submit to Council a Survey Plan for Compliance Certificate approval, in accordance with the approved plans, following compliance with all relevant conditions and requirements of this approval.</p>	Prior to expiry of the relevant period for the approved development.																				
<b><u>Existing Structures</u></b>																					



4. Remove any existing fences and/or incidental works that straddle the new boundaries, or alter to realign with the new property boundaries or to be wholly contained within one of the new properties.	Prior to Council approval of the Survey Plan.
<b>Utility Services</b>	
5. Relocate any services (eg water, sewer, electricity, telecommunications and roofwater) that are not wholly located within the lots that are being serviced.	Prior to Council approval of the Survey Plan.
6. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid in accordance with the terms of any cost estimate provided to perform the works.	At the time the works occur, or prior to Council approval of the Survey Plan, whichever is the sooner.
7. Design and install underground electricity and telecommunication conduits to service all lots with the exception of proposed Lot 5 which contains the existing dwelling and may remain overhead in accordance with the requirements of the relevant service providers and the Redlands Planning Scheme Infrastructure Works code and Planning Scheme Policy 9 – Infrastructure Works. Provide Council with written confirmation of the service provider agreements to the supply of electricity and telecommunication services.	Prior to Council approval of the Survey Plan.
<b>Land Dedication and Design</b>	
<p><b>DELETED CONDITION</b></p> <p><del>8. Submit to Council a building envelope plan for the development that has the approved building envelopes on proposed lots 16, 17 and 18 defined and drawn to scale. All buildings and structures on the relating lots must be wholly contained within the boundaries of the approved building envelopes.</del></p>	<p><del>As part of the request for compliance assessment of the Survey Plan.</del></p>
<p><b>DELETED CONDITION</b></p> <p><del>9. Any fencing on lots 16, 17 and 18 located outside the building envelopes must be constructed to allow fauna movement through each of the lots.</del></p>	<p><del>Ongoing.</del></p>
<p><b>DELETED CONDITION</b></p> <p><del>10. Provide fauna proof fencing of all designated building envelopes to retain all domestic animals within the perimeters of the</del></p>	<p><del>Prior to Council approval of the Survey</del></p>

<del>building envelope.</del>	<del>Plan and ongoing.</del>
<p>11. Dedicate land to the State with Council as trustee as shown on plan 3812-C3, for the following purposes:</p> <p>a) Park purposes; and b) Road purposes.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>12. Grant easements for the following and submit the relevant easement documentation to Council for approval. Once approved by Council, register the easements on the property title.</p> <p>a) Drainage and/or access purposes, as required to preserve the rights of upstream properties. b) Where a sewer maintenance structure is located on private property, a 1m wide access easement in favour of Redland City Council along the entire side boundary from the street frontage and containing the maintenance structure.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<b><u>Split Valuation</u></b>	
<p>13. Pay a contribution to Council for the purposes of paying the State Government Split Valuation Fees. The current value of the contribution is \$31.85 per allotment (2013/2014 Financial Year). The amount of contribution must be paid at the rate applicable at the time of payment. A Split Valuation Fee is required for each allotment contained on the Plan(s) of Survey, including balance lots.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<b><u>Access and Roadworks</u></b>	
<p>14. Design all roads in accordance with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design, unless otherwise stated as part of a specific condition of this approval.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>15. Provide traffic calming consistent with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>16. Construct a minimum 2.0m wide concrete footpath adjacent to proposed Lot 1 connecting Quarry Road to the proposed internal road.</p>	<p>Prior to Council approval of the Survey Plan.</p>

<p>17. Submit to Council, <u>and gain approval for</u>, a road naming plan, in accordance with Council's road naming guidelines, detailing specific road names and designations for all existing and proposed new public roads within the site. Use original road names on all new roads to avoid duplication of any existing road names in the City.</p>	<p>Prior to preparing your Survey Plan.</p>
<p><b>Stormwater Management</b></p>	
<p>18. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to a lawful point of discharge.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.</p> <p>Ongoing condition.</p>
<p>19. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.</p> <p>Ongoing condition.</p>
<p>20. Submit to Council, and receive Operational Works approval for, a stormwater assessment that is generally in accordance with Structerre Consulting Engineers drawing number 33445-14CH-C-01/B dated 21/02/2014, and addresses both quality and quantity in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, and includes the following:</p> <ul style="list-style-type: none"> <li>• Design of allotment drainage.</li> <li>• Detailed drawings of the proposed stormwater quality treatment systems and any associated works. The drawings must include longitudinal and cross sections as well as details of treatment media and any associated vegetation.</li> <li>• An electronic copy of the MUSIC model.</li> <li>• A maintenance plan.</li> </ul>	<p>As part of the application for Operational Works or prior to Council approval of the Survey Plan, whichever is the sooner.</p>
<p><b>Water and Wastewater</b></p>	
<p>21. Connect all lots to the existing reticulated sewerage and reticulated water systems. Submit to Council for approval an</p>	<p>Prior to Council approval of the Survey</p>

<p>application for Operational Works showing the proposed works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works.</p>	<p>Plan.</p>
<p>22. Construct a 150mm diameter water main and a 150mm diameter sewer line to service the development and include connections to service future adjacent undeveloped land. Submit to Council for approval an application for Operational Works showing the design of the works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works and the South East Queensland Water Supply and Sewerage Design and Construction Code.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>23. Remove all redundant on site wastewater disposal systems located within the site and provide documentary evidence to Council that this has occurred.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>24. Reconnect the existing dwelling to a new sewerage and water connection. Locate all private plumbing and drainage associated with the dwelling wholly within the lot.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><b><u>Excavation and Fill</u></b></p>	
<p>25. Apply to Council and obtain Operational Works approval for earthworks associated with the reconfiguration. Design and construct all retaining structures in accordance with Australian Standard 4678-2002 Earth-retaining Structures, in particular the minimum 60 year design life requirements.</p>	<p>As part of the application for Operational Works.</p>
<p><b><u>Sediment and Erosion Control</u></b></p>	
<p>26. Install erosion and sediment control measures to minimise the export of silts, sediment, soils and associated pollutants from the site. Design, install and maintain the above measures in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works, Chapter 4 and the Institute of Engineers’ Erosion and Sediment Control Guidelines.</p>	<p>Prior to commencement of civil works, earthworks and construction phases of the development.</p>
<p><b><u>Survey Control Information</u></b></p>	
<p>27. Submit Survey Plan(s) that include connections to at least two separate corners from two RCC control marks with a valid Department of Natural Resources and Mines Order or RCC Accuracy. These must be shown on the face of the Survey Plan(s) within the Reference Mark or Permanent Survey Mark tables. List</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>

<p>the mark number and coordinate in the cover letter.</p>	
<p>28. Survey and present all asset infrastructure in accordance with the Redlands Planning Scheme Part 11 Policy 9 – Infrastructure Works. The horizontal datum for all work must be Redland City Council Coordinates (RCC) and the vertical datum must be Australian Height Datum (AHD).</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p>29. Supply a Permanent Survey Mark (PSM) Sketch with the Survey Plan for any new PSMs placed. Include the following on the PSM Sketch:</p> <ul style="list-style-type: none"> <li>• the mark’s AHD Reduced Level;</li> <li>• the datum origin mark number; and</li> <li>• the datum RL adopted.</li> </ul> <p>Comply with the requirements of the <i>Survey and Mapping Infrastructure Act 2003</i>.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p><b><u>Environmental Management</u></b></p>	
<p>30. Pay an offset contribution for each koala habitat tree to be removed. The relevant trees are the 48 identified as Lophostemon, Eucalyptus, Corymbia and Melaleuca in the Flora Values Assessment by Landscape Assessment Management and Rehabilitation Pty Ltd. (e.g. If one of the 48 trees is removed than the contribution will be 1 X \$920). The offset requirement is under the SEQ Koala Conservation State Planning Regulatory Provision, Division 6, Column 2, Item 2. The current contribution for each tree actually removed is \$920 per tree, as stated in Section 6.13 of the Offsets for Net Gain of Koala Habitat in South East Queensland Policy, or</p> <p>Replant koala habitat trees at the rate of five new trees for every one koala habitat tree removed; or</p> <p>A combination of both payment and replanting, as stated in Section 6.13 of the Offsets for Net Gain of Koala Habitat in South East Queensland Policy.</p> <p>If replanting is part or all of the preferred option, it must not occur within any proposed lots except for the non-development envelope areas of Lots 16, 17, and 18 and park Lot 102. In this regard, submit planting details as part of the operational works application identifying the locations and species types.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><b><u>Landscaping Works</u></b></p>	



<p>31. Pay to Council a monetary contribution for street tree planting for 31 street trees. The contribution must be calculated in accordance with the Redlands Planning Scheme Policy 3 Chapter 3 – Landscaping and must be paid at the rate current at the time of payment under Council’s Fees and Charges Schedule. The current rate is \$155 per tree (2013/2014 Financial Year).</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>32. Submit a Landscape Plan, prepared in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works Chapters 2, 10 and 11, to Council for Operational Works approval. Include the following items in addition to the requirements of the Policy:</p> <ol style="list-style-type: none"> <li>a) Details of replanting of koala habitat trees, where this is selected as the preferred option;</li> <li>b) Details of the proposed Bio-Basin that is generally in accordance with the approved stormwater management plan and in accordance with WSUD design guidelines;</li> <li>c) Details of proposed pathway linkage from Quarry Road;</li> <li>d) Details of a 2.0m wide vegetated landscape buffer in front of the proposed Acoustic Fence to Quarry Road; and</li> <li>e) Details of a maintenance plan for the landscaping component of the development.</li> </ol>	<p>As part of the application for Operational Works.</p>
<p>33. Submit to Council for Operational Works approval an arborist report in relation to trees on neighbouring properties prepared by a qualified arborist who is a member of the Australian Arborist Association or equivalent professional organisation. The arborist report must address the following:</p> <ul style="list-style-type: none"> <li>• What impact will occur to these trees;</li> <li>• Any pruning to be in accordance with <i>Australian Standard AS4373:2007 “Pruning of Amenity Trees”</i>; and</li> <li>• The tree assessment must be considered in accordance with <i>Australian Standard AS4970-2009 “Protection of Trees on Development Sites”</i>.</li> </ul> <p>34. The tree assessment must be considered in accordance with <i>Australian Standard AS4970-2009 “Protection of Trees on Development Sites”</i>.</p>	<p>As part of the application for Operational Works.</p>

<p>35. Turf all areas of disturbance within the road verge with turf cut from a weed free source containing no viable weed seed.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>36. Remove all weed species, as identified in Part B of Council's Pest Management Plan 2012-2016.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.</p>

**Contaminated Land Requirements**

<p>37. Remediate the site in accordance with the AEG Environmental Stage 1 - 4 Environmental Site Assessment dated 15/01/2014. Conduct all remediation works with appropriate sediment and erosion controls in place to prevent transport of contaminated soil from the site that may cause environmental harm.</p>	<p>Prior to site works commencing.</p>
<p>38. Submit a final site validation report to Council including a copy of the Department of Environment and Heritage Protection disposal permit and disposal site's receipt of the material for compliance assessment.</p>	<p>Prior to site works commencing.</p>

**Acoustic Requirements**

<p>39. Construct a 2 metre high acoustic barrier above building pad level with 1.8 metre high returns as follows:</p> <ul style="list-style-type: none"> <li>• <i>Along the Northern end of the property that backs onto Quarry Road, Birkdale. Refer to Figure 2 in below noise report.</i></li> </ul> <p>The acoustic barrier must be constructed to achieve a minimum standard that attains a superficial mass of not less than 12kg/m<sup>2</sup> and total leakage of less than 1% of the total area. Guidance on the design of the barriers is provided in the Noise Impact Assessment, Report No. 612 Issue No. 1 by NSA Acoustics dated 5 September 2013.</p> <p>The barriers must be a fence combination and constructed in accordance with <i>Diagrams 5 – of Redland Planning Scheme Policy 5 – Environmental Emissions.</i></p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is sooner</p>
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**ADDITIONAL DEVELOPMENT PERMITS AND COMPLIANCE PERMITS**

The following further Development Permits and/or Compliance Permits are necessary to allow the development to be carried out. Please be aware that details of any further approvals, other than a Development Permit or Compliance Permit, are provided in the 'Advice' section of this decision.

- 
- Operational Works approval is required for the following works as detailed in the conditions of this approval:
    - Sewer Reticulation
    - Water Reticulation
    - Stormwater Drainage
    - Roadworks
    - Excavation and Fill (if required)
    - Landscaping

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**ASSESSMENT MANAGER ADVICE**

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- **Acoustic Attenuation**  
Future dwelling houses should incorporate acoustic attenuation as specified in section 8 of Proposed Residential Development 69 – 71 Quarry Road Birkdale – Noise Impact Assessment for Fiteni Homes, Report No. 612 Issue No. 1, NSA Acoustics – Noise Surveys & Acoustic Assessments, 05 September 2013
- 

- **Infrastructure Charges**  
Infrastructure charges apply to the development in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Infrastructure Charges Notice. The infrastructure charges are contained in the attached Redland City Council Infrastructure Charges Notice.
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- **Live Connections**  
Redland Water is responsible for all live water and wastewater connections. Contact *must* be made with Redland Water to arrange live works associated with the development.

Further information can be obtained from Redland Water on 1300 015 561.

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- **Other Approvals**  
Please be aware that other approvals may be required for your development. This includes, but is not limited to, the following:

- Road Opening Permit – for any works proposed within an existing road reserve.
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- **Coastal Processes and Sea Level Rise**  
Please be aware that development approvals issued by Redland City Council are based upon current lawful planning provisions which do not necessarily respond immediately to new and developing information on coastal processes and sea level rise. Independent advice about this issue should be sought.
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- **Hours of Construction**

Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.

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- **Performance Bonding**

Security bonds may be required in accordance with the Redlands Planning Scheme Policy 3 Chapter 4 – Security Bonding. Bond amounts are determined as part of an Operational Works approvals and will be required to be paid prior to the pre-start meeting or the development works commencing, whichever is the sooner.

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- **Survey and As-constructed Information**

Upon request, the following information can be supplied by Council to assist survey and engineering consultants to meet the survey requirements:

- a) A map detailing coordinated and/or levelled PSMs adjacent to the site.
- b) A listing of Council (RCC) coordinates for some adjacent coordinated PSMs.
- c) An extract from Department of Natural Resources and Mines SCDM database for each PSM.
- d) Permanent Survey Mark sketch plan copies.

This information can be supplied without charge once Council received a signed declaration from the consultant agreeing to Council's terms and conditions in relation to the use of the supplied information.

Where specific areas within a lot are being set aside for a special purpose, such as building sites or environmental areas, these areas should be defined by covenants. Covenants are registered against the title as per Division 4A of the *Land Title Act 1994*.

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- **Services Installation**

It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.

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- **Fire Ants**

Areas within Redland City have been identified as having an infestation of the Red Imported Fire Ant (RIFA). It is recommended that you seek advice from the Department of Agriculture, Fisheries and Forestry (DAFF) RIFA Movement Controls in regards to the movement of extracted or waste soil, retaining soil, turf, pot plants, plant material, baled hay/straw, mulch or green waste/fuel into, within and/or out of the City from a property inside a restricted area. Further information can be obtained from the DAFF website [www.daff.qld.gov.au](http://www.daff.qld.gov.au)

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- **Cultural Heritage**

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Environment and Heritage Protection.

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- **Fauna Protection**

It is recommended an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. Wildlife habitat includes trees (canopies and lower trunk) whether living or dead, other living vegetation, piles of discarded vegetation, boulders, disturbed ground surfaces, etc. It is recommended that you seek advice from the Queensland Parks and Wildlife Service if evidence of wildlife is found.

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- **Environment Protection and Biodiversity Conservation Act**

Under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act* (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing of the Koala as **vulnerable** under this Act may affect your proposal. Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on 1800 803 772. Further information is available from Environment Australia's website at [www.ea.gov.au/epbc](http://www.ea.gov.au/epbc)

Please note that Commonwealth approval under the EPBC Act is independent of, and will not affect, your application to Council.

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Right to Information Request



**Jo Costin**

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**From:** Charlotte Hughes  
**Sent:** Tuesday, 19 November 2019 4:53 PM  
**To:** BSO Planning Assessment  
**Cc:** Daniel Manathunga  
**Subject:** WENDY TYPED RAL19/0083 AND RAL19/0082 - PAct Assessment Report - Request Minor Change Development Approval (A4143792)  
**Attachments:** 20191111-RAL19\_0083 RAL19\_0082 - PAct Assessment Report - Request Minor Change Development Approval.obr

Please prepare the DN,  
Thanks  
Charlotte

Right to Information Released

## Jo Costin

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**From:** Ellen Dwyer  
**Sent:** Tuesday, 26 November 2019 8:57 AM  
**To:** BSO Decision Notices  
**Cc:** Daniel Manathunga  
**Subject:** WENDY DUE TODAY - "20191119 Minor Change Existing Approval for RAL19/0082" (A4204945)  
**Attachments:** 20191119 Minor Change Existing Approval for RAL19\_0082.obr

Decision for issue today please. Thanks - no approved plans to go out with this one.

Ellen Dwyer  
Principal Planner  
City Planning and Assessment  
Redland City Council

P +617 3829 8702

I acknowledge the traditional custodians of the lands and seas where I work. I pay my respects to Elders, past, present and future.

-----Original Message-----

**From:** Ellen Dwyer  
**Sent:** Tuesday, 26 November 2019 8:56 AM  
**To:** Daniel Manathunga <Daniel.Manathunga@redland.qld.gov.au>  
**Subject:** Review Comment - "20191119 Minor Change Existing Approval for RAL19/0082" (A4204945)

**Reviewed by:** Ellen Dwyer  
**Reviewed on:** Tuesday, 26 November 2019 08:56:26 AM  
**Comment:** Agree

Open in Navigator  
Double click on the attachment

Open in Supported Smartphone Application  
<url:objective://id:A4204945@edrms-prd.rccprd.redland.qld.gov.au>

Open in Your Browser  
<https://edrms-prd.rccprd.redland.qld.gov.au/id:A4204945/document/versions/latest>

## Jo Costin

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**From:** Wendy Woodrow  
**Sent:** Tuesday, 26 November 2019 4:02 PM  
**To:** courtney@bartleyburns.com.au  
**Cc:** Daniel Manathunga  
**Subject:** 20191126 Minor Change Existing Approval - 69-79 Quarry Road Birkdale for RAL19/0082  
**Attachments:** 20191119 Minor Change Existing Approval for RAL19\_0082.pdf

Good Afternoon,

Please find attached the minor change to existing approval for application RAL19/0082 - Change to Development Approval - Standard Format 1 into 36 at 69-79 Quarry Road Birkdale. Should you have any questions please contact the office on the number below.

Kind Regards

**Wendy Woodrow**

**Business Support Officer**  
City Planning & Assessment  
Redland City Council  
P +617 3829 8785



I acknowledge the traditional custodians of the lands and seas where I work. I pay my respects to Elders, past, present and future.

Right to Information Release

Officer: Daniel Manathunga  
Contact: 07 3829 8183  
Our Reference: RAL19/0082

26 November 2019

Chelsey Jean  
C/ - Bartley Burns  
Attn: Courtney Maizey-Baker  
Unit 1, 1027 Manly Road  
Tingalpa QLD 4173

Dear Madam

## Minor Change to an Existing Approval

*Planning Act 2016*

I refer to your request dated 08 October 2019 to make a minor change to an existing approval for ROL005714, granted on 27 June 2014.

On 19 November 2019, Council decided your requested changes.

Details of the decision are outlined below.

### APPLICATION DETAILS

<b>Application number:</b>	RAL19/0082
<b>Development approved:</b>	Change to Development Approval ROL005714 – Reconfiguring a lot 1 into 32 lots
<b>Street address:</b>	69-79 Quarry Road, Birkdale
<b>Real property description:</b>	Lot 11 on RP 14134

### TYPE OF DEVELOPMENT

In accordance with section 81 of the *Planning Act 2016*, Development Permit RAL19/0082 has been modified to reflect the following changes:

- a) Conditions 8, 9 and 10 are deleted; and
- b) All other conditions remain unchanged.

**All conditions** remain in force and effect.

**APPROVAL TYPE**

	Development Permit	Preliminary Approval
Building works assessable against the planning scheme	<input type="checkbox"/>	<input type="checkbox"/>
Operational works	<input type="checkbox"/>	<input type="checkbox"/>
Reconfiguring a lot	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Material change of use	<input type="checkbox"/>	<input type="checkbox"/>
Concurrence agency referral	<input type="checkbox"/>	<input type="checkbox"/>

**REFERRAL AGENCIES**

There were no Referral Agencies applicable to the application.

**CONDITIONS AND ADVICE**

ASSESSMENT MANAGER CONDITIONS	TIMING
<p>1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development.</p>	
<b>Approved Plans and Documents</b>	
<p>2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans.</p>	<p>Prior to Council approval of the Survey Plan.</p>

Plan /Document Title	Reference Number	Prepared By	Plan/Doc. Date
Proposed Lot Reconfiguration	3812-C3	Philip Vassallo Pty Ltd	19/06/2014
Stormwater Management Plan	Dwg No. 33445-14CH-C-01 Issue C	Structerre Consulting Engineers	21/02/2014
Noise Impact Assessment	Report No. 612 Issue No. 1	NSA Acoustics	05/09/2013
Stage 1-4 Environmental Site Assessment	AEG-13-QRB	AEG Environmental	15/01/2014

**Table 1: Approved Plans and Documents**



<p>3. Submit to Council a Survey Plan for Compliance Certificate approval, in accordance with the approved plans, following compliance with all relevant conditions and requirements of this approval.</p>	<p>Prior to expiry of the relevant period for the approved development.</p>
<p><b>Existing Structures</b></p>	
<p>4. Remove any existing fences and/or incidental works that straddle the new boundaries, or alter to realign with the new property boundaries or to be wholly contained within one of the new properties.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><b>Utility Services</b></p>	
<p>5. Relocate any services (eg water, sewer, electricity, telecommunications and roofwater) that are not wholly located within the lots that are being serviced.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>6. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid in accordance with the terms of any cost estimate provided to perform the works.</p>	<p>At the time the works occur, or prior to Council approval of the Survey Plan, whichever is the sooner.</p>
<p>7. Design and install underground electricity and telecommunication conduits to service all lots with the exception of proposed Lot 5 which contains the existing dwelling and may remain overhead in accordance with the requirements of the relevant service providers and the Redlands Planning Scheme Infrastructure Works code and Planning Scheme Policy 9 – Infrastructure Works. Provide Council with written confirmation of the service provider agreements to the supply of electricity and telecommunication services.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><b>Land Dedication and Design</b></p>	
<p><del>8. Submit to Council a building envelope plan for the development that has the approved building envelopes on proposed lots 16, 17 and 18 defined and drawn to scale. All buildings and structures on the relating lots must be wholly contained within the boundaries of the approved building envelopes.</del></p>	<p><del>As part of the request for compliance assessment of the Survey Plan.</del></p>

<p><b>DELETED CONDITION</b></p> <p><del>9. Any fencing on lots 16, 17 and 18 located outside the building envelopes must be constructed to allow fauna movement through each of the lots.</del></p>	<p>Ongoing.</p>
<p><b>DELETED CONDITION</b></p> <p><del>10. Provide fauna proof fencing of all designated building envelopes to retain all domestic animals within the perimeters of the building envelope.</del></p>	<p>Prior to Council approval of the Survey Plan and ongoing.</p>
<p>11. Dedicate land to the State with Council as trustee as shown on plan 3812-C3, for the following purposes:</p> <ul style="list-style-type: none"> <li>a) Park purposes; and</li> <li>b) Road purposes.</li> </ul>	<p>Prior to Council approval of the Survey Plan.</p>
<p>12. Grant easements for the following and submit the relevant easement documentation to Council for approval. Once approved by Council, register the easements on the property title.</p> <ul style="list-style-type: none"> <li>a) Drainage and/or access purposes, as required to preserve the rights of upstream properties.</li> <li>b) Where a sewer maintenance structure is located on private property, a 1m wide access easement in favour of Redland City Council along the entire side boundary from the street frontage and containing the maintenance structure.</li> </ul>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p><b>Split Valuation</b></p>	
<p>13. Pay a contribution to Council for the purposes of paying the State Government Split Valuation Fees. The current value of the contribution is \$31.85 per allotment (2013/2014 Financial Year). The amount of contribution must be paid at the rate applicable at the time of payment. A Split Valuation Fee is required for each allotment contained on the Plan(s) of Survey, including balance lots.</p>	<p>Prior to Council approval of the Survey Plan.</p>

<b><u>Access and Roadworks</u></b>	
14. Design all roads in accordance with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design, unless otherwise stated as part of a specific condition of this approval.	Prior to Council approval of the Survey Plan.
15. Provide traffic calming consistent with the provisions of Complete Streets, the Redlands Planning Scheme Infrastructure Works Code, Planning Scheme Policy 9 – Infrastructure Works and Schedule 6 – Movement Network and Road Design.	Prior to Council approval of the Survey Plan.
16. Construct a minimum 2.0m wide concrete footpath adjacent to proposed Lot 1 connecting Quarry Road to the proposed internal road.	Prior to Council approval of the Survey Plan.
17. Submit to Council, <u>and gain approval for</u> , a road naming plan, in accordance with Council’s road naming guidelines, detailing specific road names and designations for all existing and proposed new public roads within the site. Use original road names on all new roads to avoid duplication of any existing road names in the City.	Prior to preparing your Survey Plan.
<b><u>Stormwater Management</u></b>	
18. Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to a lawful point of discharge.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.  Ongoing condition.
19. Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties.	Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.  Ongoing condition.

<p>20. Submit to Council, and receive Operational Works approval for, a stormwater assessment that is generally in accordance with Structerre Consulting Engineers drawing number 33445-14CH-C-01/B dated 21/02/2014, and addresses both quality and quantity in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, and includes the following:</p> <ul style="list-style-type: none"> <li>• Design of allotment drainage.</li> <li>• Detailed drawings of the proposed stormwater quality treatment systems and any associated works. The drawings must include longitudinal and cross sections as well as details of treatment media and any associated vegetation.</li> <li>• An electronic copy of the MUSIC model.</li> <li>• A maintenance plan.</li> </ul>	<p>As part of the application for Operational Works or prior to Council approval of the Survey Plan, whichever is the sooner</p>
<p><b>Water and Wastewater</b></p>	
<p>21. Connect all lots to the existing reticulated sewerage and reticulated water systems. Submit to Council for approval an application for Operational Works showing the proposed works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>22. Construct a 150mm diameter water main and a 150mm diameter sewer line to service the development and include connections to service future adjacent undeveloped land. Submit to Council for approval an application for Operational Works showing the design of the works are in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works and the South East Queensland Water Supply and Sewerage Design and Construction Code.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>23. Remove all redundant on site wastewater disposal systems located within the site and provide documentary evidence to Council that this has occurred.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>24. Reconnect the existing dwelling to a new sewerage and water connection. Locate all private plumbing and drainage associated with the dwelling wholly within the lot.</p>	<p>Prior to Council approval of the Survey Plan.</p>

<b><u>Excavation and Fill</u></b>	
<p>25. Apply to Council and obtain Operational Works approval for earthworks associated with the reconfiguration. Design and construct all retaining structures in accordance with Australian Standard 4678-2002 Earth-retaining Structures, in particular the minimum 60 year design life requirements.</p>	<p>As part of the application for Operational Works.</p>
<b><u>Sediment and Erosion Control</u></b>	
<p>26. Install erosion and sediment control measures to minimise the export of silts, sediment, soils and associated pollutants from the site. Design, install and maintain the above measures in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works, Chapter 4 and the Institute of Engineers’ Erosion and Sediment Control Guidelines.</p>	<p>Prior to commencement of civil works, earthworks and construction phases of the development.</p>
<b><u>Survey Control Information</u></b>	
<p>27. Submit Survey Plan(s) that include connections to at least two separate corners from two RCC control marks with a valid Department of Natural Resources and Mines Order or RCC Accuracy. These must be shown on the face of the Survey Plan(s) within the Reference Mark or Permanent Survey Mark tables. List the mark number and coordinate in the cover letter.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p>28. Survey and present all asset infrastructure in accordance with the Redlands Planning Scheme Part 11 Policy 9 – Infrastructure Works. The horizontal datum for all work must be Redland City Council Coordinates (RCC) and the vertical datum must be Australian Height Datum (AHD).</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>
<p>29. Supply a Permanent Survey Mark (PSM) Sketch with the Survey Plan for any new PSMs placed. Include the following on the PSM Sketch:</p> <ul style="list-style-type: none"> <li>• the mark’s AHD Reduced Level;</li> <li>• the datum origin mark number; and</li> <li>• the datum RL adopted.</li> </ul> <p>Comply with the requirements of the <i>Survey and Mapping Infrastructure Act 2003</i>.</p>	<p>As part of the request for compliance assessment of the Survey Plan.</p>



<b>Environmental Management</b>	
<p>30. Pay an offset contribution for each koala habitat tree to be removed. The relevant trees are the 48 identified as Lophostemon, Eucalyptus, Corymbia and Melaleuca in the Flora Values Assessment by Landscape Assessment Management and Rehabilitation Pty Ltd. (e.g. If one of the 48 trees is removed than the contribution will be 1 X \$920). The offset requirement is under the SEQ Koala Conservation State Planning Regulatory Provision, Division 6, Colum 2, Item 2. The current contribution for each tree actually removed is \$920 per tree, as stated in Section 6.13 of the Offsets for Net Gain of Koala Habitat in South East Queensland Policy; or</p> <p>Replant koala habitat trees at the rate of five new trees for every one koala habitat tree removed; or</p> <p>A combination of both payment and replanting, as stated in Section 6.13 of the Offsets for Net Gain of Koala Habitat in South East Queensland Policy.</p> <p>If replanting is part or all of the preferred option, it must not occur within any proposed lots except for the non-development envelope areas of Lots 16, 17, and 18 and park Lot 102. In this regard, submit planting details as part of the operational works application identifying the locations and species types.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<b>Landscaping Works</b>	
<p>31. Pay to Council a monetary contribution for street tree planting for 31 street trees. The contribution must be calculated in accordance with the Redlands Planning Scheme Policy 3 Chapter 3 – Landscaping and must be paid at the rate current at the time of payment under Council's Fees and Charges Schedule. The current rate is \$155 per tree (2013/2014 Financial Year).</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p>32. Submit a Landscape Plan, prepared in accordance with the Redlands Planning Scheme Policy 9 – Infrastructure Works Chapters 2, 10 and 11, to Council for Operational Works approval. Include the following items in addition to the requirements of the Policy:</p> <p>a) Details of replanting of koala habitat trees, where this is selected as the preferred option;</p>	<p>As part of the application for Operational Works.</p>

<ul style="list-style-type: none"> <li>b) Details of the proposed Bio-Basin that is generally in accordance with the approved stormwater management plan and in accordance with WSUD design guidelines;</li> <li>c) Details of proposed pathway linkage from Quarry Road;</li> <li>d) Details of a 2.0m wide vegetated landscape buffer in front of the proposed Acoustic Fence to Quarry Road; and</li> <li>e) Details of a maintenance plan for the landscaping component of the development.</li> </ul>	
<p><b>33.</b> Submit to Council for Operational Works approval an arborist report in relation to trees on neighbouring properties prepared by a qualified arborist who is a member of the Australian Arborist Association or equivalent professional organisation. The arborist report must address the following:</p> <ul style="list-style-type: none"> <li>• What impact will occur to these trees;</li> <li>• Any pruning to be in accordance with <i>Australian Standard AS4373:2007 "Pruning of Amenity Trees"</i>; and</li> <li>• The tree assessment must be considered in accordance with <i>Australian Standard AS4970-2009 "Protection of Trees on Development Sites"</i>.</li> </ul> <p><b>34.</b> The tree assessment must be considered in accordance with <i>Australian Standard AS4970-2009 "Protection of Trees on Development Sites"</i>.</p>	<p>As part of the application for Operational Works.</p>
<p><b>35.</b> Turf all areas of disturbance within the road verge with turf cut from a weed free source containing no viable weed seed.</p>	<p>Prior to Council approval of the Survey Plan.</p>
<p><b>36.</b> Remove all weed species, as identified in Part B of Council's Pest Management Plan 2012-2016.</p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is the sooner.</p>

**Contaminated Land Requirements**

<p>37. Remediate the site in accordance with the AEG Environmental Stage 1 - 4 Environmental Site Assessment dated 15/01/2014. Conduct all remediation works with appropriate sediment and erosion controls in place to prevent transport of contaminated soil from the site that may cause environmental harm.</p>	<p>Prior to site works commencing.</p>
<p>38. Submit a final site validation report to Council including a copy of the Department of Environment and Heritage Protection disposal permit and disposal site's receipt of the material for compliance assessment.</p>	<p>Prior to site works commencing.</p>

**Acoustic Requirements**

<p>39. Construct a 2 metre high acoustic barrier above building pad level with 1.8 metre high returns as follows:</p> <ul style="list-style-type: none"> <li>• <i>Along the Northern end of the property that backs onto Quarry Road, Birkdale. Refer to Figure 2 in below noise report.</i></li> </ul> <p>The acoustic barrier must be constructed to achieve a minimum standard that attains a superficial mass of not less than 12kg/m<sup>2</sup> and total leakage of less than 1% of the total area. Guidance on the design of the barriers is provided in the Noise Impact Assessment, Report No. 612 Issue No. 1 by NSA Acoustics dated 5 September 2013.</p> <p>The barriers must be a fence combination and constructed in accordance with <i>Diagrams 5 – of Redland Planning Scheme Policy 5 - Environmental Emissions.</i></p>	<p>Prior to on maintenance or Council approval of the Survey Plan, whichever is sooner</p>
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**ADDITIONAL DEVELOPMENT PERMITS AND COMPLIANCE PERMITS**

The following further Development Permits and/or Compliance Permits are necessary to allow the development to be carried out. Please be aware that details of any further approvals, other than a Development Permit or Compliance Permit, are provided in the 'Advice' section of this decision.

- Operational Works approval is required for the following works as detailed in the conditions of this approval:
  - Sewer Reticulation
  - Water Reticulation
  - Stormwater Drainage
  - Roadworks

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- Excavation and Fill (if required)
  - Landscaping

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### **ASSESSMENT MANAGER ADVICE**

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- **Acoustic Attenuation**

Future dwelling houses should incorporate acoustic attenuation as specified in section 8 of Proposed Residential Development 69 – 71 Quarry Road Birkdale – Noise Impact Assessment for Fiteni Homes, Report No. 612 Issue No. 1, NSA Acoustics – Noise Surveys & Acoustic Assessments, 05 September 2013

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- **Infrastructure Charges**

Infrastructure charges apply to the development in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Infrastructure Charges Notice. The infrastructure charges are contained in the attached Redland City Council Infrastructure Charges Notice.

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- **Live Connections**

Redland Water is responsible for all live water and wastewater connections. Contact *must* be made with Redland Water to arrange live works associated with the development.

Further information can be obtained from Redland Water on 1300 015 561.

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- **Other Approvals**

Please be aware that other approvals may be required for your development. This includes, but is not limited to, the following:

- Road Opening Permit – for any works proposed within an existing road reserve.
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- **Coastal Processes and Sea Level Rise**

Please be aware that development approvals issued by Redland City Council are based upon current lawful planning provisions which do not necessarily respond immediately to new and developing information on coastal processes and sea level rise. Independent advice about this issue should be sought.

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- **Hours of Construction**

Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.

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- **Performance Bonding**

Security bonds may be required in accordance with the Redlands Planning Scheme Policy 3 Chapter 4 – Security Bonding. Bond amounts are determined as part of an Operational Works approvals and will be required to be paid prior to the pre-start meeting or the development works commencing, whichever is the sooner.

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- **Survey and As-constructed Information**

Upon request, the following information can be supplied by Council to assist survey and engineering consultants to meet the survey requirements:

- a) A map detailing coordinated and/or levelled PSMs adjacent to the site.
- b) A listing of Council (RCC) coordinates for some adjacent coordinated PSMs.
- c) An extract from Department of Natural Resources and Mines SCDM database for each PSM.
- d) Permanent Survey Mark sketch plan copies.

This information can be supplied without charge once Council received a signed declaration from the consultant agreeing to Council's terms and conditions in relation to the use of the supplied information.

Where specific areas within a lot are being set aside for a special purpose, such as building sites or environmental areas, these areas should be defined by covenants. Covenants are registered against the title as per Division 4A of the *Land Title Act 1994*.

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- **Services Installation**

It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.

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- **Fire Ants**

Areas within Redland City have been identified as having an infestation of the Red Imported Fire Ant (RIFA). It is recommended that you seek advice from the Department of Agriculture, Fisheries and Forestry (DAFF) RIFA Movement Controls in regards to the movement of extracted or waste soil, retaining soil, turf, pot plants, plant material, baled hay/straw, mulch or green waste/fuel into, within and/or out of the City from a property inside a restricted area. Further information can be obtained from the DAFF website [www.daff.qld.gov.au](http://www.daff.qld.gov.au)

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- **Cultural Heritage**

Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Environment and Heritage Protection.

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- **Fauna Protection**

It is recommended an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. Wildlife habitat includes trees (canopies and lower trunk) whether living or dead, other living vegetation, piles of discarded vegetation, boulders, disturbed ground surfaces, etc. It is recommended that you seek advice from the Queensland Parks and Wildlife Service if evidence of wildlife is found.

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- **Environment Protection and Biodiversity Conservation Act**

Under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act* (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing of the Koala as **vulnerable** under this Act may affect your proposal. Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on 1800 803 772. Further information is available from Environment Australia's website at [www.ea.gov.au/epbc](http://www.ea.gov.au/epbc)

Please note that Commonwealth approval under the EPBC Act is independent of, and will not affect, your application to Council.

#### RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

#### OTHER DETAILS

If you have any further queries in relation to the above, please do not hesitate to contact Daniel Manathunga on the above number.

Yours sincerely



Service Manager  
Planning Assessment  
City Planning & Assessment

Encl: Appeal Rights

#### DECISION NOTICE HISTORY

ROL005714 – Original Decision Notice 27/06/2014

RAL19/0082 – Changes to an Existing Approval 19/11/2019

**Planning Act 2016; Chapter 6 Dispute Resolution; Part 1 Appeal rights (s229 to 232)**

**229 Appeals to tribunal or P&E Court**

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

**230 Notice of appeal**

- (1) An appellant starts an appeal by lodging, with the registrar of the tribunal or P&E Court, a notice of appeal that—
  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.

## Appeal rights provided for under the *Planning Act 2016*

- (4) The **service period** is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

**decision** includes—

  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Right to Information Request

**Planning Regulation 2017 Schedule 1 Appeals (for section 229 of the Act)**

**1 Appeal rights and parties to appeals**

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (h) a decision to give an enforcement notice—
    - (i) in relation to a matter under paragraphs (a) to (g); or
    - (ii) under the Plumbing and Drainage Act; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
  - (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—

**storey** see the Building Code, part A1.1.

**Planning Act 2016; Chapter 6 Dispute Resolution; Part 1 Appeal rights (s229 to 232)**

**229 Appeals to tribunal or P&E Court**

- (1) Schedule 1 states—
  - (a) matters that may be appealed to—
    - (i) either a tribunal or the P&E Court; or
    - (ii) only a tribunal; or
    - (iii) only the P&E Court; and
  - (b) the person—
    - (i) who may appeal a matter (the appellant); and
    - (ii) who is a respondent in an appeal of the matter; and
    - (iii) who is a co-respondent in an appeal of the matter; and
    - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The **appeal period** is—
  - (a) for an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
  - (b) for an appeal against a deemed refusal—at any time after the deemed refusal happens; or
  - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
  - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
  - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
  - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person.

*Note—*

See the P&E Court Act for the court's power to extend the appeal period.

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  - (a) the adopted charge itself; or
  - (b) for a decision about an offset or refund—
    - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
    - (ii) the cost of infrastructure decided using the method included in the local government's charges resolution.

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  - (a) is in the approved form; and
  - (b) succinctly states the grounds of the appeal.
- (2) The notice of appeal must be accompanied by the required fee.
- (3) The appellant or, for an appeal to a tribunal, the registrar, must, within the service period, give a copy of the notice of appeal to—
  - (a) the respondent for the appeal; and
  - (b) each co-respondent for the appeal; and
  - (c) for an appeal about a development application under schedule 1, table 1, item 1—each principal submitter for the development application; and
  - (d) for an appeal about a change application under schedule 1, table 1, item 2—each principal submitter for the change application; and
  - (e) each person who may elect to become a co-respondent for the appeal, other than an eligible submitter who is not a principal submitter in an appeal under paragraph (c) or (d); and
  - (f) for an appeal to the P&E Court—the chief executive; and
  - (g) for an appeal to a tribunal under another Act—any other person who the registrar considers appropriate.



## Appeal rights provided for under the *Planning Act 2016*

- (4) The **service period** is—
  - (a) if a submitter or advice agency started the appeal in the P&E Court—2 business days after the appeal is started; or
  - (b) otherwise—10 business days after the appeal is started.
- (5) A notice of appeal given to a person who may elect to be a co-respondent must state the effect of subsection (6).
- (6) A person elects to be a co-respondent by filing a notice of election, in the approved form, within 10 business days after the notice of appeal is given to the person.
- (7) Despite any other Act or rules of court to the contrary, a copy of a notice of appeal may be given to the chief executive by emailing the copy to the chief executive at the email address stated on the department's website for this purpose.

### 231 Other appeals

- (1) Subject to this chapter, schedule 1 and the P&E Court Act, unless the Supreme Court decides a decision or other matter under this Act is affected by jurisdictional error, the decision or matter is non-appealable.
- (2) The *Judicial Review Act 1991*, part 5 applies to the decision or matter to the extent it is affected by jurisdictional error.
- (3) A person who, but for subsection (1) could have made an application under the *Judicial Review Act 1991* in relation to the decision or matter, may apply under part 4 of that Act for a statement of reasons in relation to the decision or matter.
- (4) In this section—

**decision** includes—

  - (a) conduct engaged in for the purpose of making a decision; and
  - (b) other conduct that relates to the making of a decision; and
  - (c) the making of a decision or the failure to make a decision; and
  - (d) a purported decision; and
  - (e) a deemed refusal.

**non-appealable**, for a decision or matter, means the decision or matter—

  - (a) is final and conclusive; and
  - (b) may not be challenged, appealed against, reviewed, quashed, set aside or called into question in any other way under the *Judicial Review Act 1991* or otherwise, whether by the Supreme Court, another court, any tribunal or another entity; and
  - (c) is not subject to any declaratory, injunctive or other order of the Supreme Court, another court, any tribunal or another entity on any ground.

### 232 Rules of the P&E Court

- (1) A person who is appealing to the P&E Court must comply with the rules of the court that apply to the appeal.
- (2) However, the P&E Court may hear and decide an appeal even if the person has not complied with rules of the P&E Court.

Right to Information Review

**Planning Regulation 2017 Schedule 1 Appeals (for section 229 of the Act)**

**1 Appeal rights and parties to appeals**

- (1) Table 1 states the matters that may be appealed to—
  - (a) the P&E court; or
  - (b) a tribunal.
- (2) However, table 1 applies to a tribunal only if the matter involves—
  - (a) the refusal, or deemed refusal of a development application, for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (b) a provision of a development approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (c) if a development permit was applied for—the decision to give a preliminary approval for—
    - (i) a material change of use for a classified building; or
    - (ii) operational work associated with building work, a retaining wall, or a tennis court; or
  - (d) a development condition if—
    - (i) the development approval is only for a material change of use that involves the use of a building classified under the Building Code as a class 2 building; and
    - (ii) the building is, or is proposed to be, not more than 3 storeys; and
    - (iii) the proposed development is for not more than 60 sole-occupancy units; or
  - (e) a decision for, or a deemed refusal of, an extension application for a development approval that is only for a material change of use of a classified building; or
  - (f) a decision for, or a deemed refusal of, a change application for a development approval that is only for a material change of use of a classified building; or
  - (g) a matter under this Act, to the extent the matter relates to the Building Act, other than a matter under that Act that may or must be decided by the Queensland Building and Construction Commission; or
  - (h) a decision to give an enforcement notice—
    - (i) in relation to a matter under paragraphs (a) to (g); or
    - (ii) under the Plumbing and Drainage Act; or
  - (i) an infrastructure charges notice; or
  - (j) the refusal, or deemed refusal, of a conversion application; or
  - (l) a matter prescribed by regulation.
- (3) Also, table 1 does not apply to a tribunal if the matter involves—
  - (a) for a matter in subsection (2)(a) to (d)—
    - (i) a development approval for which the development application required impact assessment; and
    - (ii) a development approval in relation to which the assessment manager received a properly made submission for the development application; or
  - (b) a provision of a development approval about the identification or inclusion, under a variation approval, of a matter for the development.
- (4) Table 2 states the matters that may be appealed only to the P&E Court.
- (5) Table 3 states the matters that may be appealed only to the tribunal.
- (6) In each table—
  - (a) column 1 states the appellant in the appeal; and
  - (b) column 2 states the respondent in the appeal; and
  - (c) column 3 states the co-respondent (if any) in the appeal; and
  - (d) column 4 states the co-respondents by election (if any) in the appeal.
- (7) If the chief executive receives a notice of appeal under section 230(3)(f), the chief executive may elect to be a co-respondent in the appeal.
- (8) In this section—

**storey** see the Building Code, part A1.1.

**Table 1**  
**Appeals to the P&E Court and, for certain matters, to a tribunal**

2. Change applications

For a change application other than a change application made to the P&E Court or called in by the Minister, an appeal may be made against—

- (a) a responsible entity's decision on the change application; or
- (b) a deemed refusal of the change application.

Column 1 Appellant	Column 2 Respondent	Column 3 Co-respondent (if any)	Column 4 Co-respondent by election (if any)
1 The applicant  2 If the responsible entity is the assessment manager—an affected entity that gave a pre-request notice or response notice	The responsible entity	If an affected entity starts the appeal—the applicant	1 A concurrence agency for the development application  2 If a chosen assessment manager is the respondent—the prescribed assessment manager  3 A private certifier for the development application  4 Any eligible advice agency for the change application  5 Any eligible submitter for the change application

Right to Information Release